

This Senator, on behalf of Senator LOTT and others, submitted three amendments. But I want to tell the minority leader and others it is our hope there will be no amendments adopted to the Defense of Marriage Act. We submitted those basically so we would have those in as possible amendments, should an amendment on the other side be adopted. So I wanted to make sure that the minority leader, that Senator KENNEDY and others, who have an interest in this—at least it is this Senator's hope and desire there will be no amendments adopted to the Defense of Marriage Act. Under the unanimous consent agreement that was called for, we did just submit three amendments for their consideration. But, again, it is this Senator's hope that we will consider the bill and pass it expeditiously. The House passed it overwhelmingly. Hopefully, the Senate will as well, without any further amendments, so it can go to the President for his expected signature.

I thank my colleagues from Missouri and Maryland and North Dakota for their willingness to let me make this statement. I yield the floor.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Missouri [Mr. BOND] is recognized.

Mr. BOND. I thank the Senator from Oklahoma. I also wanted to follow up on the question the Senator from Maryland addressed. I think the information she provided is most helpful. I note many of the contractual arrangements, including the excessively large mortgages and excessive contract rents, are due to contractual agreements made by the Federal Government 20 or 30 years ago. Some excessive costs have resulted from some of the Federal regulations and standards, which could be characterized as onerous, that applied to these projects. Other costs are due to the very difficult areas where the projects were being built. They were trying to get people into areas where you would not normally build multifamily housing. This included going into rural areas where there is elderly population, or projects in depressed inner city areas where costs of construction were very high.

Some of the multifamily housing in this portfolio represents the only—or certainly the best standard housing in many areas, or the only housing available to low-income families. Our purpose is to squeeze out the excessive subsidies. But we also have to be sensitive to the critical housing needs of the low-income families, and especially the elderly who were subsidized—assisted by the project. That is why this

is a very difficult problem. That is why we are engaged in this discussion of how we get out of a bad situation.

I yield the floor.

Mr. DORGAN. It is not my intention to be critical, and I hope I have not in any way been critical of what the Senator is trying to do.

Ms. MIKULSKI. Not at all.

Mr. DORGAN. I am trying to understand what the problem is and what the potential solutions are. While there are undoubtedly some other elements of the cause of the problems in section 8, I think it is fair to say the 500-pound gorilla here started with an idea that must have seemed right to those who propounded it, but in retrospect it was a pretty dumb idea. It put us in the position, in small towns in this country, of having the Federal taxpayer pay \$500 or \$600 a month rent for one-bedrooms that everybody in town knows would not rent for that, would not rent for half that.

The problem is not only that you are wasting a lot of money—when I say, “you,” I mean the Federal Government—not only are we wasting a lot of money, we are also undermining public confidence again in Government. Because instead of this being the right approach that thoughtfully provides housing for those who need it, it provides housing, over a period of some many years, at rents that are so substantially above the market. That is why I am asking the questions.

It may be that the approach suggested is the right approach, I just do not know. I am trying to think through this myself. I do not know that there is the right idea to extract ourselves from this problem. But both the Senator from Missouri and the Senator from Maryland indicated this is kind of a time bomb because this problem does not get better, it gets worse unless it gets solved. The quicker it gets solved the better off are the taxpayers.

The Senator from Missouri just made a point I fully agree with. You cannot solve this problem without being mindful of the housing needs of the people who rely on the housing stock. I understand that. If there are 132,000 units that are going to come up for renewal this year in section 8, and somewhere between 800,000 and 1 million that eventually will come up whose contracts expire, the question is: what happens to those who rely on or who have needs for public housing that are now satisfied by those units. I do not know the answer to that. But it is also clear to me we cannot sustain nor should the taxpayers expect us to make a decision ever to sustain what has been done. Because it has grown into a circumstance where it is a grotesque caricature of what it ought to be.

When you ask someone in a small town, small county in North Dakota, how much should you have to pay for a one-bedroom unit to solve some low-income person's housing needs, no one would come up with the amount that is now being paid to that project owner.

The project owner has not done anything wrong, he has simply taken advantage of a program that, in my judgment, was inappropriately constructed, that allows this mangled result to occur.

Let me ask one additional question and, again, I do not mean to be putting you on the spot because this is not the area you would necessarily be involved in. You are involved in the appropriations necessary to pursue the goals of these housing programs that are authorized.

