SENATE—*Tuesday, September 26, 1995*

(Legislative day of Monday, September 25, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Our Father, You have created us to glorify You and enjoy You forever. When we trust You, You turn our struggles into stepping stones. We know Your promise is true: You will never leave us or forsake us. You give us strength when we are weak, gracious correction when we fail, and undeserved grace when we need it most. You lift us up when we fall and give us new chances when we need hope. And just when we think there is no place to turn You meet us and help us return to You. We say with the psalmist, "Bless the Lord O my soul, and all that is within me bless His holy name! Bless the Lord, O my soul and forget not all of His benefits."—Psalm 103:1–2.

Lord, we want our work this day to be an expression of our grateful worship. You have called us to lead this Nation. Fill us with Your spirit. Infinite wisdom, we need Your perspective, plan, and purpose. We must make crucial evaluations and decisive decisions. The future of this Nation is dependent on Your guidance. Thank You for making us wise. In the name of our blessed Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, this morning the leader time has been reserved.

The Senate will resume consideration of H.R. 2099, the VA–HUD appropriations bill. Under a previous consent agreement, at 11 o'clock today the Senate will resume debate on the Bumpers space station amendment with a vote to occur on or in relation to that amendment at approximately 2:15 p.m. today.

As a reminder to all Senators, the Senate will recess from the hours of 12:30 to 2:15 today for the weekly policy conference meetings.

Thank you, Mr. President.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 2099, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bumpers amendment No. 2776 (to committee amendment on page 158, lines 13–14), to reduce the appropriation for the implementation of the space station program for the purpose of terminating the program.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Ms. MIKULSKI. I ask unanimous consent that I may speak as if in morning business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DEATH OF BESSIE DELANY

Ms. MIKULSKI. Mr. President, I note that my colleague, who is managing the VA–HUD bill, which is before the Senate today, will speak on environmental matters in our legislation. But before he does, I wanted to bring to the Senate's attention the death of someone who really has been an outstanding American citizen.

Bessie Delany died Monday at the age of 104 in her home in Mount Vernon, NY. Many Americans know her as part of the Delany sisters. Dr. Bessie Delany and her sister, Sadie Delany, lived through the most remarkable period in American history, from about the 1880's all the way until now. They saw the end of slavery. They lived through the era where people moved from the South. Bessie Delany was one of the first African-American women to become a physician in the United States. She was the second African-American woman to practice dentistry in New York, having graduated from Columbia University in 1923.

About 5 years ago, she and her sister became famous when they wrote, coauthored with Amy Hill Hearth, a book called "Having Our Say: The Delany Sisters' First 100 Years." In April, a play opened on Broadway telling their story.

I read their great book called "Having Our Say," and it is a remarkable tribute of courage, character, and competency.

Both of these women overcame incredible odds to make a substantial contribution to the American community. And overcoming all of the bias related to racism, all the obstacles for which there were very skimpy opportunity structures available to them, both—one went on to be a teacher, and Bessie Delany became, as I said, a physician.

All of America is sorry to see Dr. Bessie Delany move on. We are very sorry about her death. We extend our sympathy to her family. But as a great tribute to her and her remarkable life, I really encourage all who are listening here to go to the library and get this remarkable book, "Having Our Say," because in listening to what the Delanys say, both this remarkable teacher and this remarkable physician have a lot of lessons to teach us and to give us, also, a navigational chart for the healing that needs to go on in our society.

So to Dr. Bessie Delany, wherever she is in God's great glory, we just thank her for what she has done for this country. We express our condolences to her sister Sadie. And as a tribute we urge you read this remarkable book about their lives.

Mr. President, I yield the floor.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we are anxiously awaiting colleagues who want to come down and either offer amendments or debate the measures before us. Several of our colleagues have expressed an interest in speaking on the space station. We have a 1½-hour time agreement, equally divided. At least on our side, that time is almost completely used up.

So, if anybody feels the need to speak for the space station—it might also be true for those opposing it—this would be a good time to come. We would like to hear what they have to say. But as we indicated yesterday, the majority leader and the Democratic leader, as well as the rest of us, know we have to get these appropriations bills finished by September 30, and our ability to begin the recess on October 2 depends upon our completing this work. So we are pressed for time. We do invite anybody who has measures or has views on measures that will be on this bill to come down and address them now because this will be the best time to do so.

But since we do have some time, I thought it might be helpful for my colleagues who may be getting all kinds of calls from organizations that are opposed to measures that we put forth in the bill to explain a little bit about what we have done in the EPA section. The National Wildlife Federation has a hotline going out saying there are damaging riders; we are doing all kinds of terrible things to the Environmental Protection Agency. The National Audubon Society says we are crippling the Agency and there is a backdoor attempt to strike out provisions in the EPA laws.

Frankly, that is just not true. The environmental progress in this country has been significant. We have in the last 25 years come a long way toward cleaning up our environment. I am very proud of the progress we have made. I want to see that progress continue.

But I think we have come to the point now where we demand that the progress be on the basis of common sense, of justifiable actions, of using sound science, of not duplicating efforts, and making sure that the dollars we spend on the environment, whether they are appropriated dollars or whether they are dollars that others, State governments, local governments, not-for-profits businesses, and individuals have to pay to comply with the environmental laws are spent properly.

Now, let me go through, for the benefit of my colleagues and those who may be watching, the so-called riders or legislative provisions that are included in this bill. The recommendation of the Senate Appropriations Committee has seven legislative provisions within EPA. All but one of the so-called riders in the House bill have not been included in this measure. The committee in the Senate limited the provisions in our bills to ones that have been included in previous VA–HUD bills or other legislation or that eliminate duplication or unnecessary spending. Let me tell you about the provisions.

First, we would prohibit the EPA from requiring centralized inspection maintenance facilities in fiscal year 1996. This is the same language that was included in the National Highway System bill, supported by a large number of Senators. It is clear that the provisions for central inspection and maintenance are going to cause tremendous headaches without the benefits that are needed, and we can do it in a less intrusive, bureaucratic way.

Second, this measure, as reported out of the committee, would prohibit the EPA from requiring employers to adopt car-pooling plans in fiscal year 1996. This language is one of the House riders. It is the same language included in the fiscal year 1995 rescission bill. If workers in America want the Federal Government telling them how they can get to work and demanding putting restrictions and requirements on how they go to work, then they should not support this rider. I do not believe, talking to the people in my State, that they want the Federal Government telling them how they get to work in the morning and how they get home in the evening.

Third, we would in the committee recommendation prohibit EPA from regulating radon and several other drinking water contaminants in fiscal year 1996 unless the drinking water law is reauthorized. It is a very important measure pending before the Environment and Public Works Committee to reauthorize the safe drinking water law. I think the provision that we have in this measure is fully consistent with the attempts by the EPA, which itself has been trying to negotiate extensions to court-ordered deadlines for low-priority contaminants. For each of the contaminants in question, the risk is relatively low or the science is not fully supported by science-based rulemakings. This action has been requested by the National Governors' Association, the League of Cities, the Association of Metropolitan Water Agencies, the American Waterworks Association, the National Association of Water Companies, the National Rural Water Association, and the Natural Water Resources Association.

Frankly, there has been a lot of concern these days about E. coli and cryptosporidium, and these agencies want local water systems to devote their time and their resources to keeping those known, dangerous contaminants out of the water supply. To the extent that they are required to test for and develop means of dealing with other low-priority contaminants where the science may be uncertain, it will take away from their efforts to keep the water supply system clean from these dangerous, well-recognized, well-defined contaminants.

Fourth, we would prohibit EPA from requiring in fiscal year 1996 the use of MTBE in Alaska because of health concerns raised there associated with the use of MTBE. There have been serious instances where MTBE use has thought to cause very serious health effects. This provision was carried in the fiscal year 1994 VA–HUD bill and does not exempt Alaska from clean air requirements. It is saying, do not require something that appears to be causing very significant health problems in Alaska.

The next one would prohibit EPA from adding new sites to the Superfund national priorities list in fiscal year 1996 unless requested by the Governor or tribal leader unless or until the Superfund law is reauthorized. Everyone recognizes that the Superfund law badly needs revision. The Superfund law has generated a tremendous amount of resources going to lawyers and for administrative costs. A report done by the General Accounting Office at our request shows that only about 30 percent of the Superfund sites currently being worked by the EPA involve current risk to human health or even potential risk to human health under current usages.

We think the time has come to reauthorize the Superfund law to bring sound science and to target the resources. Therefore, we say do not move forward expanding the reach of Superfund until it is reauthorized and Congress has had an opportunity to act on the substantive requirements in the Superfund legislation.

This language was included in the fiscal year 1995 rescission, adopted, and signed into law by the President this summer. It is consistent with the committee's decision to limit Superfund spending to current health risks pending reauthorization.

The next measure in the bill authorizes an exemption from water pretreatment standards for industrial discharges to the Kalamazoo water plant if environmental standards are met through a local pretreatment plant. This provision has been narrowly crafted, and it will not result in any environmental degradation. It will prevent duplicative and unnecessary water treatment construction. Kalamazoo has already entered into a plan to be financed by the major industrial concerns in that city to deal with the effluent from their plants.

Since Kalamazoo is getting a water treatment plant financed by those who are making the discharges, it does not make any sense to go forward with an overlapping, a duplicating requirement to have another treatment plant to do

exactly the same thing when one is already being financed.

Next, we would prohibit EPA from enforcing the foreign refiner baseline for reformulated gasoline. This is the same provision as included in the fiscal year 1995 VA–HUD bill, and it would ensure quite simply that foreign refiners are held to the same higher environmental standards as domestic refiners. If we do not do this, foreign refiners will be able to send in products that do not meet the environmental standards that we expect of our domestic refiners.

Mr. President, what sense does that make? Why should we give foreign refiners a free pass to send in products that have not met the same standards that we require of our domestic refiners? I think this is another sound environmental measure that is included in this bill. I urge my colleagues, and those who are interested, to look at the environmental impacts of these provisions.

The final one I want to talk about would eliminate duplicative and wasteful efforts by the EPA. This would prohibit the Environmental Protection Agency from vetoing decisions made by the Corps of Engineers regarding wetlands permits in fiscal year 1996.

The provision is intended to keep EPA from overfiling or second-guessing the Corps of Engineers. It will streamline the corps' permitting process. EPA still has a wide range of responsibilities dealing with wetlands. We are not changing those. We are only saying to the EPA and to all of the affected landowners that you have a right to get an answer, a final answer from one Federal agency.

The Corps of Engineers operates with EPA in the regulation of wetlands. Where does it make any sense to the landowner who goes to the Corps of Engineers and says, "OK, here is what I propose to do. Grant me a permit," and, as it stands now, the Corps of Engineers can say, "OK, you meet all our standards," and then the next day the EPA comes in and says, "Oh, but we don't like what the Corps of Engineers did"?

Frankly, this is a duplicative, wasteful, and, I think, unsatisfactory service to our citizens to say that you are going to have to take two chances to get the Federal Government to tell you they do not like what you are doing. We have standards, and the Corps of Engineers is to follow those standards. Why do we give the power to the EPA to come in and say, "Oh, well, you may have satisfied the Corps of Engineers, but you don't satisfy us"?

As Senators know, the corps has the authority and the expertise to administer the Wetlands Program, and it does not, in my view, make any sense to say that the same law can be administered by two separate agencies, particularly when we are in a time of strained budgets when a second agency should not be duplicating the efforts of the first one. That is why we say, "EPA, if the corps has already done it, go on and do the other work you are supposed to do; don't second-guess the corps."

The Senate should know this provision does not affect the multitude of other EPA authorities under the Clean Water Act. It in no way undermines wetlands protection. According to the Corps of Engineers, no other Federal regulatory program gives two agencies different authority over the same permit decisions. I understand there are some who believe this redundancy is defensible. During the committee markup, some Members suggested that they would offer an amendment to strike the provision on the floor. If so, we will be happy to discuss it.

As many of my colleagues know, the House did include a provision in the bill preventing funding for the entire 404 wetlands permit law, noting that it was necessary to provide Congress additional time to determine the proper management of the Nation's wetlands.

The Corps of Engineers, as we all know, has the responsibility of administering the day-to-day permitting. The States, EPA, the National Oceanographic and Atmospheric Agency, Fish and Wildlife, and Marine Service also have roles. There are pages and pages of regulations and memorandums of agreement governing the complex permitting process.

Under section 401 requirements, for a 404 permit to be issued, the corps must first obtain a certification from the applicable State—the State—that water quality standards will not be violated as a result of the discharge of fill material. This essentially gives the States veto authority over permit applications. It guarantees a State role in the process.

Of the additional resource agencies, EPA is perhaps the most influential. Besides having authority under section 404 to veto permit decisions, EPA is responsible for developing guidelines, known as 404(B)(1) guidelines, which are the substantive environmental criteria that are binding on the corps in the permitting process.

To me, it makes no sense to say that once you have laid out all those standards, once the Corps of Engineers has gone through the process, once they have gotten the approval of the State and they are following the EPA regulations, if they grant a permit, EPA should come in and say, "Oh, we don't agree with the corps' action." If there is one thing that constituents in my State are fed up with, it is being told two different things by two different Federal agencies. They expect the Federal agencies who serve them to give them one answer and to give them the right answer.

This measure would say, "Corps of Engineers, if you grant a permit, then we are not going to have the EPA using its time and resources to come in and change the direction given to the person, the individual or the organization, applying for that permit."

I hope that those who hear scare stories about the provisions in this bill will take a look at the substantive provisions and realize they are necessary to streamline and to ensure the effective administration of the Environmental Protection Agency, to ensure we continue the progress that we have made and must continue to make toward assuring a clean environment for ourselves and our children.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HEFLIN. Mr. President, I rise in strong support of the international space station program. This program is out of the planning stages and is well underway. The space station is real. Space shuttle missions in support of phase one of the station program began in February 1994. The most recent phase one mission ended with the successful return of astronaut Norm Thagard from his record breaking stay in space. Over 48,000 pounds of station hardware have been manufactured and 75,000 pounds will be completed by the end of this year.

The space station is real to communities, students and teachers throughout the Nation. Teachers are already using space station concepts in the classroom. Students have participated in activities including living in a bus outfitted as a space station, complete with living facilities, experiments, and communication to Earth. Today the space station is capturing the imagination of the leaders of the future and encouraging students to study math, physics, chemistry, biology, geography, and Earth science.

When I grew up as a boy, we had tree houses, and you would have a lot of activity playing in tree houses. I think you will see space station houses in trees and other locations that kids will be playing in as we move forward and start moving toward the deployment of the space station.

Benefits of the station program are already being realized. Researchers seeking to develop a station bioreactor for cell cultures have developed a way to grow tumor tissues outside the body, so chemotherapy and other treatments can be tested without harm to the patient.

The space station will create a permanent orbiting science institute in

space capable of performing long duration research in a nearly gravity-free environment. Research in medicine, materials and processes, engineering and technology will have immediate, practical application for life on Earth and will create jobs and economic opportunities today and in the decade to come. Information gathered about how humans react and adapt to weightlessness will allow scientists to further understand conditions such as balance disorders afflicting 90 million Americans, osteoporosis affecting 24 million Americans, and cardiovascular disease, the leading cause of death in the United States. Every dollar spent on the station is spent here on Earth and will provide an excellent return on investment. If planned orbital research in combustion science improves combustion processes only a modest 2 percent, then the annual savings would be approximately $8 billion a year in the cost of energy produced through combustion in the United States.

In June 1995, the General Accounting Office completed a review of the current estimated cost of the space station program. The GAO concluded that "the program has made major progress since last year in defining its requirements, meeting its schedule milestones, and remaining within its annual operation budgets. Nevertheless, the program faces formidable challenges in completing all its tasks on schedule and within its budget." Of course the station program faces challenges as does any new endeavor. However, we should judge the ability of NASA to meet these challenges on the performance of the station program since it was redesigned in 1993. As the GAO discovered, NASA is performing as promised and is successfully meeting the stated objectives of the station program.

It is unfortunate that the biggest challenge the station program faces appears to be the Congress of the United States, specifically a small handful of Members who continue to offer legislation aimed at terminating the station program. Since the inception of the program, votes have been held over 18 times on the station. We must continue to reject these attempts and continue our support of the space station program. We owe this to the future of the citizens of the United States and to all the people of Earth.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. INOUYE. Mr. President, I ask unanimous consent that the pending amendment be temporarily society aside.

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

AMENDMENT NO. 2777

(Purpose: To make available $38 million for construction at the Spark M. Matsunaga Department of Veterans Affairs Medical Center, Hawaii)

Mr. INOUYE. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 2777.

Mr. INOUYE. 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 22, between lines 4 and 5, insert the following:

SEC. 111. (a) Notwithstanding any other provision of this title, the amount appropriated by this title under the heading "DEPARTMENTAL ADMINISTRATION" under the paragraph "CONSTRUCTION, MAJOR PROJECTS" is hereby increased by $38,000,000.

(b) Of the amount available under the paragraph referred to in subsection (a), as increased by such subsection, $38,000,000 shall be available for construction at the Spark M. Matsunaga Department of Veterans Affairs Medical Center, Honolulu, Hawaii.

(c) Notwithstanding any other provision of this title, the amount appropriated by this title under the heading "DEPARTMENTAL ADMINISTRATION" under the paragraph "GENERAL OPERATING EXPENSES" is hereby reduced by $38,000,000.

Mr. INOUYE. Mr. President, this is a very simple, forthright amendment. It calls for the completion of the Spark M. Matsunaga Medical Center in Honolulu. It provides for $38 million.

Mr. President, there are 127,600 veterans residing in the State of Hawaii. The State of Hawaii is one of only two States in our Union without a VA hospital. The other State is the State of Alaska. Per capita spending in the State of Hawaii is the lowest in the Nation.

At the same time, Hawaii has the highest ratio of veterans per capita and the highest proportion of disabled veterans over 65 years of age or older.

In World War II, the State of Hawaii, which was then a territory, 50 years ago, had more volunteers per capita than any other State or territory of our Union. While serving far fewer veterans, the State of Montana and the State of Wyoming have two VA hospitals apiece. We have more veterans, but we have none; they have less veterans, but they have two apiece.

In the case of Wyoming, the veteran population is less than half of the State of Hawaii. South Dakota, with 42,000 fewer veterans than Hawaii, has three VA hospitals. We are still waiting for our first VA hospital.

The current system in Hawaii is a fragmented one. It is costly. It is inefficient and places the quality of care rendered to veterans at a great risk.

We receive fine service from Tripler Army Hospital, our major military facility in Hawaii. Inpatient care at this great institution is dependent upon space availability. If there is no space, we are the lowest priority. The veterans are the lowest priority, and understandably so.

Mr. President, as we downsize our military, that downsizing will also affect Tripler Army Hospital.

What does that mean? Fewer beds, fewer nurses, fewer doctors, and with the veterans as the lowest priority, I do not think I need to draw a picture for my colleagues.

Today, many of the united hospital services such as cardiology, orthopedics, ophthalmology—severe limitations and restrictions are placed upon veterans in Hawaii. For example, at this moment, VA cardiology and orthopedic patients are evaluated by visiting Palo Alto, CA, VA physicians. They come around about twice a year. As a result of that evaluation, they are shipped to a facility on the west coast, usually in the State of California.

Mr. President, I think all fairness and equity would lead us to conclude that to ask our veterans to undergo long, long, separations from their families 2,500 miles from home is not acceptable. I think all physicians would suggest that from the standpoint of long-term care, that is not acceptable.

In 1993, 950 qualified veterans were denied service in Hawaii; in 1994, 1,300 qualified war veterans were denied inpatient service in Hawaii. This year, through the month of May, because of the lack of eligibility and lack of services, 582 war veterans were denied service.

Mr. President, as a member of the Appropriations Committee, I am fully aware of the problems we have. I am fully aware of the budgetary constrictions that we are required to live under. I know that my chairman, the Senator from Missouri and the ranking member, the Senator from Maryland, have done their utmost in their effort to accommodate the veterans of the State of Hawaii.

As it is commonly said, one cannot squeeze blood out of a turnip. It is not my desire to do that.

Reluctantly, I will be withdrawing this amendment with the hope that my colleagues from Missouri and Maryland will sit down and work together with the veterans of Hawaii to see if something can be done.

This can be a national disgrace. We have the highest per capita veteran population, the lowest per capita spending, the highest per capita disabled veterans, highest per capita volunteers, and no hospitals.

Other States with less than Hawaii have three or two. All we are asking for is one. And the one we are asking for is not a hospital. It is a medical center, which is one grade below a hospital.

Mr. President, I hope that my patient colleagues from this subcommittee will join with me in trying to work out a solution for this. I would be glad to do that.

Mr. President, I ask unanimous consent to be permitted to withdraw my amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, first I would like to thank my colleague, Senator INOUYE, for his extraordinary advocacy in behalf of American veterans. As the ranking minority member on this bill, it pains me and grieves me that a Senator who bears the permanent wounds of war, who wears with pride the Congressional Medal of Honor, must come before the U.S. Senate and plead for a VA hospital; an American hero coming to speak in behalf of all other veterans of all other wars saying: Please give me a medical center to meet the needs of other men and women who served in the military, who themselves bear the permanent wounds of war.

What we face here is the fact that in Hawaii there is a unique situation because of its geographic location. They cannot go to the trauma centers. Everything has to be in Hawaii. Also, there has been a unique linkage between veterans and military hospitals.

So I want to acknowledge the validity of the Senator's plea. I want to acknowledge the validity of the plight of veterans in Hawaii. I pledge to him the desire, the deep desire, to work with him to ensure that the Hawaiian veterans have the medical care that they need and they deserve, and how we could do a linkage with perhaps the military hospitals and perhaps the private sector.

But I believe that if we are as creative in helping these veterans with their medical care as we have been in other areas of national defense and security, we will be able to do this.

I also thank the Senator for withdrawing the amendment, though I know it is deeply troubling to him to do so. But we have no money in this budget. The only way we could have funded it is if we had gone to the backlog claims. Right now there is a waiting list of over 6 months to 3 years for veterans trying to process their claims for their pensions and their disability benefits. American veterans should not have to stand in line for 6 months or more because of the sluggish nature of the bureaucracy with the way they have modernized, and so on.

So we have now put resources in to deal with the backlog of claims. I am glad we are going to let that stand.

Again, I would like to thank the Senator for his defense of America, for the worthy nature of the Congressional Medal of Honor which he wears and which I see on his lapel this morning, and for his defense of veterans who in many ways do not have a voice; and, of course, for his own constituents of Hawaii.

I also want to acknowledge the staunch defense of veterans and health care of my colleague, Senator AKAKA.

Mr. INOUYE. Mr. President, I wish to thank my colleague from Maryland for her very sensitive and generous concern. But much as I would be most proud to wear a Congressional Medal of Honor, my medal is one notch below, the Distinguished Service Cross. But I thank my colleague.

Ms. MIKULSKI. Well, if I had the opportunity to award the Senator a medal, I believe he deserves the highest recognition for his gallantry and his bravery.

Mr. INOUYE. I thank the Senator.

Mr. BOND. Mr. President, I echo the generous words of my good friend and colleague, the ranking member, the Senator from Maryland. I too appreciate the very strong advocacy of the very able senior Senator from Hawaii. He has met with us and talked from his very heartfelt commitment to the veterans of Hawaii, and he has talked about the difficult situation that the veterans there face. I know how long and hard he has worked on the project.

We were unable to put construction funding in fiscal year 1996 for any major new construction. As the Senator from Maryland pointed out, we fear that the offset would have taken away vitally needed funds for handling claims of veterans.

Second, the committee agreed to a moratorium on new medical construction projects, as recommended by the General Accounting Office and the Senate Veterans' Affairs Committee. The committee's decision was driven by budgetary concerns, as well as based on the fact that the VA is on the verge of a major reorganization which may result in significant changes to its facilities' needs, and we hope a better direction of care.

The Hawaii project would require an additional $60 million in construction costs in the future, and another $100 million to operate when it opens.

Having said that, we look forward to the Veterans' Administration reorganization plan. It is intended to change the VA into a managed care operation. As part of this reorganization, the VA must develop a long-term strategic plan for medical care, recognizing the change in demographics of veterans population, and a shrinking budget.

The General Accounting Office has found that there are additional unused facilities. In the 1993 report, the General Accounting Office found that the Tripler Army Hospital—with which the Veterans' Administration has a sharing arrangement—had capacity and "Demand for VA-sponsored care at Tripler has consistently been well below the 69-bed constructed capacity" at Tripler.

As a result of these things, I think the VA should look to increasing its sharing arrangement with Tripler and community facilities in order to meet the needs of Hawaii's veterans.

I fully understand and I am sensitive to the Senator's concern that the VA is sending veterans to the west coast for treatment at the Palo Alto VA Hospital. I agree with the Senator that this is an extraordinary inconvenience. VA has in the past sent cardiology patients to the west coast when services were not available to Tripler Army Hospital because VA says it is less expensive than treating the veterans in a community hospital.

I assure the Senator from Hawaii that I will work with him to see that the VA discontinues the practice and treats veterans in community facilities when services at Tripler are not available.

I pledge to work with the Senator from Hawaii to ensure that excess capacity at Tripler may be used by veterans.

I have offered an amendment, which I would like my distinguished colleague from Maryland to review to see if we may be able to agree on that amendment, and to see if this will meet the needs of the Senator from Hawaii.

Ms. MIKULSKI. Mr. President, I say to the Senator that this is very acceptable to me because it ensures that the veterans of the State of Hawaii are given appropriate equal access to veteran medical care commensurate with the medical care provided in the 48 contiguous States so that the veterans of Hawaii are not penalized for their geography.

I also want to acknowledge, with the Senator from the majority, that the VA is organizing and modernizing its delivery of care, moving from strictly and chiefly a trauma model to continuing care, emphasizing primary care, to decentralize the services.

So I think we are all in agreement with this. I think this is an excellent amendment. If it meets with the concurrence of the senior Senator and the junior Senator from Hawaii, it is fine with me. I think it is excellent.

Mr. INOUYE. Mr. President, I wish to thank the chairman of the subcommittee for his very understanding and sensitive response to our concerns. We look forward to working with him to someday come up with a solution that will be mutually acceptable for all of us.

But in the meantime, the amendment, I think, will serve our veterans very well.

Mr. BOND. Mr. President, I ask unanimous consent to temporarily set aside the pending committee amendments to offer an amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2778

(Purpose: To ensure that veterans in the State of Hawaii are given appropriate and equal access to VA-funded medical care)

Mr. BOND. Mr. President, I send an amendment to the desk in behalf of myself, and Senators MIKULSKI, INOUYE, and AKAKA. We will leave it open for others to join as cosponsors, as well.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Ms. MIKULSKI, Mr. INOUYE, and Mr. AKAKA, proposes an amendment numbered 2778.

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

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

The amendment is as follows:

On page 22, line 5, insert: "SEC. 111. The Department of Veterans Affairs shall provide hospital care and medical services to eligible veterans in the State of Hawaii at levels commensurate with levels of care provided in the forty-eight contiguous states. The Secretary shall utilize the contract authority prescribed in 38 U.S.C. Sec. 1703 to treat eligible veterans residing in the State of Hawaii wherever appropriate."

Mr. BOND. Mr. President, as I indicated, we do share the grave concern both Senators from Hawaii have for veterans care in the State of Hawaii.

I urge my colleagues to accept this amendment. I believe the junior Senator from Hawaii wishes to speak, after which, if there are no further discussions on it, I think we can proceed to a vote without a rollcall.

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The junior Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise in support of the committee action. I commend my colleague for taking this issue forward, and I thank the committee for its considerations.

I stand today just to impress the Senate with the fact that the Aloha State, the State of Hawaii, has needed a veterans hospital for many years. Since 1987, our predecessor in the Senate tried to establish a veterans hospital in Hawaii.