In today's paper, Mr. Gugliotta has an article that talks about section 8 landlords. It says, “Law Says Section 8 Landlords Can Keep It All in the Family.” The article talks about a fellow in Allegheny County, the controller for that county, who is supposed to be collecting taxes who thought he would start dunning low-income landlords for failing to pay local property taxes. This is a quote now:

During his investigation, however, he happened upon an anomaly. Nearly 100 landlords in the greater Pittsburgh area were receiving federal subsidies for renting apartments and houses to their supposedly poor relatives.

All of this, according to this story, was under section 8. That, it seems to me, is a dilemma. He sent this to Secretary Cisneros, who indicated he had not heard of such practices.

It is just another small example of something in that system that just smells to high heaven.

Ms. MIKULSKI. If I might respond to the Senator from North Dakota, I read that article this morning, too. It was the first I have ever heard of this in my 10 years of being on this subcommittee, where someone owns a property, rents it to a relative, and then gets a section 8 to pay for the relative's rent. The gentleman referred to is Mr. Frank Lucchino, a very well-regarded public official in, I believe, the Pittsburgh area of the State of Pennsylvania. That is Allegheny County.

I was quite concerned and had intended to talk with Senator BOND about that this afternoon. No. 1, I think Cisneros owes us an explanation. No. 2, this says exactly the point that I made: HUD is not standing sentry on its section 8, nor is local government. It has met often compelling needs. There are many good landlords. But there have also been bums and scams and schemes along the way. We need to clear those out.

I was going to suggest to Senator BOND that we have an inspector general look into this, rather than GAO, because I think we will get a quicker response. And as you know, the inspector general is intimately familiar with all the details of both the financing and management of HUD.

So I assure the Senator from North Dakota and anyone who has read that article and wonders what is up that we are going to get a response from Mr. Cisneros. I would like to recommend that we get an IG report on it. But I am like you. There are the tenants, the

good-guy landlords, the well-intentioned taxpayers. And then under every rock we seem to find another rock on section 8.

What disturbs me is that in some instances, because of poorly maintained buildings, it has been a hollow opportunity for the poor. All we have is unaccountable private-sector housing imitating the worst of the public housing. Second, we have many good landlords, but we have also in some instances—like Riverdale in Maryland had a new slum landlord, and then to add insult, the taxpayers were left holding the mortgage for \$5 million.

So we have a lot to do here. And to Mr. Cisneros' credit, and really to Senator BOND, and working on our committee, Senator SARBANES, Senator D'AMATO with the authorizing, we're trying to dig out. But the Senator from North Dakota, he knows when he walks into a stable, sometimes doing it one shovel at a time is difficult; but we will get to it.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I will follow up the comments by my colleague from Maryland. If there was ever an Augean stable that had to be cleaned out, it is probably HUD. What was referred to in the article today by our colleague and what our colleague from North Dakota mentioned is a real problem of management by HUD of its facilities and all of the housing that it provides.

It is my belief and understanding that HUD has the authority to deal with these problems. And there are a lot more problems. Let me assure you just renting to relatives and getting section 8 contracts is not the whole game. There is equity skimming. There are many other abuses.

One of the things we have attempted to do in recent years is to get HUD to focus on its job which is assuring that we provide good, clean, affordable housing to people who are entitled to it and do not pay one cent more out of the taxpayers' hard-earned money than we should pay. Many of us have been on the floor ranting and raving that we have put too many programs into HUD. Congress has been at fault. We have some 240 programs that HUD is supposed to administer. And we have chastised the Secretary and predecessors of HUD for coming up with new ideas and new programs. And almost every week there has been a new program coming out of HUD. Some of us in frustration have said: Stop. Time out. Stop creating new programs. Focus the resources on the programs that you have because there are problems.

I think this problem that has been identified in the article demands an IG investigation. What was it that allowed this kind of an abuse of the system to go forward? Any program that is this large will attract some abuses. Are we doing enough? Do we have a system set up within the Department to identify

these abuses? And if there are violations of the law, are we referring those to the appropriate authorities either for civil or criminal penalties?

I think there is a lot to the administration side of it that needs to be addressed. Fortunately, the Senator from Maryland and I have the very simple task of appropriating the dollars. When you look at the task of authorizing the programs in the Banking Committee, that is another headache. When you look at administering the programs and the executive side, that is a very large headache. And that is one which I think rightly deserves scrutiny.

We will join with, if the inspector general happens not to be listening to this debate today, in requesting of the inspector general that they do give us a report on that particular situation and how well HUD is equipped to deal with abuses such as these, and others. I thank my friend from North Dakota for bringing this out into the discussion on the floor today because it is just this kind of abuse of the system that rightfully drives taxpayers nuts.