Hawaii is one of two States that has no veterans hospital. Although the VA operates 172 medical centers throughout the Union, including a hospital in Puerto Rico, the Department has never established a medical center for veterans in the 50th State, and this is the reason why my colleague and I have been pressing for this.

Under the circumstances, we will certainly accept the committee's action. And again I wish to thank the committee for what they are doing. This is a step in that direction, and we will be back to ask for more help for our veterans. We have 130,000 veterans in the Pacific, 120,000 from Hawaii and another 10,000 in the Pacific from Guam and Samoa. We take care of these veterans, and we still do not have a hospital there.

So, Mr. President, I look forward to a day when we can come back and seek a full-blown hospital that will help the veterans of the Pacific. I thank my colleague and the committee for their efforts.

I yield back my time.

Mr. BOND. Mr. President, I do not believe there are any other Senators seeking to be heard on this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment 2778 by the Senator from Missouri [Mr. BOND].

The amendment (No. 2778) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I rise to make several comments about the underlying bill.

First, I have a comment I should like to direct to the managers of the bill. I am a member of the subcommittee, and I wish to congratulate the Senator from Missouri and the Senator from Maryland for the outstanding way in which they have handled this particular piece of legislation. It has been a difficult time, and they have been faced with difficult questions and challenges. So I am grateful for my first experience as a member of the Appropriations Committee to serve on this subcommittee and watch Senators BOND and MIKULSKI work through these very difficult issues.

There is one specific issue about which I have talked to Senator BOND that I would like to make mention of in the Chamber to make sure it does not get lost. This has to do with the expiring contracts under HUD housing programs. In the city of Salt Lake, where we are enjoying boom economic times, the vacancy rate for many of these houses is around 1 percent. If people who have contracts that expire are forced to leave their housing at the moment of that expiration, they will have a very difficult time finding additional housing.

I have talked to the chairman, Senator BOND, about this issue and asked him to please work with the authorizing committee to see if there can be an extension of those contracts under this circumstance so people who are in this kind of housing are not faced with the immediate challenge of finding housing in an extremely tight housing market. He has assured me of his willingness to work on this issue, and I publicly thank him for that assurance and tell him that I will be working with him in any way I can to see that this problem gets resolved.

The second issue I should like to discuss has to do with the space station, about which we have heard so much on this floor in the last 24 hours or so.

The Senator from Arkansas, with his traditional persistence, has once again challenged the wisdom of the space station and will once again bring the Senate to a vote on whether or not this should be continued. He does this in every session of Congress, as is his right. Many of us admire him for his tenacity on issues in which he believes strongly. Each time he has failed.

I rise to say that I think he should fail this time as well. In my opinion, the space station should go forward for a variety of reasons, many of which were outlined by our colleague from Ohio, Mr. GLENN, last night. I will not take the time to repeat all of the tangible benefits that the Senator from Ohio listed, but I will call the attention of the Senate to his presentation because it was an excellent one.

There is an interesting juxtaposition of events in this debate for me. Just last week, in Utah, we have had the fourth edition of Space Talk, a conference on space that I had the honor to originate back in 1992.

In 1992, there were not very many people who were interested in coming. I was then a candidate for the Senate, and they thought it was just an election year gimmick for me to get some out-of-State speakers to come to the State and, hopefully, get a little press and link that press to my name and thereby help me in the campaign. But I promised on that occasion that if I were elected, I would continue this annual conference on space and the issues of space that have grown into Space Talk.

I am delighted to be able to report to the Senate that Space Talk has grown every year, has been more and more successful every year, and that the centerpiece of Space Talk in terms of public awareness has been the exhibit at the Utah State Fair.

When we first put it on 3 years ago, NASA was a little nervous about bringing exhibits all the way to Utah, but they were willing to try it. We got the appropriate cooperation from the State fair board and the Utah National Guard and mounted the exhibit.

NASA was stunned at the response that came from the citizens of Utah in general and the schoolchildren of Utah in particular. Space Talk became the No. 1 attraction at the Utah State Fair, and fair officials said to us, "You must bring this book next year," which we did. And then again this year NASA brought a mockup of the space station to Space Talk, and once again this year it was the No. 1 attraction at the Utah State Fair. Many schoolteachers would plan field trips to the State fair just to

come to Space Talk, so that the schoolchildren could get the educational experience of finding out about space.

The space station mockup this year made a strong point of outlining those portions of the space station that would be built by other countries.

"This would be the Japanese section of space station," we were told as we walked through the mockup. "This is where the Europeans will be working. This is where the Russians will be," and so on, demonstrating that the space station is not only a technological breakthrough for the United States, but it represents an international exercise in understanding and cooperation that can have fallout far beyond the technological areas, but in the diplomatic area as well.

So, coming off this successful and growing support for our Nation's space program in Utah, I come now to the floor of the Senate to find once again an effort to cut back our activity in space and particularly with respect to the space station.

Now, Mr. President, there is a quote that has been used many times. But I am going to repeat it. I have discovered since I have been in the Senate that there is no such thing as repetition. We go on again and again and again and always act as if it is new. I think my friend from Arkansas will understand that, because most of the arguments he is raising against the space station are repetitious of arguments he has raised before.

So I think this quote deserves repeating. It is by the historian Samuel Eliot Morison. He said, "America was discovered accidentally by a great seaman who was looking for something else. When discovered, it was not wanted, and most of the exploration for the next 50 years was done in the hope of getting through or around it. America was named after a man who discovered no part of it. History is like that. Very chancy."

We look back on Columbus and his activity here and Amerigo Vespucci, after whom it was named, and the lack of activity that he put forward here, and we see the truth of the historian's comment, "History is like that. Very chancy." But as we look at history as a whole, we realize that out of the chanciness of history comes a whole series of unexpected benefits or, in some cases, unexpected difficulties.

I was interested, Mr. President, at one of the Space Talk presentations to be told by one of our speakers that prior to the great European era of discovery in exploration when the Europeans ended up coming to these shores and for them discovering what is now called America, there was another nation that was a great explorer nation, sending out ships onto the uncharted seas for the sole purpose of seeing what they could find. The ships of this great nation ended up ultimately on the shores of what we now call Africa, a tremendously exotic discovery for those who sailed the ships. The great nation that sent those ships out on that discovery mission was China.

Now, whoever governed China in those years decided that they had budget problems at home and that it was time to cut back on the exploration, that they had more urgent budget pressures domestically, and so they stopped their exploration. They brought the ships back, and they became wholly insular in their administration.

I have stood upon the Great Wall of China, which I think stands in history as one of the prime examples of a public works project gone wrong. They started building it and they simply could not stop. And so in their budget priorities to do something for home, they built the Great Wall that stands in great disrepair, and it serves primarily now as a tourist attraction. They turned their back on the exploration that would have made the Chinese, and not the Europeans, ultimately the masters of the world, as the Europeans picked up the challenge of exploration, not knowing what they were going to find, not knowing what the return would be, but, in fact, laying the groundwork for the ability to govern the entire world.

Mr. President, history is like that. Things start out very small, with unintended consequences later on. We do not know who first thought of the notion of interchangeable parts, the idea that instead of building every carriage fresh and new as a single work of art, you would build a series of axles, every one exactly alike that would be interchangeable with each other so you could assemble a whole bunch of carriages. But upon the principle of interchangeable parts rests the concept of mass production and ultimately the entire industrial revolution, a simple little idea that somebody started somewhere, we do not know, upon which the entire world was changed.

Just when we get used to that concept, let us think then of the notion of digital code. Somewhere, somebody—probably the historians know this name, but I do not—came up with the idea that a switch is either on or off. And if you line up enough switches in a row, you can create a computer that by calculating whether this row of switches are either on or off, can do calculations beyond the human ability to do those calculations.

So early computers were built with the understanding that a transistor was either on or off. And those computers were created primarily to make calculations concerning ballistic projectiles for wartime. If we shoot this, what is the trajectory it will follow? We cannot figure it with pen and pencil or even slide rule. Let us get a bunch of switches lined up and put electricity through them; and through writing digital code, we figure that out.

From that, of course, has come the entire information revolution that has changed all of our lives, and an idea that someone who started out had no concept of. Now we come, of course, to the space station.

Can I tell the Senator from Arkansas what is going to happen in the space station? No; I can tell him the experiments that will be run. I can tell him the efforts that will be made. But I cannot tell whether or not some discovery as simple but as far reaching as the notion of interchangeable parts or the notion of digital code will come out of our activities on space station.

We do know the kinds of things that can happen on space station. It will serve as a laboratory for materials processing in zero gravity. We have never been able to do that before. There are a myriad of industrial and scientific research projects that can be run in that kind of an environment. It will provide a platform for astronomical observations, the study of our Earth's development and current conditions. Then it will provide a base to further the exploration of the solar system as the first component in a space-based international industrial park.

Well, maybe we cannot put a dollar value on this. And unable to put a dollar value on this, maybe we should do as the ancient Chinese mandarins did and say, "Bring the ships home. Let us spend our time taking care of our domestic priorities. Leave that for some future time."

I believe if we do that, the human spirit to explore is sufficiently strong elsewhere that we will see someone other than the Americans take over this lead. I think we will see Europeans or someone else, maybe not yet on the screen, some Asians, perhaps, as those economies become stronger, step into the void that we will create if we abandon this leadership challenge.

So, Mr. President, I rise once again in support of space station. I rise once again in support of the spirit of exploration. I rise once again in support of the great human spirit of adventure that has served us so well throughout the centuries. And I call upon us not to make the mistakes of others who have turned their back on this only to discover in subsequent years that other human beings have not lacked this spirit of exploration, and the torch is passed from American hands to those who might wish us ill.

For these reasons, Mr. President, I support the space station and urge the rest of the Senate to do likewise.

Mr. BOND addressed the Chair.

AMENDMENT NO. 2776

The PRESIDING OFFICER (Mr. CAMPBELL). Under the previous order, the hour of 11 a.m. having arrived, the Senate will resume consideration of

the Bumpers amendment No. 2776, on which there will be 90 minutes of debate equally divided.

Who yields time?

Mr. BOND. Mr. President, I yield myself 1 minute just to thank the distinguished Senator from Utah for his very, very compelling arguments with respect to the space station. I think his historical perspective adds a great deal to this debate. I find it a very compelling argument.

I also want to say I appreciate his comments with respect to the problems faced with housing where housing is in short supply, as in his State. He has been a very forceful advocate for assuring that those people who depend upon assisted housing in Salt Lake City and other Utah communities not be thrown out. We are working with him and other Members to give HUD the opportunity to make sure that people do not lose very scarce public housing.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska. Does the Senator from Alaska wish time from the Senator from Missouri?

Mr. STEVENS. I did not know there was controlled time.

Mr. President, I would like 4 or 5 minutes to discuss a situation in my State and to ask a question of the managers of the bill.

The PRESIDING OFFICER. The Senator has 5 minutes.

TYPHOON OSCAR AND EMERGENCY RELIEF FUNDS

Mr. STEVENS. Mr. President, Typhoon Oscar, which came across the North Pacific, has wreaked havoc in the Kenai Peninsula of Alaska. I have been on the phone yesterday and today following reports we received over the weekend concerning the effect of this typhoon. It has caused flooding of many rivers, the Kenai River and the Skwentna River.

The damage runs from Seward, AK, over to Kenai. It is threatening the Alaska Railroad. As it goes down into Seward, they apparently lost part of that railroad bed already. The area has now been declared to be a disaster area under State law, and we are waiting to have the Federal Emergency Management Agency, FEMA, people come into the area to determine what is going to be available to assist in terms of recovery from this disaster.

The Kenai River is on a rampage. Unfortunately, it has destroyed a considerable amount of work we did to rehabilitate that river in the last 2 years in order to protect it. It is the greatest king salmon-producing river in the world. It is a substantial disaster for the area because of the loss of homes and really the loss particularly of recreation facilities along the river.

I have come to the floor because I am aware, as a member of the committee, of the report on the pending bill that indicates that there are no new funds provided for disaster relief in this bill. The report points out that the reason is that in the emergency funding bill of this year, 1995, Congress made available and the President approved $6.55 billion to be added to the disaster relief fund.

I am sorry I was not aware of the controlled time situation, and if I am taking time from my friend from Arkansas, I will be glad to try to work that out with him.

I would like to ask the managers of the bill about this disaster relief fund. The question has now been raised with me that the money in the fund has already been earmarked for previous disasters and whether there is going to be money available during this period.

Obviously, the final result of FEMA will not be known for a period of weeks. I am going to dispatch two of my assistants to go to the area this evening to make sure that we are getting all the coordination we can among the Federal and State and local people because, as I said, it is a very serious flood. It is already above the 100-year-flood mark on the Kenai River. That means we are going to have even more damage than was estimated.

The damage in the one area alone of the Kenai is somewhere between $6 million and $10 million in terms of just immediate damage. I do not know what it is going to be in terms of the loss of roads and railroad bed and tank farms and all the rest.

May I ask the chairman of the subcommittee, in terms of the report, it indicates there is currently a fund balance of approximately $8 billion in disaster relief. Has that been earmarked already? Is that available for disasters such as the aftermath of Typhoon Oscar?

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, first, let me thank the Senator from Alaska for bringing this to our attention. The areas of which he speaks I am very familiar with. The Senator has been a leader in restoring the habitat on one of the most pristine rivers in America, certainly a national treasure. We are deeply saddened by the damage and by the environmental destruction that is going on there.

I will say to the Senator from Alaska that we did not include funding in this bill for the disaster relief fund because there is currently an $8 billion balance, none of which is earmarked. So long as the President declares a disaster in Alaska, those funds are available to meet the needs.

I join with the Senator in urging the people of FEMA to respond to provide assistance and assess the damage to make the necessary steps to determine whether a Presidential disaster declaration is appropriate and to lend all appropriate assistance. We have great concern for the residents in that area and also for the tremendous natural resources, as well as the human infrastructure that has been built there.

We are very sorry to learn of this problem and assure the Senator from Alaska the funds are available should a Presidential disaster declaration be made, and we urge FEMA to respond to the Senator's concerns as quickly as possible.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I echo the chairman's comments, first to the people of Alaska, of our deep concern. As the Senator knows, I have visited Alaska. Though I do not have intimate knowledge with the specifics of the areas that he has talked about, I can only imagine the really sad impact. We believe in helping communities to be able to rebuild themselves and restore themselves. I hope that the President will declare this a disaster area.

How we ultimately fund the actual disaster account is a subject of which we have had extensive hearings for which we would require an authorizing solution. I know this is not the time or the place to debate that. I think that is a good topic for 1996.

Mr. STEVENS. I want to make certain it will not be incumbent upon me to offer an amendment at this point to put money into the disaster relief fund because of the feeling that there is a zero amount in this bill. The indication was there would be none available in fiscal year 1996. It is my understanding this $8 billion is available and carries over to the next year; is that correct?

Mr. BOND. That is correct.

Mr. STEVENS. Mr. President, I do thank the managers of the bill for their response. I am certain this will be welcome news to the people of south-central Alaska. In 1986, we had an epic flood in this region. It was declared to be the 100-year flood. As I said, this flood this year exceeds the limits of the 1986 flood, so we have really a new record in terms of flood in the area. It is going to involve a considerable amount of not only disaster assistance but work to try to find some way to handle these floods as they are coming into this area, because we are having really new stages on these two rivers as they reach flood stage.

I ask unanimous consent to have printed in the RECORD following my remarks the report on this flood that appeared in the Anchorage Daily News of Saturday.

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

(See exhibit 1.)

Mr. STEVENS. I will be sending two of my assistants up to look into this, including Mr. Staser, who is with me right now. He is formerly with the Corps of Engineers. We would like to do

everything we can to assist in bringing this to a speedy conclusion. This is a tough time for Alaska, as I am sure everyone knows. We are near freeze-up now. This kind of disaster coming right at the tail of the fall period, which is not too long in this area, can mean real difficulty. If we do not get assistance in there this year in time to take care of these problems before the freeze-up there, we will be in real trouble. I appreciate the offer of assistance from my two friends. I appreciate the courtesy of the Senators. I will not offer the amendment under the circumstances.

EXHIBIT 1

[From the Anchorage Daily News, Sept. 25, 1995]

KENAI RUSHES INTO BIG EDDY

(By Tom Kizzia)

Rising flood waters hit homes along the Kenai and Skwentna Rivers on Friday, while residents of other Southcentral Alaska communities began repairing facilities damaged in flooding this week.

In Girdwood, city and state workers were moving heavy equipment to Glacier Creek in an effort to protect a bridge from the muddy torrent. Flood waters also damaged the road leading to the Crow Pass trail head, prompting the U.S. Forest Service to close the road.

An icy Kenai River current several feet deep pushed through the Big Eddy area in Soldotna Friday afternoon, shoving picnic tables and propane tanks downriver. Recreational trailers and camps were under water in the low area, which sits in an oxbow of the river.

"This is some serious stuff going on here," said fishing guide Joe Hanes, who had his boat tied off to the deck of his home at Big Eddy as water raced through his foundation pilings. He said the river was 3 feet over its banks at noon Friday.

Swollen by rain in the mountains of north of Seward, the Kenai River has risen more than 5 feet at Cooper Landing since Tuesday, putting it about 2 feet above flood stage, according to the National Weather Service. Roads in the Kenai Keys subdivision were under 3 feet of water.

Forecasters predicted the river would peak in Soldotna about midday today.

The Kenai flood appeared to be undoing some of the work done by landowners to halt erosion and improve fish habitat along the river's banks. Fragments of boardwalks and floating docks were mixed in the debris floating downriver Friday.

"I think this took people by surprise," said state park superintendent Chris Titus. "Everyone was focused on what was happening in Seward and the eastern Kenai Peninsula. We haven't gotten a lot of rain here."

State park officials closed the Kenai to boat traffic Friday afternoon because some fishermen continued to dodge floating oil drums and cottonwood logs in their pursuit of silver salmon. The boats also were creating wakes that in some cases sent water spilling into homes in low areas.

Three days of heavy rain in the western Susitna Valley brought heavy flooding Friday to Skwentna and the Lake Creek area. Residents gathered at the Skwentna Roadhouse, as 50 to 75 buildings had been hit by the flood, according to Matanuska-Susitna Borough officials.

Joe Delia, who runs the Skwentna post office, said at least six homes there were flooded and several boats had been swept away. Water lapped at the edge of the runway and had surrounded the school, he said. The river itself slowed as it spread across the flat land adjacent to its former banks, but the main channels remained turbulent and full of debris.

"It's pretty hairy in some places," he said. "There's cottonwoods, and big rafts of timbers and rollers 2, 3, 4 feet high in some places."

Gov. Tony Knowles on Friday declared the Kenai Peninsula Borough, Mat-Su Borough and the Municipality of Anchorage, which includes Girdwood, disaster areas. The proclamation qualifies the areas for emergency state funding. Knowles said the state was backing an application for federal disaster assistance for the Seward area, where officials are estimating $4 million to $6 million in damage from floods this week.

Flooding wiped out parts of several waterfront roads in Seward and poured silt into the city's harbor. The state ferry had to be diverted from Seward to Homer because officials thought the docking area had been filled in with silt from the Resurrection River. Railroad service has been suspended indefinitely.

City spokeswoman Linda Murphy said less rain fell this week than in the fall of 1986, during the last epic floods in Seward. But damage from the Resurrection River this time was worse, she said.

"When all this is over, we need to stop Band-Aiding (the Resurrection River) and fix it," Murphy said. "I'm not sure how. But we can't continue the way we've done."

Murphy said inmate volunteers wearing plastic trash bags for rain protection were filling sand bags at Spring Creek Correctional Center, the state maximum-security prison in Seward.

The Old Glenn Highway between Palmer and Anchorage was closed Friday morning at the Knik River bridge after water ran across the road north of the bridge, said Mat-Su Borough spokeswoman Pat Owens. Water from the Knik River covered roads in the nearby Windsong subdivision, but houses there were still above water, Owens said. Much of Knik River Road, which starts on the south of the bridge, was also closed after a creek near Mile 2 sent more than 2 feet over it.

Residents of low areas in Seward and along the Kenai and Knik Rivers were being warned about possible contamination of well water by the flooding. Residents should contact nearby offices of the Department of Environmental Conservation about testing their water, disaster officials said.

Borough officials were also worried by swollen creeks and rivers in the Lake Louise and Nelchina areas, where hunters of moose and caribou may find themselves trapped. Owens said airplanes are searching the area, and helicopters may be called in to lift out hunters who might otherwise try risky river crossings.

The week's heavy rains were the result of an unusually powerful low pressure system that move north of the Pacific, mixing with the remnants of Typhoon Oscar, said Richard Hanas, lead forecaster at the National Weather Service in Anchorage.

AMENDMENT NO. 2776

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 45 minutes.

Mr. BUMPERS. Mr. President, is the time just used by the Senator from Alaska charged against our time?

The PRESIDING OFFICER. The time has not been charged to either side. So the Senator from Arkansas has 45 minutes.

Mr. BUMPERS. I thank the Chair.

Mr. President, I said about all I know to say yesterday afternoon about this subject. I do not know that anybody listened, and I do not know that anybody is listening this morning. But when you are talking about $94 billion, somebody ought to be listening.

Just for openers this morning, I want to recommend to my colleagues an article that appeared last year in Newsweek magazine, which I will be delighted to furnish to anybody who is curious. It is called "NASA Space Station Zero Boondoggles; $11.9 Billion Has Been Spent So Far. Can Anybody Explain What it is Supposed To Do?" That is the headline. It is a very telling article. It does not answer the questions because NASA cannot answer the questions. Here is one paragraph in this article, and it is replete with similar paragraphs.

Yet, with the silly problems of the space station corrected, the serious ones stand, in greater degree, still unanswered. What's it for? "It is primarily a research platform," said Randy Brinkley, manager of the space station office at the Johnson Space Center. "There will be life science, but we haven't finalized what. Really, it is hard to answer that question."

As for its prospects as a research platform, the National Research Council, a preeminent organization in this field, says the station "cannot be supported on scientific grounds." Many scientific organizations have announced opposition to the space station.

Mr. President, if you want to get up and argue or if any Senator wants to argue that the space station is going to cure cancer, AIDS, arthritis, or multiple sclerosis, be my guest, I will listen very intently. We have been in space for 30 years. The Russians have had space stations up since 1971—seven of them. I want the opponents of this amendment to tell the Senate what we have accomplished so far as life science is concerned. Name me the pharmaceutical companies who are contributing their own money to the space station. Name me one medical research organization in America that is contributing a thin dime to this gigantic research laboratory in space. Every single scientist worth his weight in the country, every single medical researcher in the country says you cannot justify this on the grounds that you are going to get some kind of life-saving pharmaceuticals out of it.

As a matter of fact, the American Physical Society said, on January 20, 1991: "Scientific justification is lacking for a permanently manned space station."

Dr. Bloembergen and Dr. Rosenthal, both at Harvard, say you cannot justify this because, so far as we can tell, there is absolutely nothing to get out of it.

As for microgravity. Well, we can do research in almost zero gravity. So what. You can do that on Earth and in satellites. One semiconductor company president has said, "Do not build that thing because you think you are going to get gallium arsenide wafers out of it; we do not want the wafers." It is an utter, utter waste of money to try to grow crystals in space. You might grow some, but you can never make anything economically viable.

And then the spinoffs—if there are so many spinoffs, why is American industry not hot to contribute to this almost $100 billion project? It will certainly run well over $100 billion over the next 17 years; $94 billion is the present estimated cost of the space station. Bear in mind, that assumes everything is going to go split perfectly. No disasters on the launch pad, no malfunctions like on *Apollo 13*, no debris in space hitting the station or any of the shuttles, or anything else. No, you get it for $94 billion only if everything goes absolutely perfectly.

I heard the junior Senator from Texas last night talking about Velcro. I covered that as well as I could yesterday in talking about spinoffs, such as Tang, the orange juice substitute that the astronauts drink. It has been around for 35 years, long before we ever went to space. Then there is Velcro and magnetic resonance imaging. The space program had absolutely nothing to do with any of those things. Yet, people continue to talk about those spinoffs. I am willing to admit that we got one spinoff. We got a space suit. The demand for space suits is not just great enough in this country to warrant a $100 billion expenditure. I do not want one. I do not have a friend that wants one.

I will tell you what it is all about. Right here on this chart. Eighty-six percent of the money spent for 14,000 jobs goes to California, Texas, Alabama, and Florida. So the Senators, as far as I am concerned, from those States, get a pass. Go ahead and vote for it. For the other 46 States, who put more into the space station of their tax money than they get back, what is your excuse? Now, it is not unusual around here for people to vote for big expenditures because there are some jobs in their State. I have done it, and we all do it. It is not unusual to vote for big-ticket items that big corporations who have big PAC's and big contributors want. I want to tell you before you vote, remember that 86 percent of all the money is going to these four States.

Now, Mr. President, we had a revolution last fall. The Republicans wiped the Democrats out. Everybody has been analyzing it ever since. What happened? How did it happen? Why are the people so upset? Why are they mad?

I do not know the answer to it. I wish I did. I think it is a serious question. Certainly it is serious for my party.

Let me make a couple of observations. We are getting ready to spend $32.7 billion over the next 7 years on this space station.

Now, let me ask you, where is the money coming from? Take your choice. I want you to listen to this: $32.7 billion for the space station, which has absolutely no tangible payback to the American people.

Where do we find the money to do it in these budget constrained times? As I say, take your choice. We are cutting education over the next 7 years $40 billion. What do you get out of this? A lot of ignorance.

We are cutting the earned-income tax credit, according to the Senate version, $40 billion, which represents a $457 annual tax increase for the poorest 17 million people in America who work, that are not on welfare.

Ask yourself, is it fair to penalize the people who are working to feed, clothe, house, and educate their children and the lowest paid workers on Earth trying to stay off welfare? Is it fair to levy a $457 tax increase against them to pay for the space station? If you believe that, vote against my amendment. If you think this country will be better off when we cut education by $40 billion over the next 7 years in order to fund the space station, you vote against my amendment.

If you think it is right to cut Medicare by $270 billion—and I am willing to participate in some of that; not to provide this massive tax cut we are talking about, but simply because we do have to do something to salvage Medicare—do you think it is fair to cut Medicare by $40 billion of that $270 billion in order to pay for this?

Do you think it is fair to cut $180 billion in Medicaid which provides health care for the poorest of the poor—yes, working people, too—to pay for this? If that is what the revolution last fall was about, then God save America.

What else are we doing? We are spreading the already terrible disparity of income in this country. Everybody knows and they talk about it, but nobody wants to address it. The disparity between incomes in America is twice as great as any of the 18 developed nations on Earth. The only country even close is Britain and we have a 2-to-1 margin on Britain.

How do we rectify this? We raise taxes for the poor, we cut health care for the poor, and we provide $250 billion in tax relief—for the poor?; no—for people who make over $100,000 a year. That includes everybody in the U.S. Senate.

Yes, Senators, you will get a nice tax cut next year. So what happens to the working poor who have two or three children and because of the exemptions for those children do not make enough money to pay taxes? Do they get any of it? No.

When you read in the paper that the tax increase proposed by the Republicans provides $500 tax credit for each child, do not believe it. That sounds so good. Is that not wonderful? That is a family issue, is it not? We will give it to families.

One of the biggest hoaxes ever pulled off in this country—yesterday, I alluded to a woman I knew who is a waitress. She has two children. She has to keep both of them in day care in order to work and stay off welfare. The chances of her getting $1,000, $500 for each one of her children, is point blank zero. But Members of this body, Members of this body who have children will get it. All of this so we can pay for the space station?

I could go on and on. The list is endless.

I saw in the reconciliation bill passed out of the Senate Energy Committee big relief for the oil companies, the biggest corporations in America, if they drill below a certain depth in the Gulf of Mexico or off shore. It seems they they cannot take care of themselves. We have to give them a big tax royalty bonus to drill.

The Minerals Policy Association says there are 625 applications for lands that have billions and billions of dollars' worth of gold, platinum, palladium, silver underneath it, from the biggest mining companies in the world. What do we do? We mandate that the Secretary of Interior give them a deed as we have done on 3.2 million acres of lands in this country since 1872.

The 625 applications for deeds which Secretary Babbitt will have no choice but to deliver to the biggest mining companies on Earth for $2.50 to $5 an acre has over 15.5 billion dollars' worth of gold, silver, and hard-rock minerals under it.

How are we going to pay for that? You already heard me give speech after speech on that subject. We are going to cut $70 billion off of welfare—very popular in this country. Those worthless, no-good, shiftless people on welfare. Some of them are indeed no-good, shiftless people. But some of them simply did not happen to choose their parents as well as I did. That is their only sin. They did a lousy job of picking their parents.

What are we going to do? We are going to bless the poor unless they get pregnant at the age of 17. What are we going to do with food stamps? We are going to cut food stamps. Maybe we can get a few more homeless people on the streets. All so we can pay for the space station.

Mr. President, the National Institutes of Health, who do honest-to-God research—go out to the National Institutes of Health and ask what have they

done. They have developed antibiotics; they have developed all kinds of drugs that give AIDS patients a little longer life; chemotherapy for cancer patients. They are doing honest-to-goodness research—a new chicken pox vaccine for our children, a new hepatitis vaccine for our children. Not one person in America quarrels with that priority.

I had pneumonia twice before I was 6 years old and all my mother and father could do was pray. There were no antibiotics, nothing. When I was in the Pacific in World War II, we took sulfur to keep from getting malaria, sulfur developed by the National Institutes of Health. You will not get sulfur, you will not get penicillin, you are not going to get anything out of this $100 billion expenditure.

I might just say here that the 40,000 physicists in this country belong to an organization called the American Physical Society. Do you know who one of the strongest opponents of the space station is? It is the American Physical Society. Do you know why? Because they know the benefits are very, very minimum and the costs of real research very, very great. They have a 50-percent backlog at NIH of applications for good research. And, yet, this space station is like Rasputin. You cannot kill it. There are too many big corporations, too many jobs—14,000 jobs at $147,000 each. I would like to go to General Motors and say, "You know I come from a poor State. We need jobs. We will give you $147,000 for every job you create in Arkansas." General Motors would say, "Where would you like for us to locate?" That is what these jobs cost, $147,000 each.

You can buy chicken downtown at the Giant grocery store for 69 cents a pound. But once you deploy this thing and you start sending chicken up to them to eat, it is $12,880 a pound. For 10 years of the operation of the space station, we will spend $25 million every day. Can you fathom such a thing?

For every pound of water we send to the astronauts to drink, $12,880 a pound. That is in today's dollars; it will be more by then.

Your mother used to tell you, "Oh. Such and such is worth its weight in gold." The space station cost 25 times its weight in gold. That is right. The weight of the space station is 25 times the cost of its weight in gold.

Carl Sagan says the only scientific reason in the world to build a space station—and he is not alone; every single physicist in the country says—the only justification for the space station is to explore Mars and beyond.

So when you vote against this amendment today—and a majority of Senators will. This is my sixth year, I guess, to try to kill it. When you vote no today, you are going to be voting to go to Mars. In today's dollars that is $500 billion. That is twice NASA's budget every year for 20 years to go to Mars. Why? Because it is there. It is like climbing a mountain.

Mr. President, Carl Sagan, as I was about to say, is a fine man, a good scientist, and he favors the space station because he says it will help us go to Mars. He says the only justification for this is to explore Mars and beyond. If you believe that, vote against this amendment. I would like to go to Mars. I would like to be able to fund this space station if we had a balanced budget and if we were not cutting every defenseless person in America.

So, Mr. President, I have other people who are here who wish to speak. I thank them for it. But one final point on international cooperation, which Carl Sagan says he thinks justifies this program, is that the Russians are going to participate. Do you know why? We are going to give them the money. We are going to give them the money. And, by the way, where are the launches in Russia going to come from? There will be no launches in Russia. The launches will come from Kazakhstan, not Russia, where the cosmonauts of Russia are located.

So I would like to say, for gosh sakes, colleagues, do your duty in the certain knowledge that my amendment will be defeated, and what a tragedy. Our priorities are so terribly skewed.

I yield the floor.

Mr. BOND. Mr. President, I yield 8 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank the chairman, Mr. President.

Mr. President, I rise in opposition to the amendment proposed by Senator BUMPERS to shut down the space station. He is correct when he says every year for the last 6 years he has introduced this amendment to eliminate all funding for the space station, in effect killing the programs that have provided most of the technological advance and promises for many more, and, of course, it promises to have many more to come.

Mr. President this program is probably one of the most vital programs we have when we start talking about science and technology and research, and it is a catalyst that spurs the curiosity of all the young people going into those fields. The space station is the driving force for emerging science and technology and the inspiration for young people. It makes them want to excel in the sciences and, of course, in math. To dampen the spirit of our children to succeed in science and math, and that education, would be by dampening this space station and killing their hopes for the future. You cannot put a price tag on that. There is no way to measure that. But I know one thing; it is not measured in dollars and cents.

The international space station is the most important U.S. space effort since the Apollo program, and its foundation for the future in human space flight programs in the post-cold-war era. It combines America's technological mastery, the United States' international leadership, and the pioneering spirit from which Americans find themselves in the center of modern history.

Nobody supports reducing the Federal deficit or balancing the budget more than I do. But we also have to worry about the pioneering spirit that really is the foundation of building this great country. We cannot afford not to do that.

Let me make an analogy. Let us draw from another time. Maybe it is a pretty important time for the State from which Senator BUMPERS comes from. But let us compare this time to the time of President Thomas Jefferson when he requested support of the Lewis and Clark expedition that finally led to the Louisiana Purchase—or it was after the Louisiana Purchase. At the time of Jefferson's request, about half of the Federal budget was going toward debt retirement and interest on the national debt. He requested $2,500 for that expedition. We all know what that expedition did for our country. Personally, I know what it did for my State—not my home State of Missouri but of my home State now of Montana.

Today the interest on the national debt is around 14 percent of the Federal budget, and the space station request is one-seventh of 1 percent of the Federal budget.

So I would say that both the President and the Congress have the multiyear balanced budget plans, and the full funding of the space station which is included should stay there, and is a bold step. And another bold step would be making that investment in the future. It is the right way. It is the right thing to do.

America does have a role in shaping the future of humanity in the 21st century, and it should be no less than what it was. It has been great. But also it is our big step in space. There are many justifications that are cited for the program: It stimulates technology and provides commercial opportunities. And if we will look to see the direction in which we are going, we are going in that direction; more commercialization will be a part of NASA.

The fundamental reason though basically is it expands the frontier, the frontier of knowledge and understanding, a frontier where humans can live and work.

The space station is an international space station. It is a cooperative program. It draws the resources and the scientific expertise not of just the United States but 13 nations. So cancellation would severely undermine the credibility of this country with its international partners. International investments in the station are substantial and represent the centerpieces of

the space program of our international partners.

I chair the authorizing committee of NASA. It has had its troubles in the past, but for the last 3 years it has been within, and sometimes under, cost and schedule, and that has been something unusual, because we have taken a personal interest in NASA to make sure it does what it is supposed to do, when it is supposed to do it, within budget.

We have tried to iron out its problems. We have a director who, before he was ever told there were going to be cuts, walked up to the bar and said, "I will take $1 billion out of my budget a year for the next 5 years if that will help you on the Hill to balance your budget and still keep this very vital, important program underway."

This Thursday, aboard the space shuttle, the United States will launch its second microgravity laboratory which will be in space for 16 days. The mission will be a precursor to the space station laboratory. We will try out a lot of things.

I held a hearing last May on the space station. From that hearing, the subcommittee determined that NASA has overcome some of those problems I was talking about earlier and they are ready to come up to the bar, deal with those, finish the development, and start using this unique laboratory that we will use for a long, long time.

By the way, Lewis and Clark had their problems getting started, too. They underestimated by a factor of three the number of people required to execute the expedition. So what else is new? Everything we have done always operated under Murphy's Law: Anything that can go wrong will.

But if you look at the history of our space program, from the day of inception, when we had a President stand up in this town and inspire this country to reach out into space, it has probably been one of the most successful that we have ever undertaken, especially going into the unknown, dealing with technologies that were unknown at the time.

Today, our manned flight program represents the pinnacle of human achievement and it transcends everybody in this country. It is a center of pride. It is that part of America that is the example of what we are as a people. We are a curious people. We are people who reach out. Only this country can do it. And some pride has to be taken for that.

I am committed to this project, not merely because of the high technology jobs it brings to 37 States, but because it is the right thing to do for America.

I noticed with interest the map of the Senator from Arkansas. I did not see Montana as one of those blackened in places that receives all the aid money. But I know the effect it has on our young people whenever a shot goes up, and as we perform some of the successful operations in research and development practices in space. We should not be so shortsighted to shackle ourselves to this planet. After all, space is the next frontier.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BURNS. That concludes my remarks. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, by consent of the Senator from Arkansas, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. DORGAN] has 5 minutes.

Mr. DORGAN. Mr. President, this is not a debate between those who support a space program and those who do not. It is not a debate about whether there ought to be a pioneering spirit in this country. The question is, Should we build this space station? I have supported the space program. I think some of the things we have done in our space program have been breathtaking. I am enormously proud of our astronauts and the people who have developed this space program.

The question for this Congress is, should we build this space station? The point is that the purpose for which the space station was originally developed represents a purpose that the space station can no longer achieve. Most of the scientific data indicate to us that if we build this space station as it is now conceived, it will represent a giant funnel through which will go an enormous amount of research dollars, taking away from so many other important research projects—yes, space research projects —that there simply will not be enough money available for things we are doing because it will all be sunk into this space station.

So it is not about the space program. It is not about the pioneering spirit. It is about this space station. It is about choices, hard choices, tough choices. I suppose everyone here would say if we can do it all, let us do it all. Let us build the space station. But the forced choices as a result of the fiscal policy problems in our country need to make us look at all of these issues and say, are there ways for us to do this better, less expensively? Must this be a manned space flight in a space station? Can there be microgravity experiments and work done in space with automated space flights?

The answer is, of course, yes. It is less expensive to do it that way, in fact. So I am supporting the amendment offered by the Senator from Arkansas. He is correct about other choices, as well. He said this is a set of choices. If we do not build the space station, what else can we do? What else needs to be done in this country? I said a year or so ago, when I was in the Chamber, nobody is going to give a plaque to the Senator from Arkansas for coming here trying to kill something. There will be a banquet someplace tonight in town, I am sure, where someone is going to invite a Member of Congress and give him a plaque in recognition of his achievements.

What are his achievements? For helping that group or that industry or that organization build something or get something, the man of the year probably, or the woman of the year. That is the honor. Nobody is going to give a plaque to the Senator from Arkansas for trying to kill the space station. But he comes to the floor with an amendment which raises a critically important question for this Senate: Is this the way we should spend our money? Will this advance our interests? Will it advance our space program, in fact? That is the question he raises.

This is an interesting time. We have already been told just recently, a week or two ago, that we must now advance a program called star wars or the antiballistic missile system, and we must deploy it almost immediately—1999, the first deployment. We can afford that. We can afford trucks the Department of Defense did not order, jet airplanes they said they did not want. We say, well, we cannot afford, however, Head Start for 350,000 kids that are now getting Head Start. So we are going to take 350,000 kids and say, "We are sorry; we cannot afford you and the Head Start Program." We are going to say to 600,000 kids in inner cities, disadvantaged kids, "We are sorry. We do not have enough money for summer jobs for disadvantaged youth."

We are going to say to 170,000 veterans who are incapacitated, "We're sorry, we're cutting your benefits." We are saying, "We're not very interested in a real serious review of whether the space station makes good research and scientific sense in this country's future because this is our pioneering spirit and our international agreements and what we've been doing, so let's keep doing what we've been doing."

It seems to me if there is a status quo around here, it is the folks who every year trod over to the Chamber to vote no on an amendment that asks us to review whether this is something this country ought to continue to do.

Now, I stand here today with the Senator from Arkansas. And let me end where I began. I am not opposed to the space program. I have supported much of the space program. A young astronaut from North Dakota, Rick Hieb, has been on many space missions and was one of the fellows up in the space station *Endeavor* when they grabbed the Intelsat traveling 16,000 miles an hour with a 10,000 pound satellite in outer space. They worked for 4 days to try to fix this Intelsat. Many of us watched them working for 5 or 6 hours in space.

I am enormously proud of what they have done in the space program. This is

the question: Is this in the advancement of the space station? I think not, and I support the amendment of the Senator from Arkansas.

Mr. BOND. I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas [Mrs. HUTCHISON] is recognized for 5 minutes.

Mrs. HUTCHISON. I want to thank the chairman of the committee and the ranking member for leading in the effort once again for the 20th time to support the space station.

In fact, Congress has reaffirmed year after year that it is committed to the space station and the new endeavors that are being made every day because we are willing to take this chance to go out and look for new industries and look for new technologies.

I have two points, Mr. President. First, we are not doing the space station alone. This is not any longer just a U.S. mission. It is an international mission. We have international partners. Many countries in Europe, Japan, Canada, and Russia are putting money into this program because they know this joint effort is so very important. Are we going to be a bad business partner? That is the question here. Are we going to say, "Yes, put in $4.5 billion," which our international partners have done, "but we are not really committed. We are going to walk away from this project after we have told you that we are going to do it."

Mr. President, I do not think the United States is going to be a bad business partner. And, in fact, I think if we did the ethical thing, if we did decide to walk away from it, we would have to reimburse the $4.5 billion to the partners that have put up the money. That would be a terrible waste. It would be the wrong thing to do. That is on the business side. That is on just being a good partner. That is on ethics.

Let us talk about the merits, and that is my second point. Let us talk about the merits. You heard people say that the science is not there; this is going to crowd out other science projects. In fact, this is a science project that has cut its budget, that has streamlined, that has not put its head in the sand to say, "Oh, we are scientific, we cannot cut our budget." In fact, we have cut our budget $40 billion. We are cutting by streamlining the project.

But the point is, there are things being done in the space station that cannot be done in any other way. And that is because the microgravity conditions that we find in space are so important for cancer research, especially women's cancer research, such as breast cancer and osteoporosis, which hits women the hardest. Those can only be done in the microgravity conditions which cannot be duplicated on Earth. So we are looking at scientific advances that cannot be done in any other way but this one. And we are on the brink of making breakthroughs.

We also are on the brink of learning how we are going to be able to live better in space. And, Mr. President, we have to be looking to the future. We have to see what kind of environment there is, what we can get from the environment and the environmental lessons that we learn in space. So the science is good.

Mr. President, we have been able to grow in this country. We have been able to absorb the immigrants that come to our country, the new people that grow up in our country because we have been willing to do the basic research that may or may not produce something. We know it is always chance when you go out and you burst forward to do the new things that have not been done before. We have been willing to do that in America. We have been willing to spend that extra money to try to find out what the new technologies are and to grab those new technologies and turn them into new products, new technologies, and the new jobs that go right down to the grassroots of the success of our country and our economy.

We have been willing to do that. That has been the hallmark of our country. We have the can-do spirit. We are the leaders of the world in research and technology and development. We are acknowledged as that. Are we going to turn around and say, "No, let's be stagnant. Let's look back 200 years ago and see what was done then. We don't need to do any more. We have actually done everything that we need to do now." If we do that, Mr. President, that is the beginning of the end of this dynamic country that is the greatest superpower in the world.

That is not America, Mr. President. That is not the way we have built this country, and it is not the way we are going to keep this country strong, we are going to keep our economy vital, we are going to create the new jobs for the young people coming out of high school and college, the immigrants that come into our country looking for the opportunity that this country has always provided.

We are going to continue to have those opportunities and to make those opportunities by investing in research. Our research budget in this country used to be about 4 percent. Now it is below 2 percent. We must not walk away from that in the name of cutting spending. That is eating our seed corn. Our seed corn is what gives us the opportunity to create those new technologies that will absorb the new people in our system and keep us vibrant and robust.

I thank the Chair.

Ms. MIKULSKI. Will the Senator yield?

Mrs. HUTCHISON. I would be happy to.

Ms. MIKULSKI. Could the Senator elaborate on what the space station means to the women's health agenda? As the Senator knows, we worked on women's health on a bipartisan basis, particularly in the area of breast cancer and ovarian cancer and others. Could the Senator take a second or two to elaborate on that? And I would like to thank her for working on a bipartisan basis.

Mrs. HUTCHISON. I appreciate the question.

The PRESIDING OFFICER. The Chair informs the Senator, all time has expired.

Mrs. HUTCHISON. If I can have a minute to answer, I would be happy to. But I understand if others are seeking to speak, that——

Ms. MIKULSKI. I will elaborate.

Mrs. HUTCHISON. Because we have done it on a bipartisan basis.

Mr. BOND. I will yield 2 additional minutes to be shared by the three of us. In my comments, I want to express my thanks to the Senator from Texas, who led us on a tour of the Johnson Space Center in Houston and has been a strong proponent of space exploration. I thank her for her comments.

I now ask her to respond to the question raised by the ranking member.

Mrs. HUTCHISON. I thank the chairman for letting me have this minute to respond to my colleague, because her point is so very important. And that is, Senator MIKULSKI and I and the other women Senators have looked at the amount of money that has been spent on women's health in this country. It is appallingly small, Mr. President. The women's health issues have not been addressed to anywhere near the degree that would be required according to the number of people in our country who are stricken by these women's diseases.

In fact, we are on the cusp, because of the space station and because of the microgravity conditions, of being able to have breakthroughs both in breast cancer research and osteoporosis. That is why this is so very important for us to continue. I appreciate the emphasis of the Senator from Maryland on women's health care issues, and it is because of her leadership that we all know that women's health care research has not had the funding that we have needed through all these many years, and now is the time that we have the ability to do it. I appreciate her support in a bipartisan way for us to be able to continue the space station, which is going to give us the chance to have those breakthroughs that we hope will be able to cure breast cancer and stop osteoporosis, which is causing so much pain for the elderly people in our country. I thank Senator MIKULSKI.

Ms. MIKULSKI. Mr. President, I will use 1 minute of speaking on this and will speak again on my own time.

I believe the American people want us to work on a bipartisan basis to save

lives and to save jobs in the United States of America and to develop those lifesaving techniques that we can export around the world. Working on a bipartisan basis, we have worked on saving lives, and the special emphasis on women's health care that we have done on a bipartisan basis has been extraordinary.

Let me tell you what working together has meant and working with NASA. It means that for the victims of osteoporosis, NASA has developed instruments to measure bone loss and bone density without penetrating the skin that is now being used in hospitals. It also means that in the absence, that research equipment developed by the space station is already paying dividends on the ground by growing ovarian tumor samples in NASA's new cell culturing device, called a bioreactor, so that tumors can be studied outside the body without harm to the patient and developing the technique to intervene.

This is an enormous breakthrough, and while we are concentrating using space science focusing on ovarian tumors, this will have incredible consequences also for brain tumors and other diseases that are terminal because of a tumor effect.

This is absolutely crucial. Working with the NIH on joint ventures, on hormonal disorders, immune system dysfunctions and also on heart disease, now the No. 1 killer of women in the United States of America, shows this. I know that the Senator from Texas is aware that because of our efforts, NASA and NIH have entered into a joint agreement on how we can do things in space that we could never do here. By doing things in space collaboratively, it will not only be in the laboratory, it will be in the doctor's office and in pharmaceutical devices we can sell around the world. I yield the floor.

The PRESIDING OFFICER (Mrs. HUTCHISON). Who yields time?

Mr. BUMPERS. Madam President, I yield 8 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 8 minutes.

Mr. COHEN. Madam President, I thank my friend.

Madam President, if this were construed to be an antiwomen's health issue vote, an anti-breast-cancer vote, an anti-ovarian-cancer vote, I would not be on the floor supporting the Senator from Arkansas. I have never known him to be antiwomen. I have never known him to cut back on funds for research, be it for osteoporosis or cancer of any form. In fact, he has probably been one of the leaders in favor of more research.

So the notion that somehow this vote, by failing to support the space station, is now going to be an antiwomen's health vote, is that what we have come to?

Madam President, I would like to support the space station, which will cost probably about $100 billion. I would even like to support the B-2 bomber, which the occupant of the chair also supports. That is another $30 billion. And we are probably going to get both. Probably when all is said and done, we are going to have another $130 billion just in these two programs.

By the same token, we stand over here on this side of the aisle and we talk day after day about budgets, about how we have to save money for our children, the crushing debt we are putting on their shoulders. We heard words quoted from Jefferson and the implication from President Kennedy. Maybe we should say we will pay any price, will bear any burden, will borrow any money in order to build a space station, whatever its costs, whatever the merit of the scientific experiments. Last year, we heard the debate on the NAFTA vote. Maybe the giant sucking sound we are going to hear will be all those dollars being drained into a large black hole.

Madam President, 2 years ago, this program was on the verge of being terminated, and at that time, in a desperate effort to save it, the Clinton administration brought Russia into the program and they asserted this was going to reduce the cost by nearly $2 billion, down from $19.4 billion to $17.4 billion, and that promise of $2 billion of savings was critical to saving this particular program.

I was suspicious at those claims. I asked the GAO to make an analysis of those claims, and they found that $2 billion savings to be about as thin as the space through which the space station is going to fly. As a matter of fact, the Russians, by coming into the program, are actually going to cost us almost $2 billion more. Contrary to the claim of saving $2 billion, it is going to be about $2 billion more.

NASA failed to take into account and to identify the additional costs of involving the Russians in our program. It reminds me somewhat of the Steve Martin routine where he says:

"I can tell you how to make a million dollars and pay no taxes. The first thing you do is make a million dollars. The second thing, you pay no taxes. Then when the IRS shows up, slap yourself on the forehead and say, 'I forgot, I forgot.'"

What NASA has forgotten to do is to identify the additional $1.4 billion in costs of bringing the Russians into the program by forcing us to have to accommodate their technologies with ours and match them up.

But beyond that, we have heard a lot of talk about being a good business partner, about this being an international project. Indeed, it is. Just yesterday, the trade press reported that officials at Russia's Mission Control Center at Kaliningrad said low salaries are making it difficult to prepare, with Johnson Space Center in Houston, to run the international space station.

And Russia is not the only international partner backing away from this program. Canada already reduced its commitment. Yesterday's press account indicated Italy is backing away from its contribution to the space station and wants other European countries to pick up the slack. According to the media reports again yesterday, German and French officials are calling Italy's action the death knell for European participation in the United States-led effort.

If any more of our partners decide to cut back, guess where the cost is going to come from? Good old Uncle Sam is going to have to cough up the money our international partners are starting to back away from.

NASA says this program is going to cost roughly $71 billion. Given the fact that the average cost overrun in NASA programs is about 77 percent, it should come as no surprise that this program will probably come nearer to $100 billion. But even if you assume it is going to come in right on target, $71 billion is something that we cannot afford for the Russian *Alpha* station any more than we could have afforded the $120 billion space station *Freedom* which the administration terminated back in 1993. Neither can our children, from whom this money is going to be coming. NASA cannot afford it. As the GAO and CBO both warned in several dire reports, NASA's budget over the next 5 years falls $10 billion short. They cannot account for how they are going to come up with another $10 billion to fund the programs already scheduled for their funding.

So we have so much money going into the space station now that they are not going to be able to carry on the kind of programs that are going to be necessary for them to carry out their mission.

Another disturbing discovery by GAO is that most of the research proposals submitted to NASA for funding were described as being rather mediocre or even worse. Nearly two-thirds—nearly two-thirds—according to the GAO, said they were not considered scientifically meritorious by scientific peer review panels. We heard a lot about all the experiments that are going to take place only in space, and yet two-thirds of the proposed experiments are not supported by scientific peers.

Madam President, the reason I rise in support of the amendment is that we cannot, on the one hand, continue to talk to our colleagues and our countrymen and women about the need to restrain spending, and then come up with B-2 bombers that we have to fund at $30 billion or come up with a space station that will cost another $100 billion. And there may be no end in sight, indeed, as far as infinity itself may carry

us into space, as to how much this program is ultimately going to cost.

On the one hand, we are cutting back from major programs—from Medicare, from homeless, from Head Start and all those that have been articulated—and we are going to commit endless billions of dollars to this program with no end in sight. For that reason, Madam President, I rise in support of the Senator's amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I yield 8 minutes to the very distinguished Senator from Ohio who comes to this body with a great knowledge of space and speaks on the basis of his personal knowledge, as well as his legislative experience.

Mr. GLENN. I thank my distinguished colleague for his great, kind remarks.

Madam President, I think this country became what it is, largely because we were a research-oriented Nation.

We expressed our curiosity; curiosity became a way of life. We applied it to everything. We applied it to medicine, teaching, agriculture, government. How can we do things better? What new things can we learn and put to use? One thing we have learned, even though every time we set out for research it is not a 100 percent home run, the money spent on research seems to almost always have a way of coming back and giving us tremendous benefits not seen at the outset.

Here, for the first time in all the tens upon tens of thousands of years of human history, we have the chance to do research away from the confines of mother Earth. It is stimulating and interesting. I meet almost daily with young people in school groups, who want to talk about this. It has stimulated their curiosity, our work in space. I think it is much more than a childhood interest in wanting to fly. The space program is stimulating their interest in science, math, and exploration. Along with this interest, we are getting the benefits for future generations. Research in microgravity is in keeping with the long American tradition of research in medicine, teaching, agriculture, government, and continuing this curiosity that has been the hallmark of Americans since our founding days.

The space station is the greatest international scientific cooperative effort ever put together. In addition to the very real importance of international cooperation, there are very specific benefits which will accrue to each one of us here. Now these benefits are not in areas like Velcro and Tang and some of the things we were talking about on the floor here last night. All of those things were invented long before the space program. So those were not benefits that came out of this program.

But what we are talking about is very basic, fundamental research—research that may give us benefits in how we cope with osteoporosis, which causes hundreds of thousands of broken bones every year; it is a weakening of the human body. It may give us a new approach on colon cancer, breast cancer and ovarian cancer. This is not theoretical now. We are working with a bioreactor, which was mentioned by Senator MIKULSKI a few moments ago.

We actually have tested a bioreactor in space successfully. Why is that important? Because a bioreactor is capable of more accurately simulating how tissues grow in the body than any other way of tissue culturing. If you experiment in a lab here on Earth using traditional tissue culturing mechanishm, the usual outcome is that the tissue settles to the bottom of the test tube, or Petri dish, or whatever. In space using a bioreactor, tissues grow in three dimensions, much more similar to what you find in the human body. As we have shown on the last Space Shuttle flights that used the bioreactor, cultures can be grown at least twice as large as any in a similar situation here on Earth. This could give us a whole new approach to colon cancer, breast cancer, and ovarian cancer. When you culture things like this in space and they grow to a larger size and you learn how to work with them better there and bring them back to Earth, it could give a whole new approach. AIDS, osteoporosis, breast cancer, and ovarian cancer are the chief focus of attention so far.

I ask, what if we have a new breakthrough in just one of those areas? It may be worth everything spent on the whole space station program by itself if just one of these cultures coming back now—and we had pictures of them on the floor yesterday—gives us a clue as to how to take care of the problems of AIDS–HIV, ovarian cancer and breast cancer. Current digital technology gives us a 5 times more accurate diagnosis of breast cancer over previous technologies. This exists right now because of the space program. So when we say there has not been anything coming out of this program, it is just not true.