I do not think anybody or certainly a very small number of people in the country would say that they did not want to provide housing assistance for those in great need. But there is an overwhelming majority that say we should not be paying one cent to provide a section 8 payment to somebody who is using a Federal program as a scam to get money off of housing a relative. I think that administration of the program is a very, very difficult challenge, one, frankly, I would not want under any circumstances.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I will finish at this point. If the Senator from Missouri and the Senator from Maryland are going to ask the inspector general to look into this, I would be delighted to join them in that request. I think that we should do that. I would be happy to join them. Let me just make an additional comment. The job that the appropriators have here is a difficult enough job, and the dimensions of this are very complicated. This is a very difficult issue. And I want to understand this evening a little bit—reading through what your proposal is—what soft second mortgages are and what some of the terminology is because I must confess I do not understand all of it.

I had intended, not only to come and ask questions about section 8 today, friendly questions I hope, but also to bring some pictures to the floor of the Senate. Unfortunately, I was unable to do so. I hope to do so when the Interior appropriations bill comes to the floor, to say this: I stood on a street in a very small community recently on an Indian reservation and looked around 360 degrees, and I saw HUD-owned housing—owned by HUD, I believe managed by the tribal housing authority—that was in such desperate condition it was absolutely shocking.

I have seen bad housing. I have seen housing that is unfit to live in all over the world, and in this country, but I have not ever seen housing in such disrepair owned by the Federal Government—holes in the walls, holes in the roof, windows missing, front steps gone, never painted, never maintained. I have seen better looking housing in Nicaragua. And Nicaragua is one of the poorest countries in this hemisphere. I was shocked to see the condition of some of the housing stock owned by the Federal Government. Shame on the Federal Government for having its name on housing, for which there is a 3-year wait to get in, that is almost unfit for habitation.

I say to the Senator from Missouri, he is correct, this deals with management. It does not deal with politics. HUD has been guilty, in my judgment, for mismanagement for some long while. We need to get at these problem areas, and get at them now. There are little children playing out there in the dirt in front of those places who live in those places. I am telling you, what I saw there was absolutely shocking. I am going to bring pictures to the floor of the Senate to show my colleagues what I have seen.

Let me mention one additional point. The day after I visited those areas on one Indian reservation, I went to a second Indian reservation. And they had some of the same kind of housing, but they had something else that made me leave that reservation feeling a little bit good at what was going on. On that reservation they had taken some kids, some kids who had troubled backgrounds, and as part of AmeriCorps, they put them in something called the Youthbuild project. And those kids were learning to become associate carpenters, helping to restore a little house. And they did a wonderful job restoring this house for a near-invalid elderly couple. The couple came to the house the day that I was there, and it was the first time they saw what had been done to restore their house to make it livable. And you should have seen the tears in the eyes of the woman who was seeing that house and the kitchen for the first time.

You should have seen these young kids, as part of AmeriCorps and Youthbuild, who now had learned to plumb a door, who now had learned to hang a door, who now had learned the basic carpentry skills of how to hang closets. It was a wonderful thing. A lot of things you see are shocking but there are some things you see that give you a little hope, as well. There is some good work going on.

I cited the Indian reservation and the Youthbuild project, a small little project, helping some kids help others by restoring housing units, because if we can replicate that thousands of times across this country, we will help a lot of people and we will address the right issues.

I regret I was not able to bring the pictures today of the housing I described initially. I intend to do that in

the next day or two so that Members of the Senate can see what I saw and see the shame of the Federal Government having the title in its name of housing, for which there is a 3-year waiting period to get in, and housing which, in my judgment, is nearly unlivable.

Ms. MIKULSKI. To respond to the Senator from North Dakota about AmeriCorps Youthbuild, it is this subcommittee and with the concurrence and cooperation of Senator BOND and Senator HATFIELD that we have restored the House cuts. Again, it is not some Government giveaway. It is almost like a conservation corps, but instead of outdoor work it is focused on rehabilitating housing.

In their own way, youths learn those skills and go into the private sector. Some of the kids that are now working in Youthbuild, not only did we stop them from being dead-end kids, but you will go back to North Dakota and see that they will be members of the North Dakota Home Builders Association, and I mark-to-market my words on that.

Mr. DORGAN. I was not aware that was something originated by your subcommittee.

Ms. MIKULSKI. We saved it.