Osteoporosis is another one that is particularly amenable to the research in space because that occurs in the astronauts at an accelerated rate over and above anything that occurs here on Earth. One of the major areas of research in biotechnology is to provide research results that can revolutionize drug development. There are current projects for AIDS and emphysema by major pharmaceutical firms.

I add, when the Station opponents say nobody wants these programs and there is no basic support for the research here, that is just not true. Many companies and research laboratories —the National Research Council, Bristol-Myers Pharmaceutical Research Institute, and a policy adopted by the American Medical Association—support the space station. There are also different medical centers, a whole list of them here. I do not have time in my 8 minutes to go into them this morning.

In addition to biotechnology, biomedical, and biological research, muscle and bone growth, NASA is aiding in the development of techniques for counteracting the effects of aging, and on down the line—material science, combustion science. At the last international consortium on combustion, over 10 percent of the papers were given on findings out of the space station. If we make a small step forward in combustion research, who knows what energy savings we can make here on Earth.

Another area is low temperature microgravity physics. These are things that are of benefit right now, and they are not things that are just going to be looked at in the future. These things are in research and giving results right now.

As I said, I think money put into our research program in this country has paid off at the outset more than anything we have seen. Right now, our problem is that many of the companies that did basic research, and were willing to put money into the 5-, 10-, 15-, even the 20-year programs, are cutting back. They are cutting back on the money they are putting into research at the same time we are proposing that we cut back on Government research. This, at a time when we are moving into new international competition, where we need more research, more of the new, more curiosity in how we deal with these matters for the future, so that our children have the good jobs of the future right here. Nothing is as stimulating to our children right now as this interest in the space program and their interest in science and math and exploration. The space station literally has become symbolic of the United States and how we look at our future.

I will point out one other thing. There is about one-fourth of the space station already built. We do not talk about that much. We have put together 50,000 pounds of this 400,000-pound station; 60,000 pounds already has been put together by our allies that are working together on this project. So we have about a little over one-fourth of the project—the space station—that has already been built. So it is not just something that it theoretical out there, that if we chop the budget, we save all the money. We do not. That is not the main reason for going ahead with the program. The reason is the potential for research that we have for the future.

Madam President, how much time remains?

The PRESIDING OFFICER. The time of the Senator is up.

Mr. GLENN. I thank the Chair.

Mr. BOND. Madam President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Missouri has 14 minutes. The Senator from Arkansas has 7 minutes 52 seconds.

Mr. BOND. I thank the Chair.

I yield 5 minutes to my distinguished colleague from Maryland.

Ms. MIKULSKI. Madam President, I first would like to deal with a couple of rebuttals on issues that came up. The distinguished Senator from Arkansas talked about how Carl Sagan had opposed the space station. I would like to bring to the Senate's attention that Carl Sagan, since his book was published, has now endorsed the international space station. We now have the endorsement of the Planetary Society. He also talks about how the American Physical Society does not endorse the space station. I would like to bring out that the Institute for Electrical and Electronic Engineers does; the American Astronautical Society does; the AMA does; the American Women's Medical Association does.

Now, Madam President, I was once a skeptic of the space station. I, too, wonder if we were building this huge technological endeavor to be a condo in the sky for astronauts to be able to jump to Mars. I no longer share that belief. Why? First, on the drawing books is no plan or no budget for us to take manned space flights to Mars in this century. But there is a space station that is not going to be a condo for astronauts, but it is going to be a space lab for American scientists and ingenuity. That is why I support it.

Now, like you, Madam President, I am a hands-on, get-out-and-about type Senator. I did not want to make my mind up on the basis of memos and papers about pie-in-the-sky or space-station-in-the-sky activity. I went down to Houston. I went to where they are actually working on what the future of the space station is. I was impressed, and I came back a passionate supporter of the American space station because of its impact on saving lives, saving jobs, and making sure that we have lifesaving devices and pharmaceuticals, and once again America has jobs in the scientific area but in the blue-collar manufacturing area.

I saw what are the projected activities for being able to do life science and microgravity research.

Now critics could say, "Point to one thing that the space station has done in life science." We cannot because the space station is not yet flying. We can point to what NASA has already done in the area of medical research and life science.

The Senator from Ohio, an astronaut Senator, has said it. Who are you going to believe? Some wonky report from a critic? Or are you going to believe one of the most famous Senators in the world?

I put my belief in JOHN GLENN. I put my belief in what I saw at Houston. I put my belief in the fact that what NASA has already done is come up with a pacemaker that can be programmed outside of the body, a cold suit which has been developed to improve the quality of life of MS patients. I could go on about other activities. NASA has a clear, demonstrable record on what it has already done in life science. One can only estimate what it will mean in the future.

We also have an international impact. We are not in this by ourselves. We are in it with the Europeans, the Japanese, and the Canadians. We have a treaty relationship with them to build this space station. To abrogate that responsibility puts at risk the credibility of the United States with its international partners.

I believe that is a mistake. Yes, the Russians are in it. We used to compete with the Russians. Now we cooperate with the Russians to make sure that we make maximum use of our financial resources and maximum use of our scientific capability.

Is this not what we dreamed about when the cold war came down? That we would put our hand out with the Russians, and in the area of civilian research that in no way weakens our national security, we could put our best minds together? Is that not one of the dreams of the cold war, that by working in space out there we can further peace and scientific advancement here?

That is what America is all about. We are known for our social inventions, like our Constitution and our democratic framework, and our technological inventions. People come from around the world to do that.

Now, when we build the space station, we do not do it alone. We have international partners. We have the best minds here collaborating with the best minds over there, to go into space, to come back and save those jobs, save those lives, right here in the United States of America.

I am for the space station.

Mr. BUMPERS. Madam President, first of all, I ask unanimous consent that Senator DORGAN and Senator BAUCUS be added as cosponsors.

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

Mr. BUMPERS. Madam President, I yield myself 3 minutes.

I tell you who I put my confidence in: Every physicist in America who said you cannot do one thing in space that you cannot do on Earth for a lot less money.

I put my faith in the guy who runs the Johnson Space Center. There will be life sciences here, but we have not finalized that. Really, it is hard to answer that question. This is the man who runs the program.

I intentionally did not bore the Senate today with the myriad of hundreds of quotes from every physicist, virtually every medical researcher in America, all of whom say that this is a terrible, terrible way to spend the taxpayers' money when it comes to research.

The Senator from Ohio, JOHN GLENN, and I came to the Senate at the same time. We have been close, steadfast friends ever since. There is not anybody in the body for whom I have greater respect.

It pains me when we disagree, which we do strongly on this issue. I know Senator GLENN's great talents. He is a genuine, certified America hero. But even Senator GLENN will only tell you what we hope to do.

I tell you, we have been hoping for 30 years. That is how long we have been in space—30 years—and I am still waiting for somebody in the Senate not to just talk about AIDS and cancer and multiple sclerosis, but to tell me what the space station has done. I can tell you—zip, zero, for AIDS and cancer.

When it comes to women's health issue, I thank the Senator from Maine very much for pointing out that nobody has been stronger for medical research in this country than I. I sit on the committee that appropriates money for the National Institutes of Health so I know how they are starved to death. They are located in Maryland. They cannot even begin to get the money they need to do the research that needs to be done.

When have you seen a story out of NIH on what we are doing on hepatitis? What we are doing on Lyme disease? Cancer? Chemotherapy? Almost daily there are reports from the National Institutes of Health on gigantic medical advancements.

I invite Members to tell me in 30 years when have you seen one single announcement come about as to what we have done for the welfare of our people from the space station.

I believe strongly in the space program. I will tell you that I believe strongly they are cutting back on space programs that I applaud and you applaud in order to make room for this thing which Newsweek called a boondoggle.

What is it for? Why, I have heard talk about children getting excited. It is a new frontier. It is all those things. I get excited about *Apollo 13*. I get excited when I see astronauts retrieving a satellite. But that does not mean I have to take leave of my senses and vote for $100 billion project—$100 billion.

Do you know what children in this country are entitled to? They are entitled to grow up secure from crime on the streets. They are entitled to grow up not hungry. They are entitled to

grow up with an education so they can do honest-to-God research when they are adults. They are entitled to grow up in a decent home that does not leak, that is warm in the wintertime.

What is the U.S. Congress doing? We are assaulting the children of this Nation, cutting food stamps, cutting housing, cutting education. Educational loans will be cut $8 billion more over the next 7 years than this thing will cost.

I look at it and I cannot believe it. I wonder, what kind of values does this place have? I believe in research. I believe in women's health issues. I defy anybody to show me where I ever voted against it. I do everything I possibly can from my position on the Health and Human Resources Subcommittee on Appropriations.

Betty Bumpers has spent her entire public life taking advantage of the fact that her husband was Governor and Senator to bring immunization programs to every State in the Nation. The pharmaceutical companies of this country have been champs in the area. They have developed new vaccines—not on the space station; they did it in their laboratories.

I agree with Carl Sagan. I agree with every physicist in the country who says there is only one rationale for the space station—that is to go to Mars. If you want to go to Mars, fine. We went to the Moon.

I went down to the Johnson Space Center to see what we got. We got some drillings. It was exciting. I got as teary eyed as any Member of the Senate when Neil Armstrong stepped off, but I did not say I wanted to waste $100 billion because I am excited today, not at the expense of the tremendous needs of this Nation.

I yield the floor.

Mr. BOND. Madam President, I yield myself 6 minutes.

Madam President, we have had some very spirited debate. Let me address some of the points that have been raised by my good friend, the Senator from Arkansas.

He has made very compelling arguments about how we have not learned anything from the space station. Small wonder, when we have not built the space station. It is not up there yet. It has not done anything yet. We have had successes exploring in space but we have not built a space station.

The people would have been up there who are doing research said we need to have that permanent presence in space so we can find out over time how these experiments work. That is the whole purpose. If we applied that test to all basic research, that you cannot support basic research until you show what it has done, we would be shutting down federally funded facilities at universities and every other scientific organization because you do not know what you will get from basic research until you get there.

Certainly, I will go with the scientists who are planning on the experiments that will take the time that a space station can afford them to determine what the impact of microgravity and the other exigencies of space produce in scientific research.

Now, the question is raised about the National Institutes of Health. NASA and NIH have executed 18 cooperative agreements since 1992, and joint activities have included scientific workshops, ground-based and flight investigations, other specialized activities such as the space line reference system developed by the National Library of Medicine. NASA expects an expanding level of cooperation with NIH as research enters the space station era.

NIH researchers are expected to use the space station's next generation life-support sciences facilities, including the human research facility, the gravitational biology facility, and the centrifuge facility in pursuit of national biomedical research goals.

We have heard the figure bandied about that the space station costs $94 billion. More than half of that, to be quite frank with my colleagues, to set the record straight, comes from the shuttle. That is how we get up there. That is costing $50 billion. I hope the objective of this amendment is not to kill the space shuttle and kill all space research. I think that would be a double tragedy. Recall that the total $94 billion not only funds the shuttle, it funds the building and the operation of the space station. We do not justify other programs this way by saying the total cost of 20 years of operations is such. We talk about the yearly cost. We could have tremendous figures if you took any program and built the continuing costs over years. We judge them on an operational year-by-year cost.

This idea that we are going to make great savings overlooks the tremendous potential for great contributions to our scientific and engineering knowledge from the space station.

Yesterday, my good friend from Arkansas quoted extensively from Carl Sagan and quoted all the arguments that Carl Sagan had made to support the position of the Senator from Arkansas that we ought to cancel the space station. The Senator from Maryland said it very well. But let me just quote from a letter dated July 24, 1995, from the same Carl Sagan. He said:

> For Congress to cancel the space station now would cause huge disruptions in many local and regional economies, and, worse yet, it would scar our national psyche. It would end the rationale for America's manned space program, and with it would die some of the spirit of a great nation bold enough to seek great achievements.

Madam President, it would be a tragedy, an utter tragedy, to kill the space station. It is the most ambitious and exciting program since the Apollo program of over 25 years ago.

I, with my son, enjoyed the smashing success this year of the movie, "Apollo 13," that drew in millions of people—those who recall those glory days, a time when America set ambitious goals and moved to accomplish it; and those who are too young to have lived through those heydays yet are naturally drawn by its spirit of exploration, bravery, and discovery. That is the spirit that made America great.

The international space station will mark America's next great step in this endeavor. The station will become a visible symbol of our commitment to the future as our children will watch it move elegantly across the nightly sky.

Although the space station has many of the same characteristics as the Apollo program, it is also different in important ways. The Apollo program was motivated by the cold-war need to beat the Russians to the moon. Space station, in contrast, will involve the cooperation of 13 nations, making it the largest cooperative science program in history. The international partners have spend billions on the program to date. Instead of beating the Russians, we will be working closely with them to build a better, more robust orbital laboratory.

It is time to stop with these incessant attempts to kill the space station. Over the last 4 years, there have been 13 attempts in the House and Senate to kill the program and all have fortunately failed. Last year, a resounding 64 senators voted against this amendment and I among them. The arguments used by station opponents this year are the same old, tired arguments that have been used in years past—the claims were not true then, and they are not true now. Here are some of the facts:

First, the space station is no longer a dream but a reality. Thanks to prior year congressional commitments, the program has finally entered a period of stability. After a tumultuous decade, NASA has a design and schedule that work. There is not talk of redesigns or restructuring today, only building hardware. About 50,000 pounds of hardware have been built already. Some 75,000 pounds of hardware will be built by the end of 1995. The final contract has been signed between American and Russian companies for the first piece of the space station—the FGB module—scheduled for launch in November 1997. Construction is underway in Moscow.

Second, the space station is perfectly on schedule and on budget. NASA has kept its promise to maintain the first element launch in November 1997, and at a total cost of $17.4 billion through the end of construction in 2002. The space station has successfully gone through its first incremental design review. NASA has identified no technical show-stoppers to building this space station.

Third, a streamlined management team is in place. NASA has reduced its

in-house work force on the program by 1,000 people—from 2,300 to 1,300—and is managing the program better than ever. NASA and the space station's prime contractor, Boeing, signed a $5.63 billion contract earlier this year to build the space station. This contract reflects NASA's new procurement philosophy of motivating contractors to avoid cost growth, and includes incentives for getting the job done for less than the target cost, and penalties if there are overruns. This is exactly the kind of procurement reform that's needed.

Fourth, cooperation with Russia is working as planned. NASA has made two space shuttle flights to Russia's *Mir* space station already this year. The first shuttle rendezvoused with *Mir*, and the second docked with it—the first United States-Russian docking in 20 years. These flights proved not only the technical feasibility of our two countries working together in space, but the political feasibility as well. With each of these flights—and another is scheduled in 6 weeks—we learn more about working together and overcoming technical and cultural barriers. The inclusion of Russia will enable space station to be completed 15 months earlier than the previous design and have more crew and more research volume—all at a savings of approximately $2 billion to United States taxpayers.

Fifth, this program is not a budget buster. It fits within the budget resolution. The House version of the budget resolution specifically included space station funding all the way to the end of construction in 2002, and the conference agreement with this body provides $2 billion more in function 250 than the House did. We can balance the budget and invest in the future.

Sixth, space station will not undermine the balance among NASA programs in human spaceflight, science, technology, and aeronautics. This very bill shows how NASA can afford space station, Mission to Planet Earth, new aircraft technology, a new reusable launch vehicle, and a host of other programs, while maintaining that balance—which is so crucial to NASA's future. With the zero-base review changes that NASA is now implementing, NASA can afford this program, and so can the Nation.

This country must continue to invest in the future. A research laboratory in space can provide unimaginable benefits to the American people. The space station is the only facility where research can be conducted for long durations in microgravity. This unique environment has only begun to be explored scientifically. American taxpayers are certain to benefit, just as they have from other basic research, and probably in ways we least expect.

This amendment to terminate the space station threatens the very existence of the U.S. human space flight program and would abdicate U.S. world leadership in the largest international science project in history. With only 2 years left before the first launch, I hope this will be the last of a long line of attempts to end this program and its defeat will send a strong message of commitment to finish the job we've started. I strongly oppose this amendment.

Mr. BUMPERS. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes.

Mr. BUMPERS. Madam President, I ask for an additional 2 minutes for a total of 4 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Madam President, what is the time remaining on our side?

The PRESIDING OFFICER. Two minutes fifty-three seconds.

Mr. BOND. I ask for an additional 2 minutes on our side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arkansas will have 4 minutes, and 2 minutes will be added to the Senator from Missouri.

Mr. BUMPERS. Madam President, the Senator from Missouri, who is my good friend, says the Senator from Arkansas is making the same old tired arguments that he has made every year. He is absolutely right. A good argument against the space station is like a value. It does not lose its power just because time elapses. The same arguments that I made against the space station 6 years ago are just as compelling today as they were 6 years ago.

We talk about the Russians participating and how wonderful international cooperation is. You think about that. The reason the Russians are cooperating is because we are going to give them the money to cooperate. So much for their cooperation. The Italians and the Canadians are cutting their contributions, and Germany and France are discussing reformulating their contribution to the space station. Why not? They know the United States will pay the difference.

Madam President, here is a quote that says it all. James Van Allen, astrophysicist, discoverer of the Van Allen radiation belt, a premier physicist, said:

> With the benefit of over three decades of experience in space flight, it is now clear that the conduct of scientific and application missions in space by human crews is of very limited value.

That is echoed by every premier scientist and physicist in America.

Dr. Van Allen goes on to say:

> For almost all scientific and utilitarian purposes a human crew in space is neither necessary nor significantly useful.

Dr. Bloembergen says that human crews are inconsistent with most microgravity research. But I want my colleagues to answer this one question. What is it about space and no gravity that makes it so fascinating for medical research, or the development of new crystals for our computer industry? I do not know the answer. But I rely on those who do. They say there is none. Dr. Van Allen, and Dr. Park, who is a leader of the 40,000 physicists in the American Physical Society say none. Do you know what else they say? Much of the research for microgravity, if it has any beneficial value, can be done on Earth which brings me to my final point, and then I will yield the floor and I will not say another word about this.

You ask yourself. What do you think is more important? The planet Earth or going to the planet Mars? That is all this is about. Carl Sagan and all of them say that, if you want to go to Mars, then build a space station. If you do not, do not. You ask yourself about the needs of the children of America, about their food and their education and their clothing and their housing. They are crying on the streets. Ask yourself about the health care of our elderly. The needs are growing, but the funding is being cut. That is all happening on the planet Earth. The problems are not cosmic. The problems are here on Earth. You want to go to Mars? Be my guest. But for God sakes, do not do it when we have these unbelievable problems that are growing daily, that $94 billion would go an awful long way to cure.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. I thank the Chair, and I yield the floor.

Mr. BOND. Madam President, I yield myself 2 minutes.

Madam President, my good friend from Arkansas asked to know who, with any knowledge of research or interest in scientific exploration, would support this. I ask unanimous consent to include statements from the Planetary Society, Bristol Myers-Squibb Pharmaceutical Research Institute, the American Medical Association, Mount Sinai Medical Association, Schering-Plough Research Institute, American Medical Women's Association, Baylor College of Medicine, Hauptman-Woodward Medical Research Institute, and the Multiple Sclerosis Association of America in the RECORD to answer the concerns of my colleague from Arkansas.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT THE NATION'S LEADING RESEARCHERS AND SCIENTISTS ARE SAYING ABOUT THE INTERNATIONAL SPACE STATION

Several years ago, Carl Sagan, Bruce Murray and I (the officers of The Planetary Society) opposed the then-space station plan as serving no national purpose. The present

plan is serving national and international interests. For Congress to cancel the space station now would end the rationale for America's manned space program, and with it would die the spirit of a great nation bold enough to seek great achievements.—Carl Sagan and Louis Friedman, The Planetary Society.

The program of protein crystal growth experiments sponsored by NASA has been one of the real success stories in microgravity sciences and applications. Protein crystal growth research has made much progress, but must now move to the next phase, which requires prolonged access to a microgravity environment with potential for human intervention on a continuing basis. This new phase will require an orbiting platform such as that provided by the International Space Station.—Howard M. Einspahr, Bristol-Myers-Squibb Pharmaceutical Research Institute.

The AMA supports the continuation of the NASA and other programs for conducting medical research and other research with potential health care benefits on manned space flights, including the continued development and subsequent operation of the international space station.—Policy Adopted by the American Medical Association.

Through the NASA-NIH linkage, the Space Station has become a vitally important and unique laboratory for biomedical research. In addition to its central role in aerospace engineering and space exploration, the Space Station is an investment in the future of biomedical research.—John W. Rowe, M.D., Mount Sinai Medical Center.

A commitment to conduct continuous research for longer periods of time in space is also essential. Ultimately, our hope is to be able to crystallize proteins in microgravity, conduct all x-ray data collection experiments in Space and transmit the data to earth for processing. This can only be done in a Space Station.—T. L. Nagabhushan, Ph.D., Schering-Plough Research Institute.

AMWA supports the continuation of funding for NASA's International Space Station because it provides one of the most promising new vistas for medical research on diseases that strike women and have unknown causes or cures.—Dianna L. Dell, M.D., American Medical Women's Association.

Space laboratories allow scientific experiments that simply cannot be duplicated on Earth. The space station offers the potential of long term studies that are especially exciting to the biomedical researchers seeking to understand how cells grow, divide, and mutate to cause diseases such as cancer and immune deficiencies.—William T. Butler, M.D., Baylor College of Medicine.

My institute has worked closely with the Center for Macromolecular Crystallography at the University of Alabama at Birmingham to perform two space shuttle crystal growth experiments on the protein recombinant human insulin. It is clear that with the additional capabilities that the Space Station will offer, this type of research will progress at a much more rapid rate. It is also evident to me that the Space Station will offer similar advantages for the many other areas of science that have been proposed for this unique facility.—Herbert A. Hauptman, Ph.D., Nobel Laureate, Pres., Hauptman-Woodward Medical Research Institute.

NASA's "cool suit" literally has changed the lives of some of those suffering from MS. The MSAA is hopeful, as new findings continue to emerge from space-based research and the possibilities that the International Space Station holds. This research could be essential to MS patients.—John G. Hodson, Sr., Multiple Sclerosis Association of America.

Mr. BOND. I also note that our very distinguished physician Member is present. I yield to the Senator from Tennessee.

Mr. FRIST. Mr. President, I rise in support of the space station, and I hope to add to this debate with insights from what is a unique perspective in this body, that of physician and researcher. Until I was elected to represent the State of Tennessee in the Senate, I spent my adult life dealing with the daily reality of illness and the limitations of our ability, as humans, to diagnose and treat those illnesses and to save lives. The limitations I faced as a physician and surgeon were numerous: Limitations on the ability of the body to heal itself; limitations on the treatments and medicines to augment the body's immune system and healing process; limitations on the scope and effectiveness of biomedical technology in detecting, diagnosing, and treating an illness; and, finally, limitations in funding. It is this final limitation which now drives this current debate on the value of the space station.

My colleague from Arkansas has claimed many things in his introduction of his amendment, not the least of which is a consensus in the scientific community that the possible rewards of space-based research are minuscule and do not justify the costs incurred. The Senator says that, "every physicist and physician in the country says it is nonsense" to expect advances in medicine from space-based or microgravity research. I disagree. As one physician who believes we can reap great rewards from spaced-based research, I suggest that such a statement is untrue. As a member of the medical community, who is familiar with the opinions on research within that community, I can tell you that there are plenty of researchers and physicians who do not believe in the merits of microgravity research, and the Senator from Arkansas has quoted several of them. As a member of the medical community and of the Senate, I can tell you that it is, by no means, every one. I dare say that for as many reputable scientists in America that do not believe in the value of space-based medical research, we could easily find two who hold the opposite opinion, and many of them have contacted me.

I stated moments ago that this debate is about money. The Senator from Arkansas says the debate is about priorities. I believe that on this point, we are in agreement, and we are both correct. However, the conclusions we would draw are markedly different.

Funding for the space station is has been characterized as being based on skewed priorities: that this money is better spent on housing, law enforcement, and any other number of pressing domestic needs. The implication is that we are facing a zero-sum game where the space station is funded at the expense of the poor, of the elderly, or of the sick. That, too, is untrue. We in Congress are funding billions and billions of dollars worth of programs for the poor, sick, and elderly just this year—maybe even more than our constituents want us to spend—and we see only rare successes from these grandiose social programs.

I believe that, in fact, funding for the continuation of the space station is exactly where our priorities should be: trying to achieve a better quality of life for Americans and, potentially, for all humans.

I would also take a moment to address the question of what has been achieved on space platforms so far, and what the goal of establishing the space station would be. I am speaking almost solely in terms of medical research. The Soviets, and the Russians in turn, have taught us quite a bit so far in terms of achieving the engineering feat the space station will be. They have also collected massive amounts of information on the effects on the human body of the effects of extended weightlessness. Finally, they have saved us millions of dollars and years of research if, in fact, we would want to launch a mission to Mars from a semipermanent platform in space.

But what is more important to this debate is the fact that the Russians have, admittedly, taught us very little about medical research in space. Why? Not because they were not seeing the results they wanted to from their research in space, but because the medical research the Russians were conducting in space lacked the quality and priority our own space-based medical research would enjoy. The Russians simply do not have the medical infrastructure to support the type of research I am talking about, and they have not made such research a priority on the Mir space station. It is no wonder that some of the most enthusiastic supporters of the cooperative space station program are Russians—not because they see a cash cow in our ventures—rather, because they believe that, finally, the infrastructure and commitment to conduct medical research in space will finally be available.

Mr. President, the benefits and advancements in medical science and technology we can realize from long-term space-based research can be divided into three simple categories: First, that which we know is immediately or soon achievable; second, those which we can speculate about or make an educated guess as to the new possibilities of space-based research; and third, those achievements and advancements which we cannot even begin to assess.

I will first address the immediate and near term benefits the space station can provide in the field of biomedical and life science research.

Support for the space station and space-based research continues to grow throughout the medical and research community: the American Medical Association, Schering-Plough Research Institute, the Multiple Sclerosis Association of America, the American Medical Women's Association, Bristol-Myers Squibb, and Mount Sinai Medical Center, to name a few.

Space-based research provides unique insights to advance our understanding of the heart and lungs, cardiopulmonary research; the growth and maintenance of muscle and bone, musclo-skeletal research; the body's ability to sense position and maintain balance, neurovestibular research; and the regulation of the metabolism, regulatory physiology.

Space-based researchers can conduct basic and applied research to improve the efficiency and reliability of life support systems, such as artificial heart valves and pacemakers, or artificial kidneys.

Space-based research can provide knowledge of protein crystal growth physics and kinetics which may lead to improvements in Earth-based crystal growth technology and more effective pharmaceutical development.

Another benefit can be realized when using conventional bioreactors to culture human cells for cancer research and drug testing because cultured cells do not grow in ways representative of how cells develop in the human body. In the NASA bioreactor, cells taken from a cancer tumor grow and resemble the original tumor, making a much more accurate culture available for researchers.

Additionally, techniques developed for use aboard the space station could advance the state-of-the-art growth of tissue samples in the laboratory, thus leading to inestimable benefits for medical research.

Mr. President, this is only an abbreviated list of the immediate and near term benefits medicine will experience from space-based research.

Those benefits to medical research about which we can now only speculate are possibly the most exciting and promising of the space station's contributions. The benefits. of advanced crystal growth studies; the ability to observe cell mutation and behavior over the long term, without the effects of gravity; and the possibility of advanced artificial human tissue growth are extraordinary. The implications of the possibilities are nearly limitless: anything from cures for cancers and other deadly or debilitating disease, to the development of medicines that have crystallin structures which could not be achieved in gravity, to the growth of tissues to replace losses which would normally kill someone.

If need be, Mr. President, we can place an actual rough dollar value on such advancements by simply adding up the cost to our economy each year incurred by illnesses and loss of life. Personally, I think that is rather macabre and beside the point. I believe that the value we can place on the known benefits of space-based medical research clearly outweigh the costs we now will assume to make the space station a reality. If you were to apply a cost-benefit analysis to the space station—as we have rightly applied to many federally-funded programs—I believe it would yield a cost to benefit ratio which could end this debate for good.