Mr. DORGAN. Let me thank you for doing that and tell you I have seen young kids whose lives are turning around because of it. I have seen elderly people who had tears in their eyes when they saw the work the kids have done to improve housing.

If ever there is an investment that makes sense, this is the kind of investment that improves kids' lives and improves housing in this country. That is a good place to end, so I say thank you for saving that program because I think it is a wonderful promise that represents the best of what we can do in Government.

Mr. BOND. Mr. President, I join in thanking our colleague from North Dakota for his kind comments about Youthbuild. We did put in the \$40 million requested for that program.

I, too, have seen the benefits in St. Louis of the Youthbuild Program. I regret to inform my colleague that if he wants to deal with the problems of Indian housing, we do that, too. That is not Interior. That is in this committee. We will have, in the public housing reform bill that is working its way through the authorizing committees, there is a chapter that is in conference between the Senate and House Banking Committees that would reform Indian housing. Indian housing is unique. It has unique solutions. Instead of HUD micromanaging responsibilities, under the authorizing bill that is now in conference, the responsibility would be returned to the tribes to address their own needs.

I suggest our colleague may want to take some time to acquaint himself with the provisions in that public housing bill that deal with Indian housing, because I share the concerns about Indian housing and how the U.S. Govern-

ment has not done a good job in addressing those needs. We do Youthbuild, we do Indian housing, we do AmeriCorps, National Science Foundation, lots of things you never heard of. We are sort of a general complaint window and always glad to have comments and participation by our Members in these programs.

Mr. DORGAN. I understand.

My only point was I was not able to get the photographs, but when we talk about Indian issues in the next appropriations bill I will show the photographs to the Senate at that point.

Mr. BOND. I thank my colleague from North Dakota.

Mr. President, I ask that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5175

(Purpose: To provide HUD authority to provide special incentive payments to encourage voluntary retirements to extent necessary to avoid a reduction in force (RIF), subject to a \$25,000 limitation)

Mr. BOND. Mr. President, I send to the desk an amendment relating to reductions in force in HUD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], proposes an amendment numbered 5175.

Mr. BOND. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 59, after line 2, insert the following:

"SEC. . In order to avoid or minimize the need for involuntary separations due to a reduction in force, departmental restructuring, reorganization, transfer of function, or similar action affecting the Department of Housing and Urban Development, the Secretary shall establish a program under which separation pay, subject to the availability of appropriated funds, may be offered to encourage employees to separate from service voluntarily, whether by retirement or resignation: *Provided*, That payments to individual employees shall not exceed \$25,000: *Provided further*, That in addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, HUD shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee who is covered under subchapter III of chapter 83 or chapter 84 of title 5 to whom a voluntary separation incentive has been paid under this paragraph".

Mr. BOND. Mr. President, I believe this amendment is cleared on both sides. This amendment is being submitted pursuant to a request from the Secretary of HUD which inserts language similar to that provided in this bill for NASA which proposes a buyout provision to address the substantial personnel reductions confronting the Department of Housing and Urban Development at headquarters and in several other locations.

The buyout authority would enable the agency to meet its personnel targets without resorting to very disruptive and potentially costly RIF procedures.

In addition, to make this subject to the availability of appropriated funds, the language requires HUD to reimburse the civil service fund for expected loss revenue and increase beneficiary payments from appropriated funds. These limitations assure that no net increase in the expenditures would occur during fiscal year 1997.

Ms. MIKULSKI. Mr. President, I absolutely support Senator BOND's amendment. We worked very closely on this. We think it is what we need to downsize Government without downgrading HUD. It gives, essentially, many of the employees the opportunity to be able to take an early retirement. We think that is a good idea. We support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 5175) was agreed to.

Mr. BOND. I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BOARD OF VETERANS' APPEALS

Mr. COHEN. Mr. President, I would like to engage the distinguished chairman of the Appropriations Subcommittee on Veterans' Affairs, Housing and Urban Development, and Independent Agencies, Senator CHRISTOPHER BOND, in a colloquy regarding processing veterans' claims and the reduction of the claims backlog due to the efforts of the Board of Veterans' Appeals [BVA].

The Board of Veterans' Appeals [BVA] is responsible for the final decision in each of the many thousands of claims for entitlement to veterans benefits that are presented annually for appellate review. The Board's mission is to issue quality decisions in a timely manner. The timeliness of BVA's decision-making has come under intense scrutiny as unprecedented appellate backlogs have developed in recent years, primarily as a result of the process of adapting to a judicial review environment. However, beginning in 1995, BVA has done much to reverse this trend and is making progress in reducing the time veterans must wait for decisions on appeals.