Finally, Mr. President, there are advancements in space-based medical research which defy both quantification and even qualification in this debate. These are the advancements in medical science which we cannot even foresee—those which will become hints or reality only when we are allowed to explore them fully.

Some will say these yet-to-be-seen advancements are nothing more than fairy tales, or promises wildly beyond what we can possibly deliver, or even myths produced in an attempt to justify costs which those of us who back the space station cannot currently justify.

However, I will remind my colleagues that throughout history it has been the unforeseen, unplanned benefits of technological advancement that have most often proven to be our greatest rewards. I believe that even the possibilities of such watersheds in advancement of medical science and unforeseen benefits are compelling enough to pursue the program further. Just as the medieval scholars could not speculate on the profound changes and advancements of the upcoming Renaissance, we cannot even guess what we might soon discover.

Mr. President, I believe we truly are approaching a renaissance in medicine and technology with the advent of space-based research, and it is exciting as a physician, as well as simply on a human level, to know that much of these advancements could come within my lifetime or those of my children.

The bottom line, Mr. President, is that not only can we make a direct link between space-based research and improvements in the human condition and quality of life, but also, I feel, we can be confident that some of the greatest benefits and advancements have yet to be seen.

I believe that advancing the space station program is not pie in the sky, so to speak, but money very well spent. It represents the opportunity for great advancements in our quality of life and an unparalleled opportunity for international cooperation. I believe that we have made many difficult but correct decisions concerning the funding of the space program and space-based research specifically, and I urge my colleagues to continue that series of good decisions by defeating the Bumpers amendment.

Mr. WARNER. Mr. President, I rise today to join my colleague, Senator BUMPERS, in support of the amendment we have placed before the Senate and is the pending amendment.

Senator BUMPERS and I have collaborated in the past to eliminate Federal projects that the Federal taxpayers simply cannot afford in these tight budgetary constraints. We were successful in halting Federal funding for the super collider, a project whose astronomical expense made it a simply unfeasible program in this era of tight budgets.

Mr. President, at a time when Congress is struggling to balance the Federal budget, we think it is irresponsible to exempt from any cuts NASA's $90 billion-plus program to complete the building of a space station.

There are genuine questions about whether this space station can be built on the schedule and for the cost that NASA currently claims. Schedule and costs are inextricably connected. If the schedule is not met, then the costs will increase.

There is a major and fundamental question here. Can the timetable to build the station, with all of the spacewalks that will be needed to assemble the structure, be achieved on schedule?

Mr. President, NASA is expecting 73 launches to take place on time and in sequence over 55 months. Flexibility will not be possible because each flight will bring a specific piece of hardware that must be attached in a specific order. The assembly sequence cannot endure manufacturing delays, launch delays or launch failures.

I remind my colleagues, that delays mean more costs.

Mr. President, the number of spacewalks needed to assemble the space station has risen significantly in the past year. Reliance on these walks increases the risk that the timetable to build the structure will not be achieved. Thus, building the space station will be a very risky endeavor given the demanding schedule to complete the station and have it permanently occupied by 1998.

Mr. President, Russia and Canada are to have major roles in the timely development of the space station. Yet, the involvement of these two nations adds critical elements of risk.

NASA assumes that, with one exception Russia will provide its hardware and services as a partner, on a no-exchange-of-funds basis. At this time, it may be premature to assume that Russia will not charge for anything given the economic problems confronting the country.

Canada has cut back its contribution to the space station program and will

not decide until 1997 whether to build the final portion of the robotic servicing system that will be used in assembling and maintaining the station. Canada is building the arm, but has not decided on whether to build the special purpose dextrous manipulator that fits at the end of the arm—the fingers. If Canada does not build the fingers, then NASA will have to find the funds to build this expensive piece of equipment.

Mr. President, the price tag today for this project is $93.9 billion. I have no doubt that this figure will be increasing dramatically once more hardware is built, space shuttle launches are delayed, spacewalks are increased, and the Russians and Canadians fail to live up to their commitments.

Total spending on the space station from 1985 to 1993 added up to about $11.2 billion, and all we have to show for this are diagrams and designs.

Mr. President, it is time for Congress to cancel funding of the space station. Let us not embark on an elaborate and expensive journey into space until we meet the challenges confronting American taxpayers on Earth.

Mr. DOLE. Mr. President, I rise in opposition to the Bumpers amendment to terminate funding for the space station. It seems to me that we have answered the question of whether or not to proceed with this historic endeavor. Year after year the Congress has endorsed the outreach to space. And we have done so for the right reasons—the space station represents the next logical step of man's exploration of the universe and it represents the next logical step for understanding our own world.

I will not try and reiterate the many sound reasons for continuing this important program. They have been presented in great and compelling detail. But I would offer another reason which was recently brought to my attention by Ambassador Pickering, our envoy to Russia. Clearly the Russians are in dire need of hard currency. Should the United States default on our commitment of cooperation with Russia on this project, Russia will necessarily look elsewhere—to Iran or Iraq—nations who have demonstrated a clear desire to possess and proliferate technology and weapons of mass destruction. Cooperation with the United States on space station is vital to Russian needs for hard currency. And the United States will get fare more in exchange—both in technology and in stability.

Again, I urge my colleagues to reject the Bumpers amendment, preserve our outreach to the stars, and keep a mindful eye on commitments made for the purpose of keeping peace and stability in these difficult times.

Mr. SHELBY. Mr. President, I rise to oppose the amendment offered by the senior Senator from Arkansas.

Mr. President, once again we find ourselves debating the merits of the space station. The distinguished Senator from Arkansas again tells us that America should abandon its commitment as the leader of this historic endeavor.

Supporters of this amendment say we simply cannot afford to continue funding the space station. Mr. President, I ask you, Can we afford not to?

History tells us that mankind is destined to explore beyond the bounds of this tiny planet. The question is not whether we should take the next logical step. The question is: "Will we lead or will we follow?" I believe the United States is destined to lead.

Leadership, Mr. President, requires commitment. America's relatively small investment in the space station demonstrates our commitment to the future of technology in space. It also demonstrates our commitment to our international partners who have joined with us to make this dream a reality.

Abandoning the space station at this late date not only squanders our initial investment, but it tells our partners that they can no longer depend on us to meet our commitment to international space exploration. Our credibility among the space faring nations depends on our actions today.

Mr. President, a leader must also have vision and vision is meaningless without the courage to fulfill its promise. When we began funding this project, we set out on a journey that held out great promise and it continues to do so. Again, we hear from those who do not share our vision and are content to quit.

Opponents suggest that the space station costs more than it is worth and that we should therefore stop funding it now and redistribute that money to more pressing social programs. Not only do they fail to recognize the enormous potential of space research and exploration, but they are content to sacrifice the promise of a better tomorrow for the failed programs of today.

Mr. President, one of the most important Federal priorities of any government is to create opportunities for a better life in the future. We can not effectively do that anymore by just pumping money into life on Earth today. We must look ahead. We must search for ways to sustain our society, our culture, our life into tomorrow. The space station holds that promise.

Mr. President, the space station has a legitimate mission, an impressive design and a plan to achieve its goals. Granted, it has had its difficulties, but all great endeavors will meet with obstacles. Although the space station faces more challenges, NASA is prepared now, more than ever, to meet those challenges. This unprecedented example of international cooperation is now on schedule, on budget and is worthy of our support.

So, I ask my colleagues that share the vision of space exploration to join me in reaffirming our country's commitment to our future by opposing this shortsighted attempt to strip funding from the space station.

Mr. President, I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the international space station and in opposition to the amendment offered by my colleague, Senator BUMPERS. The space station is not only a valuable scientific program, but it is a symbol of our Nation's commitment to investing in the future.

More than a quarter of a century ago, the most awe-inspiring words were uttered by Neil Armstrong, "That's one small step for man, one giant leap for mankind." Those words, delivered from the Moon's surface when the *Apollo 11* lunar module landed in 1969, resounded around the globe. Each and every American whose ears were graced with that message, was filled with pride and honor.

That day in our past served as an inspiration. It showcased the technological leadership of the United States, the great will of the American people, and the courage of our space pioneers which combined to produce a defining moment in history. That mission set the stage for several other Apollo missions which sent astronauts to the Moon. It served as a precursor to Skylab, the first U.S. space station, launched in the early 1970's. And, it led the way for the space shuttle program.

With each mission, we learn more and more about life sciences, materials sciences, Earth sciences, engineering research and technology, and commercial development. Also with each new mission we explore the unknown and make discoveries that ultimately help improve life here on Earth.

The international space station will have a laboratory to conduct experiments and do research on a wide variety of subjects. Astronauts will be able to conduct long-duration microgravity investigations, which will allow scientists to look deeper into the mechanics of cell functions, combustion, liquid behavior, crystallization, and electromagnetics. In addition, research that would take place on the space station could lead to cures for life-threatening diseases, lower pharmaceutical costs, and better prepare astronauts for the rigors of space travel.

Opponents of the space station argue that these justifications for the space station cannot hold up to scrutiny. They suggest that economic and scientific spinoffs are not applicable for life here on Earth. In fact, the opposite is true. Scientific research and experiments conducted on the international space station do have real life applications here on Earth. Space-based research has led to a variety of innovations and technological advances that

have, and continue to benefit people every day. Included among them are: Long-distance telephone networks; international TV broadcasts; car chassis and brake designs; heart monitors for ambulances; structural designs for bridges; laser surgery in hospitals; programmable pacemakers; navigational systems for airplanes; and long-range weather forecasting—just to name a few.

Research conducted on the space station will have other important applications in the lives of average Americans. In the biotechnology field, scientists on the international space station will conduct research on tissue culture studies to gain knowledge of normal and cancerous tissue development and to discover treatments and cures to diseases. They will also study protein crystal growth to design pharmaceuticals which block proteins which could lead to the development of an AIDS vaccine or cure. Additionally, research on droplet/pool burning will help improve understanding of fire propagation for improved fire safety.

The field of fluid physics will also benefit. Scientists will conduct research on interface dynamics to improve industrial films and coatings, oil spill recovery techniques, tracking of ground water contaminants, and processing of semiconductor crystals. At the same time, their research will cover cloud formation microphysics, which is useful to meteorologists for improved weather predictions.

Scientists will study electronic materials to investigate the vapor phase of crystal growth. This will help produce much higher efficiency and density optoelectronics for the communications industry. Also, epitaxy liquid phase molecular and beam vapor phase will be studied to evaluate high speed switching devices and high density memory. This will help to produce smaller, more affordable super computers.

Scientists will also study environmental health to develop improved air and water quality sensors, analyzers, and filtering devices. In addition, they will examine automated microbiology systems which enhance identification of bacteria population. They will conduct engineering research and technology development to support enhanced designs for firefighting suits, toxic waste cleanup suits, and deep sea divers equipment.

It is clear that scientific research and experiments like those listed above have real life applications here on Earth. At the same time, investments in space create valuable economic returns as well. Each dollar invested in space programs yields up to $9 in new products, technologies, and processes here at home.

The international space station program also generates more than 14,000 direct jobs—5,400 of them in my home State of California. Indirectly, 40,000 jobs nationwide have been created because of space station-related activities. At a time when the country—and California in particular—has been impacted by defense downsizing and base closures, the space station is an important source of economic activity. It is defense conversion at its best and creates new jobs for former defense and aerospace workers.

Aside from the enormous benefits to science, medical research, and technology, the space station helps to maintain U.S. leadership in space and enhances global competitiveness. It also serves as a source of inspiration and encouragement for our children, fostering the next generation of scientists, engineers, and entrepreneurs.

As a powerful symbol of U.S. leadership in a changing world, the space station represents an international commitment. Our original international partners—Japan, Canada, and Europe—have already committed $9 billion to the space station program, and are counting on America's continued leadership in space.

Moreover, with the Russians added to the international partnership, the space station has proven to be a test bed for scientific research and technological development, while uniting former adversaries in peaceful cooperation. Just 6 years ago, this would have been unthinkable.

By asking Russia to join the international space station, the United States can channel the Russian aerospace industry into nonmilitary pursuits. This gives us more leverage to reduce the risk of nuclear proliferation and enhances the United States goals of private sector development and demilitarization in Russia. In addition, an international space station will use existing Russian space technology, capability, expertise, and hardware to build a better space station for less money.

In closing, I would like for you to imagine, if you would, had the early pioneers not forged west to explore the frontier. If, for instance, in 1803 the Louisiana Purchase had not been completed for $15 million—which at that time was a large sum of money. The frontier purchased in that deal now includes 15 States and generates $200 billion in Federal taxes annually. The returns on that investment have more than paid for the original purchase.

Let us, for a moment, consider Alaska, which, in 1867, was purchased for $7.2 million. At the time it was purchased, Secretary of State Seward was derided and mocked for negotiating the terms with Russia. Now, we know that Alaska's oil reserves exceed $125 billion, and no one has stepped forward to suggest we reverse that transaction.

The United States must continue its exploration in space with the next logical step—a permanently staffed space station. The international space station will lead the world toward great advances in space exploration. At present, all of the returns on our investment in space have yet to reach fruition. We have yet to realize all the treasures that are held within the vast resources of space. We have learned, however, of its benefits to science and medical research. We know that it bolsters global competitiveness and U.S. leadership in space. We are also aware of its economic spinoffs, job creating capacity and source of inspiration to future generations. I am confident that this research will continue to exceed our imaginative grasp and reap real benefits that are applicable here on Earth.

For these reasons, I strongly support the international space station and urge my colleagues to oppose the Bumpers amendment.

Mr. GRAHAM. Mr. President, the space program is an investment in our Nation's future. A commitment to continued space exploration means a commitment to providing for the prosperity and wealth of future generations. No one can predict the exact outcome of our investment in the international space station, but I believe that the continued exploration of space will present many positive opportunities.

First, the space program will provide significant contributions to the well-being of mankind, both in America and around the world. We have already seen the results of space-related research in life sciences, and the potential for expansion and further development is virtually limitless.

Second, we must consider our Nation's leadership role in high-technology activities and international competitiveness. The areospace industry is a significant area of international competitiveness, and we should support our space program if we desire to maintain and enhance our position as a world leader in space science and exploration.

Third, the case today for such activities is even more compelling as we work on space projects in a collaborative and multinational manner, especially with the Europeans, Japanese, and Russians. International participation in the program contributes to increased cooperation and stability with participating partners, and the space station can be a constructive and tangible example of international cooperation at a new and more exciting level. We have the opportunity to accelerate the pace of our technological and space exploration as well as the strength of our good relations with our friendly competitors.

Mr. President, I believe that these are compelling reasons for the continued support of space exploration. The international space station is an integral part of our space program. We must invest in our future, and we must invest in ourselves.

Mr. GORTON. Mr. President, today, I lend my voice to the advocates of project space station. In order to frame this debate for my colleagues, I want to pose a few rhetorical questions. What are the critical issues surrounding space station on the Senate floor? Is it scientific worth? Is it an issue of foreign policy, or national priority? The answer to each is yes. But the underlying discontent that many of my colleagues harbor is not the scope or importance of space station—rather, it is the cost.

As a member of the Budget Committee, I fully and unequivocally support balancing the Federal budget by 2002. That task is not only a fiscal imperative, it is a moral one on which the future of this country depends. Ironically, that is where space station fits squarely in this debate. Balancing the budget is an imperative. Beginning the groundwork for America's future scientific operations may, in fact, help us do just that. Take, for example, research in cardiovascular disease. As my colleagues know, heart disease is the leading cause of death in both men and women in the United States. One in four Americans suffer from cardiovascular disease, costing this country an estimated $138 billion in medical expenses and lost productivity annually; $138 billion annually is not a small figure—it is, in fact, devastating. The conditions provided in space, and on space station in particular, will allow our doctors and scientists to see a heart functioning in microgravity. Conditions for an extended duration, something not replicable on Earth or the space shuttle. NASA's work on how space flight affects blood pressure is aiding scientists to understand the complex and sophisticated operations of the heart and circulatory system. As gravity lessens, the body's blood pressure controls are altered and change. High blood pressure is a major problem for the general population of the United States. The opportunities for long duration space flight on the space station will provide a laboratory for extensive and complex research on blood pressure control and how it is affected by the presence or absence of gravity.

What does this all mean? If 1 percent of that $138 billion can be reduced, or even one-tenth of 1 percent, we will have significantly reduced some of the massive costs incurred in our battle against this terrible, and prevalent, disease.

By January 1995, 25,000 pounds worth of space station was built. By the end of this year, that poundage strides to 100,000. Upon completion, the space station will stretch 361 across and 290 feet long, with a total weight of 925,000 pounds. Orbiting 230 nautical miles above the Earth, it will be accessible to the launch vehicles of all its international partners. And with Boeing as the new prime contractor, space station is on schedule, and meeting all of its critical milestones. Perhaps more importantly, its annual cost has been fixed at $2.1 billion—according to NASA that represents less than 15 percent of the organization's total budget.

That being said, $2.1 billion is still a significant amount of money to be spent, particularly with the Republican goal of bringing the country out of its current fiscal mess. Yet I fully support space station, and its mission, because I believe the benefits associated with this program will be important, numerous and hopefully more rewarding than we can predict. From crystalline proteins to the research in osteoporosis, space station has the potential, and I believe certainty, to deliver important scientific discoveries impossible to replicate or produce here on Earth. Does that justify the cost? Absolutely. If the cure for one disease—just one disease—is found, and that if may not be as big as some of my colleagues assert, we will have paid for space station and all its associated costs, fully.

Mr. BOND. I conclude my remarks by just saying that this country must invest in its future. A research laboratory in space can provide unimaginable benefits to the American people. The space station is the only facility where research can be conducted for long durations in microgravity. The unique environment has only begun to be explored scientifically. American taxpayers are certain to benefit just as they have from other basic research, probably in ways we can never expect.

With that, Madam President, I yield the remaining time to our very distinguished colleague from Ohio, the former astronaut.

Mr. GLENN. I thank the Senator.

The Senator from Arkansas is as accomplished an orator as we have I think in the whole Congress. He would come closer to equaling Daniel Webster, I think, than anyone around here in his ability to give an oration.

Back in 1852, when we were thinking of buying some territory out West from Mexico, Daniel Webster rose in the Senate—he was opposed to that—and said as follows:

> What do we want with this vast worthless area, this region of savages and wild beasts, of deserts of shifting sands and whirlwinds of dust and cactus and prairie dogs? To what use could we ever hope to put these great deserts or the mountains that are covered to their very base with eternal snow? What can we ever hope to do with the western coast, a coast of 3,000 miles rock-bound, cheerless, uninviting, and not a harbor on it? What use have we for this country? Mr. President, I will never vote one cent from the Public Treasury to place the Pacific coast one inch nearer to Boston than it is now.

Madam President, I think probably the view that Daniel Webster took of that acquisition of territory west of the Mississippi is a little bit like the Senator from Arkansas proposes now with regard to the station.

I wish to see something come out of the station. We already have things coming out of the preparation to even have a station. As the floor manager mentioned just a moment ago, we do not even have the station up yet. So to say that that is not producing is exactly right. It is true. It is in the process of being put up. Over one-fourth of it has already been built, 50,000 pounds by our country, 60,000 pounds by other people. Less than seven-tenths of 1 percent of our budget is the total cost of the space station project right now.

From what we can see from the space shuttle with the cultures of crystals and of the experiments that have already been done on growing culture, culturing colon cancer cells, breast cancer cells, ovarian cells, what can be done with regard to AIDS, the experiments with regard to osteoporosis, right now a solution to any one of those would be more than worth all of the money that we are putting into this. This is an investment for the future.

To say that every scientist and physicist is against it is just not true. My distinguished colleague read into the RECORD a few moments ago a partial list of those who are for it—the American Medical Association, the National Academy of Sciences, the National Research Council, and so on.

This is one country that should have learned throughout its whole history that money spent on space research usually has a way of paying off in advance—more than anything we ever see at the outset. And with this being the first time we have ever had the ability to do microgravity research, it has the greatest potential payoff also.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio has 10 seconds.

Mr. GLENN. I have 10 seconds remaining. I yield back the remainder of my time. I thank the Chair.

The PRESIDING OFFICER. All time has expired.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2.15 p.m.

Thereupon, the Senate, at 12:46 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2776

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m.

having arrived, there will now be 4 minutes of debate equally divided in the usual form to be followed by a vote or in relation to the Bumpers amendment No. 2776.

Who yields time?

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, not seeing the proponent of the amendment on the floor, I suggest that the time be equally divided, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. I ask unanimous consent that the call of the quorum be dispensed with.

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

Ms. MIKULSKI. I ask for 1 minute on behalf of the opponents.

Mr. BOND. I yield 1 minute to the distinguished ranking member.

Ms. MIKULSKI. Mr. President, I absolutely oppose the amendment being offered by the Senator from Arkansas. I thank him for his support of the space program and also for research in the American life science community, but I want to make three points.

The Senator says this is a condo in the sky for going to Mars. We absolutely reject that. We go to Mars, and we are going by robots; we are not going by astronauts. This is to be a science lab, not a condo.

Second, the space station at one time was overweight and underpowered, not unlike the Federal bureaucracy. We streamlined the space station design to make sure that weight, power, and mission match.

And last, but not at all least, there was a question whether we could really assemble the space station in space. When we gave the Hubble space telescope a new contact lens and our astronauts showed the deftness with which they could do mechanical assembly in space, they showed that we could do it. So we now have designs to the mission. We can put it together in space. And it is a science lab, not a condo for astronauts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas has 1 minute 30 seconds remaining.

Mr. BUMPERS. Let me just reiterate, No. 1, much has been made of the fact that the American Medical Association favors the space station. Let me point out that the American Physical Society—40,000 physicists in America—are adamantly opposed to the space station. Why? Because they say the benefits are going to be negligible. You cannot do anything in space with microgravity. Dr. Bloembergen at Harvard says, when you put men on the space station to do microgravity research, you just mess it up. The steps, a bump, destroys microgravity research.

And what is there about a lack of gravity that is going to cure cancer and AIDS and all the rest of it? The answer is nothing. Here are people who really are concerned about the deficit: The Cato Institute, the Concord Coalition, Council for Citizens Against Government Waste, the National Taxpayers Union, Progress in Freedom Foundation, Progressive Policy Institute. Not only do the American physicists oppose it, every one of those organizations strongly oppose it.

This bill, just this bill alone, ravages housing for the elderly, ravages sewer projects, and torpedoes the AmeriCorps Program to make room for this thing. We are going to cut $40 billion out of education in the next 7 years to pay for this?

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

The Senator from Missouri has 25 seconds.

Mr. BOND. Mr. President, I think the argument made very compellingly by our good friend from Arkansas just shows that physicists do not know anything more about biomedical research in space than we do. I will take the word of the people who are at NIH and who are involved in biomedical research to say that it is important.

This country has an opportunity to invest in the future. A research laboratory in space can provide the benefits we need. I urge my colleagues to defeat this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now is on agreeing to the amendment offered by the Senator from Arkansas, No. 2776. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 64, as follows:

[Rollcall Vote No. 463 Leg.]

YEAS—35

Abraham	Exon	Levin
Ashcroft	Faircloth	Lugar
Baucus	Feingold	Moynihan
Bradley	Harkin	Nunn
Brown	Hollings	Pryor
Bryan	Jeffords	Simon
Bumpers	Kennedy	Snowe
Byrd	Kerrey	Specter
Chafee	Kerry	Thomas
Cohen	Kohl	Warner
Conrad	Lautenberg	Wellstone
Dorgan	Leahy	

NAYS—64

Akaka	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Packwood
Breaux	Hatch	Pell
Burns	Hatfield	Pressler
Campbell	Heflin	Reid
Coats	Helms	Robb
Cochran	Hutchison	Rockefeller
Coverdell	Inhofe	Roth
Craig	Inouye	Santorum
D'Amato	Johnston	Sarbanes
Daschle	Kassebaum	Shelby
DeWine	Kempthorne	Simpson
Dodd	Kyl	Smith
Dole	Lieberman	Stevens
Domenici	Lott	Thompson
Feinstein	Mack	Thurmond
Ford	McCain	
Frist	McConnell	

NOT VOTING—1

Gramm

So the amendment (No. 2776) was rejected.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. BOND. Mr. President, in discussions with the distinguished ranking member, I think we have an order for the amendments that are coming up. I want to thank our colleagues for getting the amendments in order and getting time agreements.

I ask unanimous consent that Senator STEVENS, followed by Senator CHAFEE, be recognized for up to 10 minutes to present an amendment which I believe is acceptable on both sides. After action on that amendment is completed, we ask that Senator MIKULSKI and Senator KENNEDY be recognized to present an amendment on national service with a 2-hour time limit, with a vote on or in relation to that amendment to occur at that time; following disposition of that amendment, that Senator SARBANES be recognized to present an amendment on the homeless, that there be 1 hour divided in the usual form which would apply to both of those amendments; and upon the expiration or yielding back of the time, that a vote on or in relation to the Sarbanes amendment occur.

Mr. CHAFEE. Mr. President, I have an amendment which is acceptable by both sides dealing with arsenic in the safe drinking water. We have discussed this with the staffs.

What I want to do is present that right after the Stevens amendment, and if it is acceptable, if I had 4 minutes equally divided——

Ms. MIKULSKI. Reserving the right to object, on the arsenic, would the Senator go ahead with this? I need to be sure that the authorizer on our side, and Senator LAUTENBERG—not only do I wish to cooperate with the Senator from Rhode Island, but these got fairly prickly as we were moving into the full

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committee, so I just want to make sure we have one good thing done, and check in the meantime about the arsenic.

Mr. CHAFEE. Fine.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri?

Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized to offer an amendment.

AMENDMENT NO. 2779

Mr. STEVENS. Mr. President, I have an amendment at the desk, and I ask the pending amendment be set aside.

The PRESIDING OFFICER. Without objection the pending committee amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for himself and Mr. MURKOWSKI, proposes an amendment numbered 2779.

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

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

The amendment is as follows:

SEC. 308. None of the funds appropriated under this Act may be used to implement the requirements of section 186(b)(2), section 187(b) or section 211(m) of the Clean Air Act (42 U.S.C. 7512(b)(2), 7512a(b), or 7545(m)) with respect to any moderate nonattainment area in which the average daily winter temperature is below 0 degrees Fahrenheit. The preceding sentence shall not be interpreted to preclude assistance from the Environmental Protection Agency to the State of Alaska to make progress toward meeting the carbon monoxide standard in such areas and to resolve remaining issues regarding the use of oxygenated fuels in such areas.

Mr. STEVENS. Mr. President, this amendment that Senator MURKOWSKI and I have discussed with the managers of their staff and the chairman of the authorizing committee, I understand will be accepted.

It provides for a 1-year exemption from the oxygenated fuel requirements of the Clean Air Act for Fairbanks, AK. There are unique circumstances in Fairbanks that justify this limited exemption. I do thank the other Senators who have worked with us on this amendment.

Alaska exceeds the carbon monoxide requirements on the Clean Air Act only on days when there are temperature inversions caused by extreme cold, which really means when it is below 50 below zero.

When the oxygenated fuels requirement of the Clean Air Act was applied to Fairbanks to correct the carbon monoxide levels, serious health problems were reported. The MTBE additives developed for the area were simply never tested for use in the extreme cold of the Fairbanks area.

In addition to waiving the requirements to use the oxygenated fuels, this amendment would also prevent Fairbanks from unfairly being added to the list of cities with serious nonattainment problems.

Given the transitory nature of the oxygenated fuel requirements by Fairbanks with respect to carbon monoxide, other Senators have agreed additional measures coming from the declassification should not be required for Fairbanks.