Mr. President, in 1994 our veterans had to wait 781 days, over 2 years, for an appellate decision on their benefits and medical claims. This response time was reduced to 763 days in 1995. This reduction was still possible even with an increase of approximately 4,500 cases. Thus far in 1996 the response time has been reduced even further to 623 days. The anticipated appeals response time will be reduced to 545 days upon implementation of the BVA's staff increase by 50 attorneys in 1997. While this time is still too long for America's veterans

to wait, it represents a substantial reduction from 1994 in the waiting time for appeals.

I believe two factors are responsible for the improvements in the BVA decision output and timeliness: First, productivity has increased at all levels, primarily as a result of the Board's successful implementation of its organizational realignment at the outset of 1996 and second, additional staffing resources made available in fiscal year 1996 have enabled the Board to add additional attorneys to the mission critical tasks of reviewing and drafting decisions on appeals. The Board's principal indicator of productivity is the number of appeals decided per full time employee [FTE]. As of May 31, 1996, BVA appeals decided per FTE had risen over 20 percent to a level of 80.1 from the fiscal year 1995 level of 65.1 appeals per FTE. This compares with fiscal year 1994's productivity of 49.9 appeals per FTE.

As the distinguished chairman is aware the other body approved the \$4 million to fund the additional 50 positions on the Board. The bill before us specifically removes that funding. While the funding adding the 50 positions will decrease the processing time and lead to long term reduction, what is just as important is the impact of not adding those 50 positions. The processing time will not only increase in the near future, but will continue to increase and that is why I'm so concerned over the \$4 million reduction.

I ask the chairman of the VA/HUD Subcommittee on Appropriations to support the \$4 million request to the Board of Veterans' Appeals for an additional 50 staff so that we may continue to reduce the veterans' appeals response time.

Mr. JEFFORDS. Mr. President, I would like to associate myself with the remarks of the Senator from Maine, Senator COHEN. I think it's worth remembering that this \$4 million increase at the Board of Veterans' Appeals [BVA] is supported by the American Legion, the Disabled American Veterans, AMVETS, the Paralyzed Veterans of America, and the Veterans of Foreign Wars. The administration asked for this money and the House of Representatives has included the increase in its bill. Thus, the support for this increase is substantial.

I understand that there are various studies looking at the adjudication process at the VA, including the appellate process. The committee's report points that out. However, we will not receive these results until December, and although this and future studies are ongoing, we cannot delay addressing the horrendous backlog at the BVA. Studies are fine, Mr. President, but we have veterans that could benefit now with an increase of 50 BVA personnel for only \$4 million within a \$84.71 billion bill. According to the Department of Veterans' Affairs, failure to increase funding levels for the BVA would mean that veterans will have to

wait an additional five months to have their appeals decided. To many, that may not seem like a long time. I believe that most surviving World War II veterans would disagree.

So I will conclude by asking the distinguished chairman of the subcommittee, Senator BOND, to support an additional \$4 million for the BVA in the VA/HUD appropriations bill when it goes to conference with the House.

Mr. AKAKA. Mr. President, I would also like to associate myself with the remarks of the senior Senator from Maine [Mr. COHEN] and the Senator from Vermont [Mr. JEFFORDS].

As a member of the Senate Veterans' Affairs Committee, I have a special interest in the Board of Veterans' Appeals. In 1994, our committee sought to address the unacceptable backlog of pending claims and passed legislation that streamlined the Board's process and helped retain experienced and qualified judges.

This year, the President, veterans organizations, and the House of Representatives agreed to increase the Board's appropriations by \$4 million to further reduce its response time. The Department of Veterans Affairs has indicated that the additional funds will reduce the processing time by 132 days in fiscal year 1997 and 272 days in fiscal year 2002.

The Senate Appropriations Committee did not fund the administration's request. I understand the committee is awaiting the results of studies being undertaken on the effectiveness and efficiency of the adjudication and appeals system and decided against providing the additional funds. I, however, believe that the money will provide much needed relief to veterans currently waiting for a response from the Board. A veteran should not have to wait over a year and a half for a decision. We need to reduce the average response time and address the results of the studies when they are completed and made available to the appropriate committees for action.

Therefore, I respectfully request that the chairman and the distinguished ranking member of the Appropriations Subcommittee on VA, HUD and independent agencies support the restoration of the \$4 million in conference.

Mr. BOND. Mr. President, I understand the concerns of Senators COHEN, JEFFORDS, and AKAKA. I can assure them that I will consider their request for \$4 million for the Board of Veterans' Appeals, in conference with the House. Reducing the response time to process veterans claims is extremely important. I believe the BVA should continue to look at improving the process, in addition to looking at acquiring more staff to process the claims.

FEDERAL EMERGENCY MANAGEMENT ACTIVITIES
IN ARIZONA

Mr. KYL. Mr. President, it is with great reluctance that I take the time of the Senate today to discuss an issue involving my State that should have

been resolved years ago. The Federal Emergency Management Agency—the funding of which we are now discussing—has not given Arizona the same prompt response other States have enjoyed.

We have seen FEMA respond to the needs of communities across the country, helping the American people put their lives and property back together after major catastrophes. In Arizona, however, several communities have been living with the damage caused by a flood in early 1993, for which they have yet to receive FEMA's help in restoring significant damage.

The areas damaged, and as yet unrepaired, include the Wellton-Mohawk Irrigation and Drainage District, the town of Kearny, and Romero and Aravaipa Roads in Pinal County, AZ.

The Arizona congressional delegation first contacted FEMA Director James Lee Witt in September 1995 to express our concern and dismay about unresolved repair projects from the 1993 Presidential declared disaster. In a meeting last October with Director Witt, he pledged that he would immediately get his staff to work on resolving the outstanding issues that had prevented the completion of the disaster repairs in Arizona. Shortly thereafter, a member of his staff visited Arizona and promised action. There was no discernible progress toward resolution of the problems until March 1996.

In March, during another meeting with FEMA's Washington staff, our constituents were dismayed to learn that FEMA had failed to follow through on the commitments made by agency staff during the fall visit to Arizona. It is incomprehensible that FEMA has failed to fulfill its obligation in any of the projects which have been its responsibility since the disaster was declared in early 1993.

As a result, the town of Kearny has not yet seen restoration of its airport, a recreational park, or a campground destroyed by the flooding. Delays in constructing a flood control levee have left the town's sewer treatment ponds susceptible to further flood damage and have left the Gila River exposed to the threat of contamination from the ponds.

River crossings for Romero and Aravaipa Roads remain unrestored. School children have been forced to cross the Gila River at the Romero Road crossing by walking across a 1,300 foot railroad bridge with frequent train activity and not enough clearance for both the trains and the children. At the Aravaipa crossing, families are required to leave vehicles on both sides of Aravaipa Creek and traverse the crossing by rope in order to commute to their jobs and bring food supplies and other basic staples to their homes when the creek is impassable. Emergency service to both communities are severely hampered by the lack of adequate crossings.

Again, this flood damage occurred some 3½ years ago. Despite a Presidential disaster declaration, these important public facilities remain closed.

We understand that there are regulations and requirements governing the restoration of facilities following a disaster. Especially in light of FEMA's recent history, it is imperative that taxpayer funds not be spent unwisely and without justification. However, this is not the issue in these cases.

FEMA has simply not given these Arizona projects the attention necessary to get them completed. And when agency personnel have worked on Arizona's projects, they have proven to be more adept at throwing up bureaucratic obstacles than at helping these small communities—as they have helped hundreds of other towns and cities around the country in the 3½ years since areas of Arizona were flooded.

In one instance, FEMA notified the Wellton-Mohawk Irrigation District in May that its project would be funded, conditioned on the completion of all environmental requirements. Apparently unknown to the FEMA official writing the letter, however, the District had already completed the necessary environmental documentation—to the satisfaction of the Corps of Engineers and with the instrumental participation of FEMA staff.

Nonetheless, FEMA officials have spent the months from early May until now trying to decide whether additional environmental work must be done. I was informed this week that FEMA has agreed to complete the environmental work by early November. But given our past experience with FEMA, there is no certainty that the commitment will be kept. This sort of delay and indecision are simply unconscionable, and I would suggest that the distinguished committee chairman would grow very impatient if disaster-stricken areas in his State were treated so irresponsibly by Federal officials charged with their recovery.

I would ask that the chairman take note of FEMA's failure to provide even an adequate level of attention to Arizona's disaster-affected communities.

Mr. BOND. I will make note of the circumstances in Arizona. As you have mentioned, if a disaster had occurred in my State, I would expect FEMA to respond quickly. We recognize that FEMA has worked to help many areas around the country, but it appears that they need to complete their commitments in Arizona. Could the Senator from Arizona tell me how long the communities have waited for a resolution?