Through negotiations with our staff and the staffs of the authorizing committee and this committee, Senator MURKOWSKI and I have agreed this is the last time we will seek a waiver of the oxygenated fuel requirement for Fairbanks using the appropriations process.

However, we do hope that the Senate will agree with us to fix the problem legislatively through an amendment to the Clean Air Act.

Again, I do thank my colleagues for their help in this matter.

Mr. CHAFEE. Mr. President, although I generally oppose legislative riders on appropriations bills, I want to say that I support this amendment by my colleagues from Alaska.

The city of Fairbanks has made extraordinary progress against the carbon monoxide nonattainment situation.

In 1977, Fairbanks experienced nearly 100 days—100 days—in 1 year when carbon monoxide levels exceeded the health standard. Last year, the city of Fairbanks only had 5 days when those standards were exceeded.

There is no question but what the city of Fairbanks has done an extraordinarily good job. It is a tribute to the city and I might say it is also attribute, Mr. President, to the efficacy of the Clean Air Act. The Clean Air Act is working.

Fairbanks is currently classified as a moderate nonattainment area. If it does not fully meet the standard by the end of this year, Fairbanks will be reclassified as a serious nonattainment area. Reclassification would trigger a series of additional requirements under the Clean Air Act—including transportation control measures—that may not be necessary to reach this standard.

Fairbanks believes that it can meet the standard without the imposition of these expensive additional measures. Because of the dramatic progress that has already been made, I think it is reasonable to extend the deadline in this case. The Senators from Alaska have stated that they will not seek another extension on an appropriation bill in the future.

As to oxygenated fuels, some States have experienced complaints in cities where MTBE has been used as an additive. But MTBE is not the only additive available. Ethanol, grain alcohol, can also be used as an oxygenate. Everything we know about air pollution tells us that burning alcohol presents less pollution concern than burning gasoline, the fuel the alcohol replaces.

So, there are alternatives for Fairbanks if it cannot reach attainment using existing measures. In fact, Anchorage, AK, used ethanol as a fuel additive last year and recorded its first year ever with no exceedances of the carbon monoxide standard. This experience has been repeated all across the country. When we passed the 1990 Clean Air Act Amendments more than 40 cities were in nonattainment for carbon monoxide. Today that number is less than 10 and much of the credit goes to the oxygenated fuels program in the Clean Air Act.

Mr. President, we all look forward to the day when every American city can boast of healthy air. Fairbanks has made great strides already and will reach that goal soon. In light of its accomplishments, I think we can provide the city with some flexibility.

Mr. President, I have the assurance of the two Senators from Alaska that this is the last time they will be in for this exception. I am supportive of it and commend them and commend the city of Fairbanks.

Mr. MURKOWSKI. The Stevens-Murkowski amendment relieves Fairbanks of oxygenated fuels requirement and transportation control measures under the Clean Air Act for upcoming winter because Fairbanks' carbon monoxide [CO] exceedances are a result of temperature inversions—not simply CO emissions, and Fairbanks' residents experienced negative health effects when they initially tried methyl tertiary butyl ether [MTBE] as an oxygenated fuel.

The oxygenated fuels program was instituted in Anchorage and Fairbanks on November 1, 1992, according to the law, using MTBE as the oxygenate additive. Fairbanks' and Anchorage residents began to experience unusual health problems—nausea, vomiting, dizziness, disorientation, headaches, and other symptoms.

Our Governor canceled the program in Fairbanks on December 11, 1992, due to these health problems. The EPA had not done any studies on MTBE in the Arctic conditions that exist in Alaska. So, many Alaskans justifiably fear the use of oxygenated fuels in their gasoline.

Let me also note that Alaska does not have a serious non-attainment problem. I ask unanimous consent to have printed in the RECORD a letter from the city of Fairbanks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FAIRBANKS NORTH STAR BOROUGH,
Fairbanks, AK, February 22, 1995.

Hon. FRANK MURKOWSKI,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR MURKOWSKI: Thank you for taking the time to meet with me while I was recently in Washington, DC. I appreciate the time you took to talk with me about Fairbanks' concerns regarding federal Clean Air

Act requirements. We continue to have problems with certain requirements of the Act, due to a combination of extremely severe temperature inversions and high cold-start emissions caused by our cold temperatures. According to National Weather Service staff, Fairbanks has the strongest temperature inversions in North America.

As you can see from the enclosed chart, the number of days each year that Fairbanks exceeds the ambient carbon monoxide standard has dropped dramatically from previous levels to fewer than five per year. The decrease is largely a result of federal emissions controls on new cars, with some additional benefits due to the basic emissions inspection and maintenance (I/M) program the Borough implemented in 1985. Although substantial progress has been made in reducing emissions, several exceedances occurred recently during an extended period of extreme temperature inversions and calm winds. These conditions resulted in extremely stagnant air dispersion for several days.

As you know, our residents remain adamantly opposed to the use of oxygenated fuel in our community. Unfortunately, this program is mandated directly by the Clean Air Act, and not even EPA has the legal authority to exempt Fairbanks from this requirement. As a result of the nonattainment status, the Fairbanks North Star Borough may soon be subject to additional Clean Air Act mandates which would require the implementation of local transportation controls. None of these programs appear feasible or acceptable to our community, yet could be imposed upon us by a federal law that doesn't recognize the uniqueness of the Fairbanks North Star Borough.

When we spoke in Washington, you talked about current efforts in the Senate to address the costs versus benefits of federal mandates. The above Clean Air Act provisions are a good example of this issue. It makes no sense to impose federally mandated control strategies which may not provide significant benefits on a community where those strategies would cost millions of dollars, particularly when they aren't likely to eliminate a problem that is largely caused by Mother Nature. We are not asking to be completely exempted from Clean Air Act requirements. We'll do our part to ensure that the control measures we are responsible for (e.g., the current I/M program) are effectively implemented. We need your help in eliminating federal mandates that will not help our community attain the goals of the Act. We would also like some recognition in the Act that we shouldn't be penalized for Alaska's unique weather characteristics.

We will be providing your staff with several options that could possibly be pursued to provide Fairbanks with relief from the above Clean Air Act provisions. Thanks again for taking the time to talk with me on this subject. We truly appreciate the efforts you've made on behalf of Interior Alaska in the past regarding this issue, as well as any additional actions that you can take to assist us further in the future.

Sincerely,

JIM SAMPSON,
Borough Mayor.

Mr. MURKOWSKI. Mr. President, we have some of the cleanest air in the country. Fairbanks has made significant, dramatic reductions in CO violations. You will notice that most of these reductions occurred before the 1990 Clean Air Act Amendments; so, the Clean Air Act was effective in Fairbanks without the oxygenated fuels requirement. These reductions are clearly attributable to Fairbanks' inspection and maintenance program. Fairbanks has reduced their violations 43 percent—from 37 in 1985 to only 2 in 1992, and most recently we seem to be down to 5 or fewer violations a year.

Those exceedances that do occur are during thermal inversions. Typical automobile fleet turnover and the U.S. car fleet operating more efficiently at cold temperatures could also bring Fairbanks into compliance eventually.

I want to thank Senator CHAFEE and Senator BOND for accepting our amendment. Fairbanks air quality has improved significantly over the years. We want to continue to work with the EPA to improve our air quality by means that make sense in our Arctic climate and not be subject to a one-size-fits-all mandate that does not make sense in Alaska. We welcome the current political climate that recognizes the need for flexibility and common sense in our environmental regulatory policy.

Mr. STEVENS. Mr. President, I just ask the Senate to remember the extreme temperature conditions that exist in Fairbanks. I started my life in Alaska, in Fairbanks, and I can attest to temperatures below 65 degrees below zero myself.

These temperature inversions are the problem. They are not the normal problem that causes carbon monoxide limitations to be exceeded. The oxygenated fuels I think would have a minimal impact on that problem anyway because we are not certain they will even solve the problem when we are down below 60 below zero.

So I thank the Senate. I thank Senator CHAFEE for being willing to deal with this. Again, our commitment is, we will not raise this as an exception through the appropriations process. We are going to pursue the authorizing committee for a permanent solution to this problem as we deal with the Clean Air Act.

I thank the Senator from Missouri.

Am I correct that this amendment will be accepted?

Mr. CHAFEE. Mr. President, if I might add that when we passed the Clean Air Act amendments in 1990, more than 40 cities were in nonattainment for carbon monoxide. Today that number is less than 10. Much of the credit goes to the oxygenated fuels program as well as other steps taken by the various cities.

So I think we can look forward to the day when every American city can boast clean air. Fairbanks, as I mentioned, has made great progress and we believe will reach the goal of complete attainment soon. In light of those accomplishments, I think we should provide Fairbanks with some flexibility, and I am happy to support this amendment.

I yield the remainder of my time.

Mr. BOND. The amendment is acceptable on this side.

The PRESIDING OFFICER. Does the Senator from Alaska yield his remaining time?

Ms. MIKULSKI. Mr. President, we agree to the amendment. I have no other statement to make on it.

Mr. STEVENS. Mr. President, I agree with what the Senator from Rhode Island has said. I know what the situation here is. I am one who does not believe that MTPE will make a difference when there are temperature inversions that cause nonattainment. We will have to deal with that in the Clean Air Act, however, and we agree not to pursue it with the appropriations process again.

I thank the Senator. I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2779 offered by the Senator from Alaska.

The amendment (No. 2779) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BOND. Mr. President, I believe that the Senator from Rhode Island has another amendment that will be acceptable on both sides. I modify the unanimous-consent agreement and ask unanimous consent that he be given 5 minutes to present the amendment with respect to arsenic in drinking water.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. I further ask unanimous consent that on the Mikulski amendment on national service and on the Sarbanes amendment on homelessness, that no second-degree amendments be in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2780 TO THE COMMITTEE AMENDMENT BEGINNING ON PAGE 143, LINE 17 THROUGH PAGE 151, LINE 10

(Purpose: To amend the provisions with respect to arsenic)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator seek to set aside the pending committee amendments?

Mr. CHAFEE. I do so ask.

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

Mr. CHAFEE. Mr. President, I ask unanimous consent that the committee amendment beginning on page 143, line 17, be the pending amendment.

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

The clerk will now report the amendment.

The bill clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE) proposes an amendment numbered 2780 to the committee amendment beginning on page 143, line 17, through page 151, line 10.

On page 149, line 18, insert "(for its carcinogenic effects)" after "arsenic."

Mr. CHAFEE. Mr. President, this amendment would modify one of the environmental riders on this appropriations bill. The appropriations bill precludes the Environmental Protection Agency from taking final action to set a standard for arsenic under the Safe Drinking Water Act. This delay is presumably justified because some uncertainties in the science on the cancer-causing effects of arsenic.

My amendment would continue the delay imposed by the rider for a standard to deal with the cancer threat from arsenic, but it would allow EPA to go forward and revise the standard to protect against the other adverse health effects of arsenic.

Arsenic is a naturally occurring substance frequently found in drinking water, especially in water supplies from ground water sources.

Arsenic causes several adverse health effects, the most important of which are vascular diseases and skin cancer. Arsenic has been known to be a cause of cancer by ingestion since 1887 because it was sold in patent medicines. Ironically, many of these medicines were intended to treat skin diseases. Using arsenic as a medicine proved that arsenic itself causes skin cancer.

The other major health problem caused by arsenic is a weakening of the vascular system—the vessels that circulate blood in our bodies.

Arsenic is currently regulated under the Safe Drinking Water Act and has been regulated by the Federal Government beginning long before there was an EPA. The current drinking water standard, established by the Public Health Service after World War II, is 50 parts per billion. That standard was set to address the vascular diseases, but was not designed to address the cancer risk.

The 1986 amendments to the Safe Drinking Water Act required the arsenic standard to be rewritten and to address the cancer risk. EPA was directed to establish a new arsenic standard by 1989. For cancer-causing substances such as arsenic, the goal in the Safe Drinking Water Act is to eliminate all exposure—to reach zero, if we can. But most often that is not a practical reality. Instead, the standard is set based on the treatment technologies that large drinking water systems can afford. With technology available today, it is possible to reduce the concentration of arsenic in drinking water from the current 50 parts per billion to levels below 10 parts per billion.

However, some have argued that arsenic may not be a typical cancer-causing substance and ought not to be regulated in the typical way. According to this argument, there may be a safe threshold for arsenic. In other words, it may be that the first bit of arsenic one consumes will not increase a person's cancer risk. It may be that some higher concentration must be reached before the cancer effect takes hold. Drinking arsenic below this level would not increase risk because the body would slough it off before it reached the target organs. If there is such a threshold—and depending where it is—a standard at less than 10 parts per billion—even though we could achieve it—might not make sense, if our only concern is the cancer risk.

Unfortunately, there has not been sufficient study to answer this question about a threshold. Recent studies from Taiwan suggest that there is not a threshold and that the cancer risk from drinking water at the current 50 parts per billion standard is quite high. If those studies are correct 2 in each 100 people drinking arsenic-laden water at the current federal standard would be expected to develop skin cancer. On the other hand, many other scientists have attacked weaknesses in the Taiwan study and argued that it cannot be relied upon to determine whether there is a threshold or not.

Resolving this scientific dispute about the potential cancer-causing properties of arsenic can be done. A gathering of scientists that occurred last spring produced a research plan that would result in a definitive answer. The study would take a period of a few years to complete and would cost about $15 million.

Mr. President, I have brought this amendment to the floor of the Senate to make a simple point. We have a responsibility to the American people to make sure these studies get done and are completed as soon as possible. We have delayed too long.

There is a great deal of disagreement in this body and across the country today about the proper role of the Federal Government in ensuring that our drinking water is safe. But one thing everybody agrees on is that the Federal Government has a responsibility to conduct the research necessary to determine the potential adverse effects of the contaminants that occur in our drinking water. It would not make sense for every state or every city to conduct its own drinking water research program. That is a job for the Federal Government.

But we have not been doing it. We invest next to nothing in drinking water research in these appropriations bills each year. A recent briefing by EPA's Office of Research and Development indicated that less than $5 million per year is being spent to investigate the adverse health effects of drinking water contaminants.

Arsenic is a perfect example of this failing. It has been known to cause skin cancer in humans since before 1900. It has been regulated—but not to prevent cancer from drinking water—by the Federal Government for decades. In 1986, Congress passed a law requiring that the arsenic standard be revised and that the revision address the cancer risk. The new standard was due in 1989.

But nothing was done. EPA took no action to revise the standard. Finally, in 1993 EPA was sued by a public interest group to force the Agency to issue the cancer standard. In response to the suit, EPA appeared in court and asked for more time, because the research had not been done.

Now, this appropriations bill comes before us and provides EPA with the extension they have been seeking. This extension would not be necessary, if the appropriations bills adopted in previous years had provided the small amount of research money for the needed research. Tens of thousands of Americans are consuming arsenic in their drinking water at levels that may be a threat to their health. This is not new information. But we are not ready to take action to protect public health, because we have delayed and delayed and delayed in making the small investment in research that is necessary to arrive at a sound public policy regarding arsenic in drinking water.

Recent studies on the noncancer health effects of arsenic indicate that the current 50-part-per-billion standard may not even prevent the other arsenic-related diseases. One approach might be to immediately revise the arsenic standard for drinking water based on these other effects, press ahead full speed on the cancer research, and revise the standard—if needed—to reflect the cancer risk when that research is completed. That is an approach that we will consider when the Senate takes up the bill to reauthorize the Safe Drinking Water Act.

My amendment today sets the stage for this debate. Instead of prohibiting a revision of the standard for arsenic altogether, under my amendment EPA would just be prohibited from issuing a standard for the cancer effects. They might revise the standard based on the data for other health effects. My amendment does not require EPA to issue a standard. And it does not prejudge the issue of whether the standard should be tightened to prevent vascular diseases. We would want all the studies on those effects thoroughly reviewed by the Science Advisory Board and others before a standard-setting effort was begun. But it would not be blocked. That is the point.

Mr. President, I have discussed this amendment with the manager of the bill and believe that it is agreeable to him. I want to commend Senator BOND for including $1 million in this bill for

research on the cancer-causing effects of arsenic. That is a start. And we appreciate it. I am sure that we can count on him to see this research program through to the end, now that it has been initiated.

So, Mr. President, my amendment lets the prohibition that is in the basic bill dealing with cancer-causing substances, cancer threats remain, but lets EPA go forward with revising the standards to protect against, as I say, other adverse health effects.

Mr. President, this has been cleared on both sides of the aisle.

I ask for its acceptance.

Mr. President, I would like to say that I have discussed this amendment with the managers of the bill and the ranking member. I believe it is agreeable to them.

I commend Senator BOND for including $1 million in this bill for research on the cancer-causing effects of arsenic. That is a start. We appreciate it. I hope we can count on him—and I know we can—to see this research program through to the end.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (No. 2780) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. CHAFEE. I thank the ranking member and the manager of the bill for their consideration.

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senate is to proceed to the National Service Program amendment.

AMENDMENT NO. 2781

(Purpose: To restore funding for national and community service programs)

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the amendments pending before the Senate be laid aside.

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

Ms. MIKULSKI. Mr. President, I have an amendment that I would like to send to the desk in behalf of myself, Senator KENNEDY, Senator ROCKEFELLER, Senator DASCHLE, and Senator BREAUX.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Maryland (Ms. MIKULSKI), for herself, Mr. KENNEDY, Mr. ROCKEFELLER, Mr. DASCHLE, and Mr. BREAUX proposes an amendment No. 2781.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 27, line 5, strike "$5,594,358,000" and insert "$5,211,358,000".

On page 27, line 6, insert the following after "That": "in addition to the appropriation of $5,211,358,000 made available under this heading, in order to achieve an effective program level of $5,594,358,000 for the 'Annual Contributions for Assisted Housing' account for fiscal year 1996, in carrying out the programs and activities specified under this heading, the Secretary of Housing and Urban Development shall use $383,000,000 from any combination of unobligated balances or recaptures from prior year appropriations in the 'Annual Contributions for Assisted Housing' account, and from any reduction in amounts provided during fiscal year 1996 from the 'Annual Contributions for Assisted Housing' account (or from the 'Renewal of Expiring Section 8 Subsidies' account) to any public housing agency whose project reserve account is determined by the Secretary of Housing and Urban Development to contain funds in excess of the needs of that public housing agency: *Provided further*, That".

On page 30, line 5, strike "and".

On page 30, line 7, insert before the colon the following: "; and (3) shall give priority to projects designated for purchase by nonprofit organizations in allocating any funds for the sale of any projects in the preservation pipeline".

On page 128, after line 20, insert the following new section:

SEC. 225. INSURANCE OF MORTGAGES UNDER THE NATIONAL HOUSING ACT.

Section 203(b)(2)(A) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) is amended—

(1) in clause (ii), by striking "75 percent" and inserting "86 percent"; and

(2) by striking "38 percent" and inserting "50 percent".

Beginning on page 130, strike line 19 and all that follows through page 131, line 2, and insert the following:

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the "Act") (42 U.S.C. 12501 et seq.), $425,000,000, of which $335,000,000 shall be available for obligation from September 1, 1996, through August 21, 1997: *Provided*, That not more than $26,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12681(a)(4)), of which not more than $12,000,000 shall be for administrative expenses for State commissions pursuant to section 126(a) of the Act (42 U.S.C. 12576(a)): *Provided further*, That not more than $2,500 shall be for official reception and representation expenses: *Provided further*, That not more than $93,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq): *Provided further*, That not more than $209,000,000 shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program): *Provided further*, That not more than $5,000,000 shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): *Provided further*, That none of the funds made available under this heading may be used to administer, reimburse, or support any national service programs run by Federal agencies authorized under section 121(b) of the Act (42 U.S.C. 12571(b)): *Provided further*, That not more than $19,000,000 shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further*, That not more than $25,000,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12653 et seq.): *Provided further*, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): *Provided further*, That no funds from any other appropriation, or from funds otherwise made available to the Corporation, shall be used to pay for personnel compensation and benefits, travel, or any other administrative expense for the Board of Directors, the Office of the Chief Executive Officer, the Office of the Managing Director, the Office of the Chief Financial Officer, the Office of National and Community Service Programs, the Civilian Community Corps, or any field office or staff of the Corporation working on the National and Community Service or Civilian Community Corps programs: *Provided further*, that none of the funds made available under this heading may be obligated until the earlier of the date on which the Chief Executive Officer of the Corporation submits a plan to Congress to restructure the National Service Trust program authorized under subtitle C of title I of the Act (relating to activities including the Americorps program) in accordance with a budget smaller than the budget requested for the program in the President's fiscal year 1996 budget, or the date of enactment of an Act that reauthorizes the National and Community Service Act of 1990.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $1,500,000.

The PRESIDING OFFICER. There will now be 2 hours of debate equally divided in the usual manner. The Senator from Maryland is recognized.

Ms. MIKULSKI. Thank you, Mr. President. At this time, I yield myself no more than 15 minutes, reserving the balance of my time to allocate to other Senators and also for summation argument.

Mr. President, I rise today to offer an amendment to the VA–HUD and independent agencies appropriations bill.

My amendment restores funding for the Corporation for National and Community Service. It is in the amount of $425 million. The offset necessary to do this is taken from inside HUD to cover the budget authority in outlays needed to restore funding for national service.

The amount of funding this amendment provides allows another year of operation at a level that is 48 percent below the President's 1996 request, and it is also 10 percent below the fiscal year 1995 rescinded level.

In addition, my amendment would prohibit direct grants to Federal agencies, generating an additional 11 percent of savings. And, finally, my amendment would fence all funds from obligation until the Corporation submits a plan that restructures the program operation to reflect its reduced budget or until national service is reauthorized, whichever comes first.

Mr. President, why do I do this? I do this because I so strongly and passionately believe in national service. This is not just yet another social program. It is a unique American social invention designed to help create the ethic of service in today's young people. It creates an opportunity structure under which young Americans receive a reduction in their student debt or a voucher to pay for their higher education in exchange for full- or part-time community service.

This is not another handout. This says to young people, we know that your first mortgage is your student debt, but we want to give you an opportunity to reduce that student debt by doing service in your community. And if you do that, you will earn a voucher to reduce that student debt to the tune of about $4,000 a year.

The projects themselves do not come from some Federal bureaucrat deciding what is best for local communities. It is driven by the choices of local organizations, primarily nonprofits, and organizing around four basic areas of activity: education, public health, the environment, and public safety. It gives these young men and women a chance to get a college education in exchange for community service. This is not a Gucci-styled, show-up-once-a-week concept. These community workers spend an average of 35 hours each week contributing to their communities. They get a modest monthly allowance, and they get other support.

Why is this important? We want to do three things with national service. We want to help students reduce their student debt. We want to also rekindle the habits of the heart that made America great with the spirit of voluntarism. And third but not at all least, we want to deal with the new volunteer deficit that is facing the United States of America when many of our nonprofits are withering on the vine for the lack of community participation.

What are some of the examples of what these volunteers do? In my own State, in Montgomery County, they operate a community assisting police program where volunteers engage in community education and outreach that addresses the need for crime control, prevention, and the reduction of fear in six underserved communities.

Some of the projects that they do are coordinating a school awareness crime program. They provide bilingual assistance and referrals to crime victims. They work actually in a community policing station side by side with the police officers. They are not new cops, but they are cop extenders because while the police officers are doing the policing, these volunteers are helping doing prevention, community education, and also providing much-needed bilingual assistance.

In Vermont, there is something called the Vermont Antihunger, Nutrition and Empowerment Corps. This group operates five sites in Vermont, developing a statewide approach to hunger to increase participation of low-income and rural residents in Federal food assistance programs and teaching them about nutrition and how to buy and plant food.

In Washington State, we have a conservation corps providing a 1-year program that combines fieldwork and on-the-job instruction for doing things like watershed restoration, reforestation, stream and salmon habitat rehabilitation, and forest fire and oil spill response. It takes hard-to-reach kids and puts them with other young people who have recently graduated from college, both doing hands-on work. I know that we have not only turned the environment around but we have turned around some at-risk kids.

YouthBuild Boston is a program that puts 18- to 24-year-old volunteers to work renovating buildings to provide low-income housing.

The program engages disenfranchised youth in rebuilding their communities and provides them with the education and skills to become self-reliant and responsible citizens.

The program has had such success that it has expanded its services from housing renovation to include environmental, public safety, and education projects.

There are over 1,000 programs operating nationwide which involve 20,000 volunteers.

These programs are doing exactly what Congress intended to do when we authorized this bill in 1993. In fact, many of the programs are operating with a larger degree of success than even we had hoped. National service was designed to address those two programs I talked about—student indebtedness as well as how to instill a sense of obligation and habits of the heart in young people.

There has been a sharp drop over the last 20 years in the number of Americans who volunteer in their communities. Harvard Prof. Bob Putnam has identified this trend and says that we need to promote more civic activity. Fewer people attend the PTA. But also what we know is that groups like the Red Cross, Meals on Wheels, Girl Scouts, and Boy Scouts face fewer and fewer volunteers. What we want to do is instill this sense of citizenship, this sense of obligation. And we also want to say, as part of an overall Government framework, now we have a clear message that for every right there is a responsibility, for every opportunity there should be an obligation. And this is what we are trying to create also through this legislation.

National service is the latest in a long series of social inventions designed by this country to create higher education. Earlier today we debated the space station. We are known worldwide for our scientific invention. But also we have been a genius in social inventions—those tools that enable people to pursue the American dream.

(Ms. SNOWE assumed the chair.)

Ms. MIKULSKI. Madam President, we are the country that invented night school so that immigrants, working in factories during the day, would have a chance to learn English, learn citizenship, learn the skills to move ahead in our society. That was a social invention. We created the GI bill for returning vets because we said that if you gave to this Nation, we will make sure you will be able to participate in the American dream.

National and community service is part of that framework. How can we make sure the access to higher education is not only for the wealthy? In my own home State of Maryland, to go to an independent college like Loyola or Notre Dame of Maryland, the kind of school I went to, it now costs anywhere from $12,000 to $18,000 a year. For most middle-income families, the whole idea of $72,000 for 4 years of education is beyond their dream. The same thing for our public schools. It still then would be about $8,000 or $9,000 a year—or $45,000.

In this country, we believed that intellectual ability and character was randomly distributed through the population, so that it was only an elite few that could have access to higher education and thus remain elite. We wanted to make sure it was available to others. So that is why national service is important.

There are many critics to national service, and Senator GRASSLEY, of Iowa, has rightfully raised many of those concerns.

I joined with him, asking GAO to evaluate the AmeriCorps Program. I felt if we could not stand to be evaluated, we could not stand to be authorized and we could not stand to be funded. In our quest, we asked them to identify the resources required to field an AmeriCorps participant, evaluate whether an AmeriCorps program was meeting its mission, and make recommendations on how the national service corps could be more efficient and effective.

Well, GAO answered two of the three questions we asked. GAO estimates that the amount of resources available from the Corporation to field a participant are in line with the Corporation's estimate. Most impressive in GAO's finding is that national service programs are meeting the objectives that

Congress set when we passed the bill in 1993.

Some will come to the floor and argue that the cost to the taxpayer of about $26,000 is excessive. Well, I want to point out that in the report it says, "It is important not to equate our funding information with cost data." Most AmeriCorps programs are still in their first year of operation.

Also, the $26,700 figure is misleading because it represents all resources from Federal, State, local, and private. It is not a total cost to the taxpayer. You know, in fact, we require matching funds. And Congress expects that the federally appropriated dollars would be used to leverage matching contributions. So we see that what they say it costs is really excessive.

Also, some have suggested in the tight budget times we cannot afford to continue this. Well, I do not think we can afford not to continue it. The GAO report goes on to recognize that these grants have really served communities. They have served rural communities and they have served urban communities. GAO said in the seven AmeriCorps programs in the four States it visited that "During our site visits we observed local programs helping communities." This one sentence makes it all worthwhile.

GAO says, "In our site visits, we observed that these communities are actually being helped." I could go on to talk about what they do, but what GAO says is, "We observed participants renovating inner-city housing, assisting teachers in elementary schools * * * analyzing neighborhood crime statistics to better target prevention measures * * *" working with the police, developing a community food bank for people with special dietary needs—and I could go on.

Others would say that is going to be done anyway. Well, I am not so sure it is going to be done anyway. You have the downsizing of State and local governments. They are shrinking funds available for nonprofits. And also there are few people to volunteer.

This bill rewards the kinds of values, like sweat equity and work, that are at the heart of the American family. It does not identify with victims. It does not whine. It is not morose about the issues facing our society. I think this goes right into the values of the Nation. These are not Democratic Party values; these are not Republican Party values. These are American values: Hard work, neighbor helping neighbor, making sure that the access to the American dream is there for all Americans.

So, Madam President, I hope we will support the appropriation of national service. I also hope that we support the reauthorization when it comes up. I really think this is very important legislation. I think it really warrants the Senate's attention and their vote.

I yield back such time as I might have left, reserving other time that has been allocated to me.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. There is 6 minutes and 46 seconds remaining.

Ms. MIKULSKI. I yield to the Senator from Massachusetts 15 minutes.

Mr. KENNEDY. Madam President, I welcome the opportunity to join with my friend and colleague, the Senator from Maryland, in urging the Senate to accept this particular amendment that will restore the national service program and the service learning programs and renewing this country's commitment to service. I think all of us in this body are very much aware of the strong commitment that the Senator from Maryland has had in terms of the voluntary service programs. As one who has been involved in this effort for some period of time, Senator MIKULSKI has really been the leader here in the Senate in the development of these important programs, and has given us the opportunity in our Human Resources Committee to hear the testimony of many of the young people in Maryland who have been involved in voluntary programs, and conservation programs, and many others.

We are very much aware of not only her strong commitment as a policy maker but also her strong personal interest in the national service program, community service program, and other volunteer efforts. I welcome the chance to join with her in what I consider to be an extremely important vote here this afternoon.

Madam President, I think, as Senator MIKULSKI has pointed out, the issue of voluntarism is really as old as the country. And I think many of us feel that the outlet for this voluntary spirit has not always been very evident. Only in very recent years did we see the development of a new major volunteer opportunity. That was in the early 1960's—we can go back to the period of the 1930's and cite some of the programs in the time of the Depression, but really the 1960's and the development of the Peace Corps Program marked the dramatic beginning of a national commitment to service programs.

I had an opportunity, recently, to visit with some of the volunteers at the 25th anniversary of the Peace Corps. At a luncheon that was held over in the other side of the Capitol building, I sat down with the first volunteers for the Peace Corps and I asked them about why they participated in the Peace Corps. Virtually, all of them gave—phrased somewhat differently, a uniform response. And that was: We were asked and it was the first time that we were ever asked to do anything for anybody else. The Peace Corps asked them to do something for their country and also for the communities that they would serve, and they responded.

I think all of us who have watched the program grow and develop, and have heard the various discussions and debates about its stability and about its future in recent years, have learned a very important lesson from the Peace Corps. We have seen a large number of Peace Corps volunteers working on Capitol Hill and in different agencies of Government. They are individuals who involve themselves voluntarily in service. They give something back to the community. And they have maintained this spirit of voluntarism and an interest in the broad public policy issues of our country.

That has been true of Peace Corps volunteers, and it has been true of the Vista volunteers as well. I think there are more than 1,250 Peace Corps volunteers who are somehow related to activities on the Hill. They are working for Members of the House, the Senate, extended staffs, an in other areas of service to the Congress. It is an extraordinary record. I think all of us have seen similar examples in our own States, through our visits and travels.

I think one of the most important purposes of this whole program is to try to reach out and bring the idea of service to young people. Service learning programs, involve children as young as kindergartners, and continue the effort through the 12 years of school, to reach out to those individuals in the 12th grade. The AmeriCorps Program provides another kind of opportunity. It allows individuals to offer full time voluntary service to their community and earn educational benefits through their service. Hopefully they then maintain that sense of voluntarism during the time they are in school and in college, and continue it through the rest of their lives. The precedent set by Peace Corps and VISTA volunteers indicates that they will.

The programs that involve our seniors—Foster Grandparents, Senior Companions, RSVP, provide great service to communities. These volunteers are elderly retirees, who in many instances, are living on just a few thousand dollars a year. They are providing service to their communities and receiving a very minimal amount of resources for the great value that they represent in their communities.

Two superb programs in my own State, in Bedford and Fall River, come to mind immediately. These communities have very high unemployment and face many different challenges. The service that these programs provide to those communities is extraordinary. Those of us who support this program, want to see that concept of voluntarism started in the early years and continued on for young people and adults through the AmeriCorps Program, continued into college, the workplace and on into retirement.

As part of the whole AmeriCorps Program, we have seen a great deal of

commitment from the private sector. The challenge, when this program was established, was to try and ensure private participation and matching funds. The Senator from Maryland has talked about it, as well. We can, during the debate, go into greater detail on that part of the program. But it is already well documented that we have successfully involved the private sector in providing incentives and opportunities for service.

The fact remains, Madam President, that the concept of voluntarism exists not only for those individuals who have financial security. It will be said, in the course of this debate—it always is—it will be said that if we are going to talk about voluntary, why do we not talk about really voluntary. That is fine for those families, young and old alike, who have financial independence. But the idea of contribution of service back into community does not define itself by financial resources. The desire to serve exists among many people, young and old, those that have resources and those that do not.

We should not deny the opportunity for service to those individuals who come from humble beginnings and a family that does not have great resources. They know the concept of service and we should not deny them that. That is the point of the AmeriCorps Program: provide a small stipend and give them an opportunity to continue their education after they meet their service obligation. That is the AmeriCorps Program and it has been a great community resource.

We have seen the examples of real results where these programs have taken place. I ask unanimous consent that there be printed in the RECORD examples of the services provided in a number of different cities in my own State in projects that would never have been done unless AmeriCorps had been involved. The value of those projects far exceed the value of money paid to the individual AmeriCorps members. These are projects that generally would not be done without this program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MASSACHUSETTS AMERICORPS PROGRAMS—1995-96 PROGRAM YEAR

PROGRAM AND COMMUNITY

YMCA Earth Service Corps—Becket, Fall River, Boston, Brockton.

Berkshire Conservation Team/Berkshire[1]—Pittsfield.

Boston University Health & Housing Fellows—Boston.

Academics for Changing times/Cambridge Community Services[1]—Cambridge.

City Pride/Old Colony Y Services Corp.[1]—Brockton.

City Year Boston[1]—Boston.

Linking Lifetimes AmeriCorps/Corporation for Public Management[1]—Springfield.

Greater Holyoke Youth Service Corps[1]—Holyoke.

City C.O.R.E./Lawrence Youth Commission[1]—Lawrence.

Local Initiatives Support Corporation—Boston.

Lowell Neighborhood Service Corps/Greater Lowell YWCA[1]—Lowell.

MAGIC ME/Boston—Boston.

National Alliance of Veteran Family Service Organizations—Roxbury.

National Council of Educational Opportunity Association—Northfield.

National Multiple Sclerosis Society—Waltham.

Neighborhood Green Corps—Boston, Worcester, Springfield.

Athletes in Service to America/Northeastern University—Boston.

Notre Dame Mission Volunteers—South Boston.

Action for Children Today—Boston, Worcester, Fitchburg.

Youth STAR/ROCA Revere Project[1]—Revere.

Summerbridge Cambridge—Cambridge.

Elder Leaders in Community Care/UMass Boston[1]—Greater Boston.

US Catholic Conference—Somerville.

United States Department of Agriculture/Public Lands and Environment Team—Dorchester.

National Service Legal Corps/Western Mass. Legal Services—Springfield.

Cityworks/Worcester Community Action Council[1]—Worcester.

YouthBuild Boston[1]—Roxbury.

YouthBuild USA[2]—Somerville.

I Have a Dream Foundation—Boston.

Youth Volunteer Corps—Boston, Lawrence.

PLANNING GRANTS AND COMMUNITY

Coalition for Asian Pacific American Youth/UMass Boston[1]—Boston.

New Bedford Youth Corps[1]—New Bedford.

FOOTNOTES

[1] Funded through the Massachusetts National and Community Service Commission.

[2] Parent organization in Massachusetts. Operating sites in other states.

Mr. KENNEDY. Madam President, service is of great value to the community, and also of value to the individual who participates in the program.

Madam President, the Mikulski amendment will allow the programs in schools across this country to continue to provide the opportunity of service to young children.

In Springfield, MA, we have kindergarten children who are involved in folding napkins and preparing centerpieces and involved in the feeding programs for the homeless people in that area. They are just small children, and they are finding out about what homelessness means. They are finding out about the joy that takes place when they are able to involve themselves, as kindergarten children, in the preparation of napkins and centerpieces for those homeless individuals.

We find sixth graders who go out and visit nursing homes and perform in pantomime the race between the rabbit and the turtle and they see the joy that they are giving to those seniors. They often receive requests for performances. They go out during study hall to do service to the community. They learn that good citizenship is an important value in our society. This is important.

We have 8th through 12th graders, under supervision, providing day care programs for the sons and daughters of working families. They are working and even providing some reading and tutoring for these young children.

These 8th and 12th graders write these extraordinary books. They write them themselves—and read them to the other children. They are more popular than the books that are bought or were already available at these centers. The impact of that on those students is significant and profound.

We have more than 30,000 of them involved in these programs now in my own State of Massachusetts and that number is expanding. They do not need extensive resources and training to be able to run these programs. They have to have a program developed by students that has an education function, service to the community, and make application to the State boards.

That is another very important underlying concept. These programs are basically structured and run by the States. The grant decisions are not Federal they are controlled by the States.

We have, in my own State of Massachusetts, a good program. The men and women who are part of it have all been individuals who have been very, very much involved in voluntary service over the period of their lives and have been involved in a wide range of different kinds of service activities. They review to make sure that these programs work and work effectively. Some programs, clearly, work better than others, and there is obviously a responsibility to ensure that those programs that do not work are halted or discontinued and others that do work should go forward.

I know there have been examples that have been raised during the course of the various discussions on this of programs engaging in improper advocacy activities. When the very few allegations, have been substantiated, the programs have been abandoned. I think that is important. I think those of us who are supporting the Mikulski amendment certainly support that concept. Overall, the service provided by this program has been extraordinary.

I mentioned, Madam President, one particular school in Springfield, MA, that had one of the highest incidences of trouble in terms of violence, one of the highest dropout rates and also one of the highest incidences of teenage pregnancy.

There was an introduction into that whole school system of a community service program. There was a good deal of effort by very enterprising students, members of the faculty and several of the parents. They really made an impact on this student body.

Now it is the second best high school in Springfield, MA. If you go up there and talk to the parents, if you go up

[1] Footnotes at the end of article.

there and talk to the students, if you go up there and talk to the teachers, if you talk to the local merchants, if you talk to the other people who have received the service and seen the difference—there is no question in any of their minds about the fact that the service opportunity that was available to these young people made the big difference. It reduced violence and increased the academic benefits to the students themselves and changed, in a very significant and important way, the attitudes of these students about their school, about themselves and about their community.

We all know about the challenges that we are facing in many of our urban areas and in many of our school systems about how we are going to enhance education, academic achievement; how we are going to do something about violence; how we are going to do something about teenage pregnancy; how we are going to do something to encourage our young people to move around and learn.

There are a lot of different ways of trying to do it, and we have tried to do it in a variety of ways. Do not discount service as also an important contribution to those effort. When service and service opportunities are done right, they teach excellent lessons. I think the record demonstrates that.

Madam President, I see others who want to speak to this issue.

I will just say I think this program is an extremely modest program. The basic concept is to give an opportunity to people to give something back to their community. Many of us have the opportunity to visit different service sites in our own States or communities. The number of volunteers that are out there to try and provide help and assist is absolutely extraordinary.

I visited recently a station that feeds those who are HIV positive, and I asked them about the volunteers that they get to assist in feeding. They said the number of volunteers is off the charts. People really care. They do not want to have their names listed. They are people you would consider to be successful in terms of financial standing in the community. People really care.

We, as a society, do not offer sufficient kinds of opportunities for that kind of voluntarism. We provide important opportunities in many different areas, and I certainly acknowledge the work that is done by many of the very nonprofit voluntary agencies. But this is special and unique, a school-based program.

I ask for 1 more minute.

The PRESIDING OFFICER. Does the Senator from Maryland yield?

Ms. MIKULSKI. I yield 1 more minute.

Mr. KENNEDY. It really provides a very, very important opportunity. I think our greatest hope is that that opportunity will be expanded on over the years in the future to make voluntarism something that is basically a part of the American ethic from the earliest part of our lives until the twilight years of our lives.

I thank the Chair and yield the floor.

Mr. BOND. Madam President, I yield myself 10 minutes.

Madam President, I regret having to rise to oppose the efforts of my good friends from Maryland and Massachusetts to restore funding for the Corporation for National Service. I know that the Senator from Maryland has been a champion of this and every other measure that contributes to community service, that motivates people of all ages to take an active part in their community, to be contributing members of the community, to do something with their lives that is more than just getting a paycheck, and I know how important this program is to her.

But as I weigh the priorities, Madam President, I cannot see how we would allocate the scarce resources to pay for a program which the Government Accounting Office has concluded costs, per participant, over $26,000 per year. That is a level of expenditure that I just do not believe can be sustained in our current budget.

As I indicated when we began consideration of this measure, we are trying to move from the present condition of deficit spending, where we are going $200 billion in the tank every year, to balancing our books and stopping or ending the deficit, stopping the addition of debt, almost $5 trillion worth, that is now on the backs and on the credit cards of our children and grandchildren.

Good intentions alone, unfortunately, are not enough. We must establish some priorities, and it is very difficult. But to me, I cannot see AmeriCorps ranking high enough on that priority level. I do not dispute that the program has provided some benefits to communities. I know that individuals have benefited from it. Yet, we have had to make tough choices.

I had leaders of the Nation's mayors and county officials come into my office to ask about what I was proposing in this VA–HUD bill for the communities. I discussed with them the choices that I had to make at the subcommittee level, and that the full committee had to make between the community development block grant and AmeriCorps. The local officials who judge what really makes a difference for their communities said, "Well, we like both of them, but there is no question that the community development block grant is more important in our community." That is a decision made at the local level by people elected by and responsible to the people in that community. And I cannot argue with that.

I wanted to accommodate my colleague from Maryland. I do know that there are some benefits to the AmeriCorps Program. But when the choice came to funding community development block grants or AmeriCorps, as a supporter of block grants, one who has worked with county and city officials throughout my years of service, I felt we must go with those elected by the people at the local level, who said this is their priority.

I note also that the distinguished Senator from Massachusetts said that this is a very worthwhile program and that the private sector matches it. Yet, I understand that only about 8 percent of the funds come from the private sector. This basically is a Federal Government program. We used to have a program called CETA, Comprehensive Employment and Training Act, way back many years ago when I was Governor. That program funded all kinds of jobs. After evaluation of Government-funded jobs, on a bipartisan basis, the leaders of this country, both at the State and national level, decided that Comprehensive Employment and Training Act funds were not the way to go.

We have seen in the Federal Government's use of the AmeriCorps jobs how expensive they can be. It will surprise some of my colleagues that $14 million out of AmeriCorps funds went to fund Federal agencies. I bet you thought that we were cutting employment in the Federal Government, because that is what we have heard. Guess what? We cut employment in the Federal Government on the one hand, and we come in through the other door, through AmeriCorps, and use AmeriCorps funds to hire people paid for by the Federal Government.

In some of those programs, the cost per participant was more expensive. For instance, one HHS program costs more than $45,000 per participant. The Navy has a wonderful Seaborne Conservation Corps. It costs $66,715 per participant. That, to me, is a pretty expensive volunteer program. AmeriCorps, across the board, costs $20 per hour. HHS projects cost $33 an hour. The Navy project costs $49 an hour. That, Madam President, is for a volunteer.

When the program was authorized 2 years ago, it was authorized as an expansion upon the concept of voluntarism. Certainly, I believe and support voluntarism in this country. It has made our country great. Most of us would not be elected to this body, or any other body, if we did not have voluntary support in our campaigns. Most good works in the community would not go forward without voluntarism. But it would be cheaper for the Federal Government to simply pay salaries for additional staff members for not-for-profit agencies than to continue this program.

We do have good programs that assist in voluntarism. The VISTA program in the Labor-HHS Subcommittee is one

that I have seen work. You have to have some paid people to organize volunteers. Yes, that is one of the things you do have to have—somebody to help organize people to make sure the volunteer efforts are effective. I agree with that program. But this is different. This is paying people to be volunteers. To me, they are no longer volunteers.

The point was made very eloquently by the distinguished Senator from Massachusetts that voluntarism is only for the wealthy, unless you are paid. I do not agree with that. The figures are that over 80 million Americans are engaged in volunteer work. I know people from all parts of the economic scale, all up and down the spectrum of wealth, who volunteer. They volunteer in churches and schools and community organizations, community betterment projects, in programs that they think are important. And these people volunteer regardless of how much they have in the way of economic resources, or even paychecks.

Voluntarism is the spirit of America. But it is not paid voluntarism. Let me emphasize that under the proposal in this bill, no members of the National Service Corps that are currently serving will be cut off. The Corporation just announced the fiscal year 1995 awards in the last few weeks. These programs will run until September 1996. It gives us an opportunity to see one more year of the experiment and to allow the not-for-profit agencies one more year to prepare for a possible change in their Federal subsidies.

From my perspective, we have not seen the administration provide any kind of support or real push to get this program in a position where it can be saved. We have asked them for their input. We have told them of the problems. We have asked how they are going to reform it. And in our hearing, the ranking member asked Mr. Segal, the chief executive officer of the Corporation, to provide the subcommittee with workable options to save the Corporation because she suggested that perhaps the request for 1996 was unrealistic.

I do not know if Mr. Segal has responded but in the amendment that has been offered by the Senator from Maryland, I commend her because she has demanded they come up with a plan, they come up with a program, to show how they can be effective in a new, reconfigured, smaller, leaner process.

I can assure you that if the administration wants to save this program, it is going to have to be reconfigured. It will have to be slimmer. It will have to get rid of the abuses.

The champion of this effort to reform the program and make it more efficient and less abusive of the process has been the Senator from Iowa, who is prepared to speak. He has invited the Corporation, administration officials, to work with him and with me on restructuring the program to ensure its survival.

The latest I have heard, they simply responded that it was OK that Federal volunteers were paid $66,000 a year——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOND. With that, Madam President, I yield to the Senator from Iowa 30 minutes, and ask the Senator to reserve such time as he does not use.

Mr. GRASSLEY. Madam President, first of all, the job that the Senator from Maryland and the Senator from Missouri have on this entire budget that is within the jurisdiction of their subcommittee is a very difficult process. They are fitting all the needs that come within those programs within the 602(b) allocation they have been given.

I commend the chairman for the fine work that he has done on this bill and how pleased I am to work with him in reforming the AmeriCorps Program. He has a tough budget problem.

We have a program here, AmeriCorps, that has not worked out the way the administration has said it would work out. I think that is why we are calling for either reinventing this program within the definition of the President's statements when it was first enunciated, when the program was inaugurated, or else lose the program.

That is what my letter to the President in late August said. This is the problem pointed out by the General Accounting Office. We feel that until the problems are corrected, either reinvent it, in other words, or lose it.

We have not had the cooperation of the White House on that point. That is why I think one of the reasons that the chairman felt necessary to zero out this program at this particular time and use the money someplace where there is a greater need for it.

In the process of stating my position in support of the chairman and against the amendment by the Senator from Maryland, I do not take exception to the rationale that the Senator from Maryland or the Senator from Massachusetts gave for the necessity of promoting a great American tradition of voluntarism. I do not take exception to their points that we need to promote a communitarian spirit within our American society. I do not find any fault with anyone who says that we ought to have as a characteristic Americans giving back to the community, because we receive a lot from the community.

I do not find any fault with helping people to get education. I do not find any fault with what I have seen on television for the most part, although lately there have been some stories that are real boondoggles within these programs. Over the vast amount of the TV coverage of this program, I do not find one program of voluntarism that I find fault with.

Compare what it costs with what the managers and the President said that it would cost. We have a program that, according to the General Accounting Office, is costing $26,650 per position. Now, the workers get about $13,000 plus.

We are in a position where the President said 1 Federal dollar would leverage 1 private-sector dollar. The General Accounting Office says that only 8 percent of the $26,650 comes from the private sector.

So we have a program that is 40 percent or more in overhead and administrative costs, bureaucratic costs, when that money could better be used going to the worker. If you want to compare this whole program with another use of the money that I do not think we would find any fault with, at $26,650 we can finance 18 Pell grants for one person being educated under the provisions of AmeriCorps.

This program is not coming out of the pipeline according to the rhetoric that it went into the pipeline. We need to refocus this program so that the money goes to those who are volunteering and that the programs are within the $13,000 of Federal costs that the President and the Director said they would.

This is a period of time when there is a great need to establish very stringent budget priorities. The middle-class American taxpayers are asking us to balance the budget. They want us to make sure that good use is made of their taxpayers' money. Hard-working taxpayers should not have to fund $18.26 for every hour of community service by Government-paid volunteers.

This Congress is committed to setting priorities that would say the money ought to be within the cost that the program was enunciated. These were programs that were going to cost much, much less than $18.26. These are good goals, but it is a high priced method to accomplish the goals of voluntarism when we have $26,650-a-year costs per position. If we keep the Federal costs within the $13,000, that means we are not going to have the high bureaucratic overhead that we have in this program that is pointed out by the General Accounting Office. That is the main reason for my letter to the President, that he needs to reinvent this program or face losing it.

I rise in strong opposition to this amendment. This is an amendment that, if passed, would undermine efforts to reform AmeriCorps and only ensure that the taxpayers' money continues to be wasted in this program.

I hope I come to the floor with some credibility on the issue of trying to consistently support the wise use of taxpayers' money. I hope, as has been said by some critics of our effort to reinvent this program, that it is not a political attack by Republicans on the President's most-favored program.

I remind my colleagues that I have fought for many years against waste of the taxpayers' money, particularly in the Reagan and Bush administration. I fought against waste in the Pentagon. I still continue my efforts to watchdog the taxpayers' money at the Department of Defense.

It was well over a year ago before there was such a political price on this program that I started looking into the AmeriCorps Program, this program that is administered by the Corporation for National Service.

Similar to the Department of Defense under Reagan, AmeriCorps is one of the fastest growing programs in the budget. The administration wants to spend billions over the next several years of taxpayer dollars on this program. Just as with the Pentagon, I found that there was a tremendous waste in the AmeriCorps Program. In many cases, AmeriCorps gives the Pentagon a run for its money in the boondoggle department. For example, while the Air Force paid $7,600, as this chart shows, for a coffee pot, the AmeriCorps Program managed to work with the Navy to produce a $66,715 volunteer.

As we remember from a few years ago, the Department of Defense bought a $600 toilet seat. But the AmeriCorps workers give us a $49,652 volunteer. The Department of Defense a few years ago paid $500 for a hammer. But AmeriCorps pays $42,758 for a volunteer in new England.

There is no disputing the fact that the coffeepots, the toilet seats, and the hammers at the Department of Defense actually work. They actually work. There is no doubt in my mind that the volunteers under AmeriCorps at the Seaborne Corp., or the Magic Me, or the Youth Conservation Corps will work. But what we in Government have to do is find a more wise way to use the taxpayer dollars, whether it is with the $7,600 coffeepot at the Department of Defense or whether it is the $66,000 volunteer in AmeriCorps.

My long experience is that when the Department of Defense and their supporters are confronted with a $500 hammer story, they at least claim that there will be an end to business as usual. They state that there are going to be reforms. Frankly, sometimes these reforms are real and sometimes they are not very real at the Pentagon.

Here with AmeriCorps, we have an amendment that says all is well—that there is nothing wrong with paying nearly $50 an hour for service to the community, nothing wrong with 50 percent cost overruns, and nothing wrong with the taxpayers footing 92 percent of the bill. When it comes to AmeriCorps, $1 of Federal money was going to leverage $1 of private sector contribution to the program. This amendment is the same as Congress saying $500 hammers are completely acceptable, and voting to increase the Pentagon's hardware budget.

I do not find such waste of taxpayers' money acceptable at the Pentagon, and I do not find it acceptable at the AmeriCorps Program.

So, as I said, I wrote to President Clinton last month offering to work with him to reinvent the AmeriCorps Program. I asked him to sit down with Congress and work cooperatively with us in finding ways to have the AmeriCorps Program meet original goals as defined by the President of the United States—not by anybody in this Congress—by the goals that he hoped to achieve and the costs of those programs, and the amount that would come from the private sector and the amount that would come from the taxpayers.

Unfortunately, while the President has found the time to give inspiring speeches in support of AmeriCorps, he has found no time to roll up his sleeves and find common ground with the Congress. It is unfortunate at a time when I asked for common ground with the President that he is giving speeches all over the country wanting to find common ground with the Republican Congress, but never does the common ground of the President ever seem to be the same common ground that we ask for from here.

It is unfortunate that many young people could be denied assistance to go to college because the administration has refused to sit down and talk with the Congress about reforming AmeriCorps and more efficiently using scarce tax dollars.

The administration, at the last hour, at least has responded to our letter today. My letter was sent on August 29. The administration has finally sent a letter in response. Frankly, the letter says nothing. The administration has wrapped up its same tired lines and excuses with a new ribbon. Sadly, it offers nothing new in the way of cooperating with Congress or finding the common ground that is the President's watchword of the last 2 months.

In sum, the administration's response says continue to waste the taxpayers' money on these $66,000 volunteers, continue to hire over 2,000 volunteers to work for the Federal Government, and continue to spend half of the money on overhead and administration instead of helping young people pay for college.

It reminds me of the story of the emperor's clothes. Everyone in the administration is just too afraid to tell the President that AmeriCorps has no clothes, that it is a boondoggle, at least from the standpoint of these high-paying jobs, at least from the standpoint that it is not fitting within the $13,000 of Federal costs that the President defined as what the programs would cost, at least from the standpoint of $1 of Federal money not leveraging $1 from the private sector.

The amendment that is before us, as well intended as it might be to continue the promotion of the communitarian spirit in America, is really just a continuation of the status quo of business as usual.

My colleagues should clearly understand though that this amendment is not the life or death of AmeriCorps. This is about whether there will be a reform of AmeriCorps to stop the waste of the taxpayers' money.

There will be long discussions with the administration regarding the VA-HUD appropriations bill. I am confident that there will be funding for AmeriCorps when the day is done. This amendment is about whether we will undercut efforts to reform this program.

So I strongly urge my colleagues to vote against this amendment. I want them to vote for protecting the taxpayers' money. I want them to be able to help more young people attend college. At the same time, I think we ought to take into consideration that while we are talking about preserving 20,000 AmeriCorps positions, for every one AmeriCorps position, you want to remember that there are 190 young Americans, totaling up I think to 3.9 million Americans, young Americans, I want to emphasize—that is by our Department of Commerce figures—who volunteer every year without getting paid for it.

We need to remind these volunteers who do not get paid that their work is worthy work, even though they do not get paid. The best way I know to do that is to make sure that the President's objective is met of having these positions paid relatively small amounts of money to earn a stipend to go to college, to leverage $1 of private sector money for every $1 of Federal money spent, and staying within those guidelines that the President set—not that we set—is the best way to show the 3.9 million young people who volunteer that their work is appreciated as well.