Mr. KYL. In 1993, a flood caused severe damage to four areas of Arizona. They were considered Federal disaster areas. The Arizona congressional delegation met with Director Witt in October of last year. He assured us that FEMA would move promptly to conclude the unresolved issues in Arizona. So to answer the chairman's question, the communities have been living in

damaged areas since 1993 and roughly 10 months have elapsed since FEMA re-committed itself to solving the problems quickly.

Mr. BOND. Have they completed any of the projects?

Mr. KYL. No.

Mr. BOND. I understand the Senator's concern especially given that 3 years have passed without relief. I appreciate the Senator's bringing this to my attention, and I will do what I can to work with the Arizona delegation to rectify the situation.

Mr. KYL. I thank the chairman for recognizing the problems in Arizona and for his leadership on this bill.

Mr. BOND. Mr. President, we have been open for business for 3½ hours today. We have handled some routine matters and had a very good discussion on mark to market.

We would like to know if there are any other Members who have anything they wish to act on this afternoon. We have major amendments that will have to be debated tomorrow. We certainly hope that we can conclude this bill sometime between the resolutions or actions on the situation in Iraq and the Defense of Marriage Act. I hope that the very important programs that are covered by VA, HUD, and independent agencies bill will be given full consideration. If there are any other amendments or actions today, I ask that they be brought forward.

I yield the floor and ask my colleague if she has any further comments.

Ms. MIKULSKI. Mr. President, I think we have gotten a lot accomplished. We look forward to tomorrow moving our bill in a crisp way. We ask all Democratic Senators who have amendments to please notify my staff, and on all of the major ones we hope to be working on time agreements, particularly those related to the space station. We know Senator Daschle has an amendment, which is very important, on veterans health care. We know one will involve experimental research with animals in the space program. We hope to deal with those.

We say to our colleagues, please notify us. If you don't need to offer an amendment, and we can resolve it, please discuss it with us. As we have seen in colloquies, people of good will and good manners can get a lot done pretty quickly.

Mr. BOND. Mr. President, I have been advised by floor staff that there will be a briefing on the situation in Iraq tomorrow afternoon. I believe leadership is working to get a very short time agreement on a resolution. We have had indications that the Senators involved in the Bion amendment for NASA would be willing to accept a 2-hour time agreement. Is it possible to get a time agreement from, say, 9:30 to 11:30 tomorrow morning, with a vote at 11:30 on or in relation to the NASA Bion amendment? I pose that question to my colleague for further discussion with the leadership on the minority side.

Ms. MIKULSKI. Several things. We cannot agree to a time agreement on the Daschle amendment. I don't know whether he would like his amendment to go first. We hope to have that clarified.

Second, for many of our Members, there is a request from the Democratic leader that votes be postponed until after the caucus, and I think that is not only for our side, but your Members who are also flying back. So we are trying to find out whether in the morning there will be, first, a resolution on Iraq or whether we can go to Bion. I am ready to go to Bion.

Mr. BOND. Mr. President, I thank my colleague. It was the intent, I believe, of the majority leader to move—or it was hoped that we could move forward on the Bion amendment and have a vote at 11:30. It appears that this has been raised to a higher pay grade than ours. So it cannot be resolved at this time.

Ms. MIKULSKI. I say to the Senator from Missouri that I believe when we convene tomorrow morning, and the two leaders will have conferred about how they want to pace the day, both in terms of a resolution relating to Iraq, and then from there proceed back to our bill. I believe the Democratic leader wishes to speak to the Republican leader, the majority leader, Senator LOTT, about what they want to go first. So I am not quite sure how that will all be worked out.

Mr. BOND. Mr. President, I don't think anybody is particularly concerned about what time we have votes, so long as we can reach an agreement. On behalf of the majority leader, and really on behalf of those of us who worked on this bill, I hope we will be able to come up with an orderly procedure, get agreements on the order in which we will bring up these very important amendments, when we can get a resolution, get a time agreement, and get final passage. For my part, we are ready. We have been ready since early August to go forward with this. We have very difficult and constructive disagreements to work out with the House over this measure so we can get it passed. We really want to move forward on it as quickly as possible. So all things are negotiable. I hope we can get an orderly procedure and handle these amendments, which will require some good debate, and get them done tomorrow as quickly as possible.

Ms. MIKULSKI. I say to the Senator from Missouri, I believe we will have an orderly procedure. I believe we are in a situation because of two factors. One is because of the Iraq situation. There is a question of when we will do a resolution on that, which was not anticipated.

No. 2, many Members are not yet back for the two leaders to be able to confer and do this. I think we are clear for where we are going. It is just a matter for the two leaders to talk and for us to work on a time agreement.

I tried to get an agreement on the space station. I have tried for three

Congresses to get a time agreement from the Senator from Arkansas. So we are all working on this. I think by the time we get to tomorrow we will be a little clearer on the order and our pacing. It is just a matter of getting everybody focused. People are just flying in now from the break.

Mr. BOND. I thank the Senator from Maryland. We can have debate on the space station all night tonight, as far as I am concerned. For those who wish to debate a new entitlement program, that could go on as long as we want tonight. This facility is not being used otherwise. I hope that when we get ready to begin voting tomorrow, we will be able to have votes in a timely fashion.

At this point, the floor staff is checking with the leadership. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BOND. Mr. President, I now ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SOPHIE GERSON

Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to Sophie Gerson, a remarkable New Yorker who provides a superb example of how one citizen can make an important difference. In particular, she has shown how one dedicated educator can pass on a brighter future to numerous young people. Through her dedication to education, as a parent, parent association leader, teacher, school board member and president, Sophie has been an important leader for better education in the city of New York and our Nation.

Sophie Gerson taught physical education and health in public junior high schools in lower income areas of New York City for over 36 years. She endured budget cuts, increases in class sizes and other adverse conditions to make sure all of her students would enjoy a healthier and more successful future. She imparted health skills, athletic skills, and the values of team work, sportsmanship, and healthy competition. She took an interest in coaching students in dance and, as a result, students were able to rise out of poverty by pursuing dance-related careers. Upon Sophie Gerson's retirement from teaching, her students composed the following tribute to her:

Mrs. Gerson gave new meaning to the word protect

Because she taught us to apply it to ourselves

We will not be a generation whose health is wrecked

And we'll put trophies she inspired on our shelves.

Recently, many of her former students paid the ultimate tribute that could be bestowed on a teacher by remembering and honoring Sophie many years after she had taught them at an award ceremony by the Puerto Rican Family Institute. She shall be missed.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on August 6, 1996, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 1975. An act to improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, and for other purposes.

H.R. 2739. An act to provide for a representational allowance for Members of the House of Representatives, to make technical and conforming changes to sundry provisions of law in consequence of administrative reforms in the House of Representatives, and for other purposes.

H.R. 3103. An act to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes.

H.R. 3139. An act to redesignate the United States Post Office building located at 245 Centereach Mall on Middle Country Road in Centereach, New York, as the "Rose Y. Caracappa United States Post Office Building".

H.R. 3448. An act to provide tax relief for small business, to protect jobs, to create opportunities, to increase the take home pay for workers, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, and to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate and to prevent job loss by providing flexibility to employers in complying with minimum wage and overtime requirements under the act.

H.R. 3834. An act to redesignate the Dunning Post Office in Chicago, Illinois, as the "Roger P. McAuliffe Post Office."

H.R. 3680. An act to amend title 18, United States Code, to carry out the international obligations of the United States under the Geneva Conventions to provide criminal penalties for certain war crimes.

H.R. 3870. An act to authorize the Agency for International Development to offer voluntary separation incentive payments to employees of that agency.

Under the authority of the order of the Senate of January 4, 1995, the enrolled bills were signed on August 6, 1996, during the adjournment of the Senate by the President pro tempore [Mr. THURMOND].

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on August 8, 1996, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3734. An act to provide for reconciliation pursuant to section 201 (a)(1) of the concurrent resolution on the budget for fiscal year 1997.

Under the authority of the order of the Senate of January 4, 1995, the enrolled bill was signed on August 8, 1996, during the adjournment of the Senate by the President pro tempore [Mr. THURMOND].

MEASURES PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.R. 3953. An act to combat terrorism.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on August 2, 1996 he had presented to the President of the United States, the following enrolled bill:

S. 1316. An act to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3616. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-3617. A communication from the Chief of the Office of Legislative Liaison (Programs and Legislative Division), Department of the Air Force, transmitting, pursuant to law, the report of a cost comparison study concerning the cost of operating the Base Operating Support at Laughlin Air Force Base, Texas; to the Committee on Armed Services.

EC-3618. A communication from the Administrator of the Agricultural Marketing