Perhaps we can accomplish the President's goals of young people being educated, promoting the communitarian spirit, helping people in need, without jeopardizing either the public sector attempt to do that or a gigantic private sector attempt that has been characteristic of American society for decades before there was ever a President Clinton.

I yield back my unused portion of the 30 minutes and yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I am about to yield 4 minutes to the Senator from Illinois, a staunch supporter of national service. He has been waiting patiently.

Before the Senator from Iowa leaves the floor, I would like to say three things. First, I know that the Senator is not out to torpedo the program but

to reform the program. He was one of the first to raise concerns about the program, and as he recalls, I joined with him in the GAO report.

I also have in my possession the letters that he did send to the President asking for a reformed framework. I would like to recognize and acknowledge the validity of the Senator's concerns about that, and I think the Senator should have gotten a better response. I think I was owed a better response.

Third, I wish to say to the Senator, however, if this amendment goes down, national service is zeroed out. So it will not be about reforming national service; it will be about ending national service. So we will talk more.

But I would like to thank the Senator for his work on this issue. I think he raises important points. We disagree on the amendment.

I also thank the Senator for the tone in which he presented this argument. I think good people can engage in this kind of conversation with civility and keep the focus on the issues. So I would just like to thank him.

Having said that, I yield 4 minutes to the Senator from Illinois.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Illinois is recognized for 4 minutes.

Mr. SIMON. I thank my colleague from Maryland, Mr. President and Members of the Senate.

First, I wish to say Senator GRASSLEY has contributed in the area of waste in the area of defense, no question about it. And when he talks about waste, I think we have to take it seriously.

I should point out that the figure he uses of $27,000 is the total amount, including tools and equipment. For example, Judy Wagner of my staff just gave me a report where in one community they built a farmers' market. That includes all the aid equipment. In terms of Federal expenditures, it amounts to $17,600 per volunteer. That is a very different thing.

Second, I point out to both Senator GRASSLEY and my colleague from Missouri, Senator BOND, that some of the abuses they have cited are of people who have worked for the Federal Government. The Mikulski amendment knocks out service for Federal agencies, and I think properly so. So that moves us in the right direction.

Back when I was a Member of the House, I held hearings on this whole idea of service, and one of the people who testified was Harris Wofford, our former colleague, who then was President of Bryn Mawr College in Pennsylvania. I would, frankly, today vote for a 1-year requirement for everyone to serve this Nation in some capacity, and if you wanted to serve in the military, you got a little extra incentive of some kind or another, but you had to work for a mental hospital or park district or something. Frankly, it was good for me when I served in the Army for 2 years to come and be in a mix with a great many people, and I think it is good for others.

In terms of return on investment, I quote Stan Litow, an IBM executive, who reviewed the cost-benefit study and came to the conclusion that this program is sound. "This program works," he said.

Senator BOND made a reference to CETA. The CETA Program, frankly, was for unemployed people. This is a very different thing, and it brings in people to work together in areas where they have not often worked. This is different from the VISTA Program. There is obviously much cooperation.

I remember being in an impoverished area of Cincinnati. I walked into a little, one-person store, and there was a man explaining to this person who was running the store how to keep books. I walked out, and I thanked him for volunteering to do this. He told me at that point he was the treasurer of Procter & Gamble, and he said, "I should thank you." He said, "I didn't really understand our country until I volunteered."

I think we have to learn about one another more than we are. We are going to have to learn what it is like in another neighborhood. I think this is part of that. I read in—this may surprise the Presiding Officer—one of Rush Limbaugh's books—and I confess to having purchased two of his books and giving him a little bit of royalty—he said, "We are not being asked to sacrifice as Americans today." I think he is correct, and this is a way of bringing out the noble in people.

Government leaders can appeal to either the noble or the greed in all of us, and too often I think we pander to the greed. It is easy. But we should be appealing to the noble. And that is what this program does. I think it is a good program.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SIMON. If I may have 30 additional seconds.

Ms. MIKULSKI. I will be happy to yield the Senator an additional minute.

Mr. SIMON. I thank my colleague.

I remember—and I am sure Senator MIKULSKI will remember—that during the 1992 campaign when Bill Clinton was going around making speeches, the one line in his speech that got enthusiastic applause was when he said, "We are going to establish a volunteer service corps." I do not imagine the Presiding Officer was at any of those rallies and did not hear that line, but it was a response from the American people. They like the idea of appealing to people to volunteer for things.

Now, if there are improvements that should be made in the program—and there probably are—let us make the improvements. I think the Mikulski amendment makes some of those improvements. But let us not kill the program. That is what we do without an amendment. So I hope my colleagues will vote for the Mikulski amendment.

Mr. LEAHY. Mr. President, I support the mission of AmeriCorps. I have met the people, young and old, participating in Vermont's program, and I have seen the benefits in their faces and in the benefits in their faces and in the communities they serve.

Engaging Americans of all ages to help communities solve their own problems is a worthy goal. AmeriCorps builds a sense of community responsibility and is certainly a better investment than the $1 billion this Congress plans to spend for each B-2 bomber.

The greatest threat facing our cities and towns today is the loss of a sense of community responsibility. The best weapon against rising crime, hunger, and illegitimacy is for every American to take an active interest in their community.

AmeriCorps provides inspiration by inviting Americans to give something back—to reestablish the local ties that have been so important to this country. I cannot think of a better program to invest Federal dollars in.

Senator MIKULSKI has been a tireless advocate of the AmeriCorps Program, which now has 20,000 participants from all different backgrounds. The accomplishments of those participants are evident everywhere.

The 130 AmeriCorps members in Vermont are fighting hunger and malnutrition, improving trails and wildlife habitat in the Green Mountain National Forest, and helping rural communities develop fire protection plans. Others are helping troubled youths get back on their feet and aiding the blind.

AmeriCorps is an experiment that is working. The least we can do is to allow that experiment to continue.

I urge my colleagues to support Senator MIKULSKI's amendment providing funding for the Corporation for National Service in 1996.

Ms. MIKULSKI. Senator LEAHY has been a longstanding supporter of national service. I appreciate his remarks.

Mr. President, much has been raised about the concerns over the fiscal responsibility of national service, and the GAO report, I believe, shows that we are getting a dollar's worth of services for a dollar's worth of taxes. In the interest, also, of not running up the printing cost of the Federal Government, I would like to include only the executive summary of the GAO report in the CONGRESSIONAL RECORD.

I ask unanimous consent that the executive summary of the GAO report on the Corporation for National and Community Service be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

U.S. GENERAL ACCOUNTING OFFICE,
HEALTH, EDUCATION AND HUMAN SERVICES DIVISION,
Washington, DC, September 7, 1995.

Hon. CHRISTOPHER S. BOND,
Hon. CHARLES E. GRASSLEY,
U.S. Senate.

The Corporation for National and Community Service (the Corporation) administers the AmeriCorps*USA program, the largest national service volunteer program since the 1930s. AmeriCorps*USA participants perform community services that match priorities established by the Corporation, such as addressing educational, environmental, and public safety needs. The Corporation provides grants to individual programs, which obtain additional resources from other federal agencies, state and local governments, and the private sector.

While there has been interest in assessing AmeriCorps*USA's cost-effectiveness, such an assessment is difficult because the program has operated for less than a year. We recently reported on total resources available to support AmeriCorps*USA programs in the 1994–95 program year and, to a lesser extent, on benefits of certain programs. We found that total resources available for AmeriCorps*USA participant equaled about $26,700 for program year 1994–95.[1] We also found that, at seven programs we visited, participants were providing benefits to their communities, but we did not attempt to quantify these benefits.

Recently, in an effort to provide perspective on the potential cost-effectiveness of AmeriCorps*USA programs, a benefit-cost study was conducted of three AmeriCorps*USA programs based on short-term and projected data.[2] The benefit-cost study was commissioned by financial sponsors of the three AmeriCorps*USA programs it examined. The sponsors wanted more information about benefits derived from the programs relative to program costs. These programs were AmeriCorps for Math and Literacy, which targets at-risk children from kindergarten through second grade in Ohio and Texas schools; East Bay Conservation Corps, which addresses environmental needs in California; and Project First, which provides access to computers for students in Georgia, New York, and North Carolina. The study analyzed each program separately, and it did not claim that the three were representative of all AmeriCorps*USA programs. The study estimated that these programs returned between $1.68 and $2.58 for each dollar invested.

Based on concerns you and others have raised about the study, you asked us to evaluate it. We agreed to provide an overview of benefit-cost analysis; evaluate how the study's specific methodology compares with that of other benefit-cost analyses, and assess the study's conclusions.

To develop this information, we reviewed the study, held extensive discussions with the authors and used some of the study's data to try to replicate its results. However, in most cases we accepted the study's calculations as given and did not verify them. We did our work in August 1995 in accordance with generally accepted government auditing standards.

BENEFIT-COST ANALYSIS: AN OVERVIEW

Economists typically use benefit-cost analysis to evaluate the worth of particular investment projects. Calculating the ratio of expected benefits to expected costs is one method analysts can use to provide policymakers with evidence as to whether a project is worth undertaking. The analysis results in a benefit-to-cost ratio that is either greater than 1 (meaning the project returns more than $1 per $1 invested) or less than 1 (meaning that less than $1 is returned per $1 invested). The analysis may also compare a variety of investments to see which one returns the greatest benefit per dollar of cost.

Office of Management and Budget (OMB) guidance on benefit-cost analysis of federal programs[3] focuses on the entire economy, thus including net social benefits and costs. Social benefits of federal programs are the value of the program's output to private citizens, and this value is typically difficult to measure. Both direct and indirect benefits are usually included in the analysis. A job-training program, for example, may have the direct benefit of preparing individuals for employment, thus raising their future earnings. It may also have an indirect benefit of reducing welfare payments or crime rates, assuming that, had the individuals not received training, some might have received welfare or committed crimes. Even when the social benefits of a project are clear, attaching a dollar value to them is often problematic.

Social costs of a federal program are opportunity costs—the value of the forgone benefits had the program's resources been allocated to their best alternative use. Producing an additional unit of the program's output requires the reallocation of resources away from other productive activity. The opportunity cost of an additional unit of the program's output equals the sacrificed amount of some other productive activity's output occasioned by the resource reallocation. For example, if money used for a federal job-training program were obtained by reallocating funds earmarked for a federal bridge-building program, the opportunity cost of the job-training program would be the value of the services that the new bridges would have provided.

Comparing social benefits with social costs allows policymakers to determine whether the value of the output or services gained from a program is greater than the benefits sacrificed elsewhere when resources are reallocated. When the social benefits of a program exceed the social costs, there is a net gain to society from taking resources from elsewhere in the economy and devoting them to the program.

The comparison of benefits to costs can be expressed as a benefit-cost ratio (that is, social benefits divided by social costs) or as net benefits (that is, social benefits less social costs). The expression of net benefits is more straightforward. When the comparison is expressed as a ratio, decision must be made about costs that can affect the ratio. For example, if building a bridge will result in time saved by commuters or delivery trucks, this can be seen as a benefit—time gained—or as a negative cost—reduced time lost. Whether it is included as a benefit or as a negative cost affects the magnitude of the ratio but not the underlying economic basis for any decision-making process.

Benefit-cost analysis results are typically very sensitive to the underlying assumptions. For example, a small change in the interest rate used to discount a stream of future benefits or costs can have a large impact on the outcome of such an analysis.[4] In addition, including or excluding certain items from either costs or benefits can greatly change the results.

OUR ANALYSIS OF THE KORMENDI GARDNER STUDY

The goal of the benefit-cost study was to calculate the ratio of social benefits, net of nonfederal costs, to federal costs. On the basis of our review of the study and conversations with the authors, we believe the overall approach of the study appears to be consistent with this goal. Rather than dividing gross social benefits by gross social costs, it subtracted all nonfederal costs from the benefits and then calculated the ratio of the resulting net benefits to federal costs. The choice of what costs to subtract from the numerator, instead of adding to the denominator, affects the magnitude of the ratio, but it cannot affect whether the ratio is above or below 1. Given the goal of the study, the costs that are netted with benefits in the numerator do not seem unreasonable.

In addition to decisions about the placement of costs in the numerator or denominator, specific assumptions and other methodological decisions used to calculate components of the ratio affected the results of the study. Further, as the study appropriately recognized, without full program data, comparisons had to be made with historical data for similar programs, and the outcome was influenced by the choice of comparisons.

The study's methodology

The study summed three types of benefits deriving from the AmeriCorps*USA programs: participant benefits, societal benefits, and net donor benefits. Participant benefits included wages, fringe benefits, a "citizenship" contribution,[5] an education award,[6] and the value of future education made possible by the award. Societal benefits, as defined in the study, included all benefits that accrued to nonparticipants, such as increased educational attainment or reduced crime and welfare incidence for children who were tutored by AmeriCorps*USA participants. Net donor benefits equaled 0, because donor benefits were assumed to equal donor costs. The study then compared this sum with federal costs. To illustrate, we present these components, along with their values for one of the programs, Project First, in table 1.

Table 1.—Benefits and Costs for Project First

Item	*Value*
Benefits	
Participant benefits	$25,976
Wages and fringe benefits	9,804
Federally paid	8,211
Donor-paid	1,593
Citizenship	8,195
Education award	4,725
Future education	3,252
Net societal benefits	26,330
Net donor benefits	0
Donor benefits	10,350
(Less) donor costs	−10,350
Total benefits	$52,306
Costs	
Federally paid participant costs	$12,396
Federally paid wages and fringe benefits	8,211
Education award (federally paid)	4,725
Federally paid overhead costs	7,789
Total costs	$20,725

To determine the benefit-cost ratio for Project First, the study netted nonfederal costs and benefits in the numerator rather than including gross benefits in the numerator and gross costs in the denominator. For

Footnotes at end of article.

example, the benefits for donors of matching funds were assumed to equal the costs, and they were netted in the numerator.

A more complex example is the participant's "future education" component. According to our conversations with the authors, this component was the difference between (1) future earnings the participant will have with the additional education made possible by the education award and (2) future earnings he or she would have had in the absence of the award.[7] The authors also told us they calculated the difference between these earnings streams net of the participant's labor costs during the year in AmeriCorps*USA—that is, the future education benefit component was calculated subtracting out the participant's labor costs for the program year. The difference between the earnings streams did not include the benefits produced during the year; these were included as societal benefits. Because the costs that were subtracted were federal costs, they had to be added back into the numerator to calculate the desired ratio—social benefits, net of nonfederal costs, relative to federal costs. While the logic the authors described to us is understandable, we did not verify the details of all of the computations.

The choice of which costs to net out of benefits, in the numerator, and which to include as costs, in the denominator, is an important one. For example, according to the study, the net value of future education for a Project First participant was $3,252. This was approximately the difference, for the average participant, between a discounted lifetime income of $745,040 with the additional education and $741,790 in the absence of the additional education. One way to measure gross benefits and gross costs would be to include $745,040 as part of the benefit and $741,790 as the lifetime opportunity cost of producing that benefit. This methodology would probably not be an improvement over that of the study; these dollar figures would dominate the ratio relative to other benefits and costs, placing undue importance on this aspect of the entire study.

The valuation of benefits deriving from private donations would be optimistic if these donations were partly offset by federal tax deductions. For private sector donors, if part of the benefit were derived from tax deductions, the lost tax revenue should be counted as a cost if taxpayers ultimately have to make up for it. The authors told us that for the three programs analyzed in the study, this factor was not relevant because private donations came from tax-exempt foundations, but this point should be kept in mind for future analyses.[8] In addition, as with the value of future education discussed above, an alternative calculation could include only donor benefits in the numerator and include donor costs in the denominator, rather than netting them to 0 in the numerator. While this would reduce the measured benefit-cost ratio, it could not make it fall below 1, and the measure of net social benefits would be unaffected.

Other methodological decisions could affect benefit-cost ratios

The study made several other assumptions and methodological choices that affect the benefit-cost ratios. The study failed to recognize the costs associated with raising tax revenues to pay for new government spending programs. We also believe it may have made an optimistic assumption in one case about results of AmeriCorps*USA participants' work. In addition, as the study noted, benefit-cost ratios given in the study did not incorporate certain unquantifiable benefits, which would raise the reported ratios if they could be included.

Loss associated with generating tax revenues

Economists recognize that there are costs associated with raising tax revenues to pay for a new spending program. These costs can arise, for example, as some people change their behavior to avoid paying more taxes. OMB cites an estimated loss of 25 percent due to the process of generating the revenues, and it recommends calculating supplementary benefit-cost ratios including this adjustment to costs. Increasing the programs' cost by 25 percent would diminish the benefit-cost ratio.

Perry project comparison

As an estimate of future gains for preschool students whom AmeriCorps*USA participants tutored, the study used results from the Perry Preschool Project, an intensive intervention in a particular school in the 1960s on which much long-term research has been conducted. The intensity of effort in the Perry Project appeared to be much greater than in the AmeriCorps*USA programs. Comparison with some prior research is necessary, but it may have been optimistic to use the results from the Perry Project. This concern with the study has been raised previously in another assessment.[9]

Benefits that could not be quantified

As the study notes, some benefits of AmeriCorps*USA projects could not be quantified and thus were not accounted for in the benefit-cost ratios. During site visits we conducted as part of our earlier study, we observed benefits that may also apply to the three programs the study analyzed, including strengthening communities and fostering civic responsibility. Inclusion of an estimate for the value of these benefits would raise the reported benefit-cost ratios. One of the limitations of benefit-cost analysis is that intangible benefits such as these cannot easily be incorporated into the analysis.

ASSESSMENT OF STUDY'S CONCLUSIONS

The study concluded that programs such as the three AmeriCorps*USA programs it reviewed "generally can be an important societal investment" because the benefit-cost ratios exceeded 1 "by a substantial margin." As we pointed out earlier, the magnitude of the ratios depends in part on the assumptions and methodological choices that are made. Even if the three AmeriCorps*USA programs' benefit-cost ratios exceeded 1, in an era of constrained federal budgets, the ratios should be compared with those of other programs performing similar services, such as Volunteers in Service to America (VISTA), to see whether AmeriCorps*USA is a more efficient program. As the authors concluded, the three programs they analyzed would appear to be worthwhile federal investments. But until comparisons with other programs are done, decisionmakers will not know whether there are preferable uses of federal funds.

STUDY AUTHORS' COMMENTS

In commenting on a draft of this correspondence, the study's authors told us that they believed we had characterized the study fairly. They thought our breakdown of the benefit and cost components was helpful in illuminating their methodology. They agreed that their results were sensitive to methodological issues such as the choice of comparison groups. They emphasized, however, that a balanced view—which they believed was taken in this correspondence—recognizes that this sensitivity goes in both directions. They said that they stood by their overall conclusions that their results were reasonable and conservative. The authors believe that this type of study should be undertaken for other AmeriCorps*USA programs and for similar federal programs.

We are sending copies of this correspondence to the Chief Executive Officer of the Corporation for National and Community Service, the authors of the study, appropriate congressional committees, and other interested parties. If you have any questions or would like to discuss this material further, please call me or Cornelia M. Blanchette, Associate Director, at (202) 512-7014 or James R. White, Acting Chief Economist, at (202) 512-6209. Major contributors to this correspondence were Wayne B. Upshaw, Assistant Director; Harold J. Brumm, senior economist; and James W. Spaulding, senior evaluator, (202) 512-7035.

CORNELIA M. BLANCHETTE,
(For Linda G. Morra, Director,
Education and Employment Issues).

FOOTNOTES

[1] *National Service Programs: AmeriCorps*USA—Early Program Resource and Benefit Information* (GAO/HEHS-95-222, Aug. 29, 1995). This figure excludes private in-kind contributions.

[2] George R. Neumann, Roger C. Kormendi, Robert A. Tamura, and Cyrus J. Gardner, *The Benefits and Costs of National Service: Methods for Benefit Assessment With Application to Three AmeriCorps Programs* (Washington, D.C.: Kormendi/Gardner Partners, 1995).

[3] OMB Circular A-94, Revised Transmittal Memorandum 64 (Oct. 29, 1992).

[4] The discount rate is used to compute the present value of future benefits or costs. Even in the absence of inflation, a dollar today is worth more than one receivable in the future. For example, if the appropriate discount rate is 4 percent, then a payment of $1 receivable in 10 years is worth only 68 cents today.

[5] The "citizenship" contribution was an estimate of the difference between what AmeriCorps*USA participants received as compensation for their service and the larger amount that they could receive if employed at their market wage. The study counted this as a participant benefit because participants were assumed to derive a benefit in order to be willing to accept the lower compensation level. The study noted that this could be considered a societal benefit instead, because it was in effect a donation from the participant to society.

[6] AmeriCorps*USA participants receive an education award, which can be used to pay future higher education expenses or to repay student loans, upon successful completion of their service. For a full-time participant, the value of the award is $4,725 per year of service, for a maximum of 2 years.

[7] The study assumed only a portion of the participants would actually attain more education because of the award—the results were for the average—and the income streams were discounted back to the current year.

[8] When matching donations come from the public sector, the issues are more complicated. According to the authors, no non-Corporation federal, state, or local government funds were involved for the programs in the study. However, one of the three was a program we sampled for our previous review, and much of the matching funds it reported to us came from local government sources. Our data were gathered more recently than the data the authors had, which may explain the discrepancy.

[9] David W. Murray and Thomas Riley, "Costs and Benefits of National Service: Unanswered Questions" (Washington, D.C.: Statistical Assessment Service, 1995). See also George R. Neumann, Roger C. Kormendi, Robert F. Tamura, and Cyrus J. Gardner, "Response to STATS' Unanswered Questions" (Washington, D.C.: Kormendi/Gardner Partners, 1995).

Mr. DODD. I am pleased to rise in strong support of the Mikulski amendment to restore funding for the Corporation for National and Community Service and for AmeriCorps.

Mr. President, given all of the attention focused on this issue, it is hard to

believe that AmeriCorps is just 2 years old.

However, AmeriCorps has already created a lasting legacy in thousands of American communities. Through the work of over 20,000 full-time energetic and talented volunteers, needy children are receiving tutoring, mentoring and other assistance, our national parks are cleaner, streets are safer and thousand of homes have been rehabilitated for families in need.

The Corporation for National and Community Service has also harnessed the efforts of 500,000 senior volunteers and nearly 350,000 school-age students who are today working in their communities helping to meet critical needs in education, public safety, human service and the environment.

The Corporation's efforts are already making an incredible difference in America's communities. In my State of Connecticut, AmeriCorps sponsors 20 different programs. The largest, leadership, education and athletics in partnership in New Haven, has 164 members working with needy children providing tutoring and mentoring. During the summer months, many of the volunteers live in the community housing projects and work with the children throughout the summer months.

A recent study of the work of just 8 percent of AmeriCorps volunteers found the volunteers were having an extraordinary impact. Nearly 8,000 preschool and elementary students were tutored in basic education; 17,000 needy people were fed, and thousands of school hallways were made safer.

AmeriCorps has also made a significant difference in the lives of volunteers—who not only gain knowledge and satisfaction from their work but who also are able to pursue additional education and training and pay off student loans. After devoting their energies to rebuilding their communities, volunteers received a modest post-service educational benefit of $4,725.

This makes a substantial difference for today's students as student indebtedness rises to alarming levels. More than half of all AmeriCorps members come from families with household incomes between $15,000 and $50,000—the average family income was $33,500 overall—the very families who find the educational award so important in helping to manage the spiraling costs of college.

Mr. President, I know personally what a difference voluntary service can make in a young person's life. Over 30 years ago, hundreds of young Americans answered President Kennedy's call to service in the Peace Corps. I was one of them, and was sent to the Dominican Republic for 2 of the most rewarding years of my life. I would like to think that the maternity hospital I helped construct has made a lasting difference in that community. But I certainly know that the experience made an incredible difference in my life.

Mr. President, the benefits of national and community service may be lost here in Congress, but they are not lost on the American public. The vast majority of Americans support the AmeriCorps Program. A recent Gallop Poll showed that 91 percent of Americans supported national service. A Los Angeles Times poll indicated that 70 percent of Americans like this program—including 60 percent of Republicans and conservatives.

Mr. President, we cannot afford to lose this program to the pitfalls of partisan infighting. I would hope my colleagues would join me in voting for the Mikulski amendment.

Mr. CHAFEE. I want to offer my support for Senator MIKULSKI's amendment. I was a skeptic of this program when it was first proposed. It sounded too expensive, and the concept of stripended service seemed incongruous with voluntarism.

That was before I had a chance to see the positive impact of this program on the ground in my own State of Rhode Island. Young people from all walks of life have gone into a number of communities to help clean up neighborhoods, improve the literacy of inner city school children, and to improve public safety and the environment.

Let me give you an example of what we are finding in Rhode Island. Two years ago, Marilyn Concepcion was a high school dropout. Getting that far was an accmplisment; no one in her family had ever gone beyond the sixth grade. This 19-year-old woman joined Rhode Island City Year, an AmeriCorps program, to earn her GED certificate.

With training from the City Year staff, Concepcion began to tutor and mentor a group of first graders. She taught them to read, taught English as a second language, gave them insight into the value of learning, the importance of an education. Some of these children had never been given the type of encouragement that Marilyn Concepcion provided.

The short-term impact Marilyn Concepcion had on these children's lives has been measurable. They pay attention more in school, their self-esteem has been increased. But the real impact, the most concrete effect on their lives may not be felt for another 10 to 12 years, when these children become members of the work force or go onto college.

Spurred by the positive influence she'd had on her students, Marilyn Concepcion decided she wanted to go to college. She applied to, and was accepted by, Brown University. She became the first recipient of Brown's offer to match the $4,700 AmeriCorps educational award—a challenge grant program just announced by a number of universities and colleges in our State.

If this is the kind of results we are obtaining with only 1 year of experience, I think it is only fair that we let this program continue for some period of time to better evaluate its performance.

Mr. ROBB. Mr. President, I rise today in support of the amendment offered by my colleague from Maryland which restores $425 million to AmeriCorps.

Let me begin by saying that if the Senate is interested in engaging in a productive debate on the accomplishments of AmeriCorps—and on real suggestions for improving the program —I would welcome that debate. Very few programs managed by government at any level couldn't be made better, and wouldn't benefit from an ongoing public review. The amendment offered by the Senator from Maryland both saves AmeriCorps and, in my judgement, improves it.

And AmeriCorps is worth saving, Mr. President. It is worth saving because, as the General Accounting Office stated in its August 1995 report, "at the grantees' sites we visited, we found that the projects had been designed to strengthen communities, develop civic responsibility, and expand educational opportunities for program participants."

How do we identify the catalysts for vesting our people in our Nation? How can we encourage our children to feel an obligation and a responsibility to contribute to the strength and security of America throughout their lives?

Military service is one way. And civilian national service is another.

What does America get from a single individual's intense and all encompassing period of service?

Is it possible that those who work for a year to combat illiteracy will be forever committed to a good education for each child in the city or town in which they live?

Is it possible that those who work for a year to fight poverty will remember forever the importance of opportunity?

Is it possible that those who work for a year to hold together a crumbling neighborhood will never forget the responsibility of every man and woman to build and to sustain?

It is my hope that national service will be a catalyst for a lifetime of community service. It is my hope that experiencing the tangible results of strengthening and teaching will convince our people that citizenship has value, that individuals who roll up their sleeves and enter the fray can personally make something richer and stronger.

With every national service slot we fund, Mr. President, we give another American an intense, all encompassing, opportunity to serve. And by investing in them, we gamble that they will then invest in us.

I am willing to take that gamble, Mr. President. I am willing to reach for something to help fight this giant malaise that seems to permeate so many of

our citizens. I am willing to grab a tiny particle of idealism and see how far we can take it.

I am willing to work to make AmeriCorps better, Mr. President. And I am willing to oppose any attempt to eliminate its funding.

Churchill once said, "We make a living by what we get, we make a life by what we give." In national service, Mr. President, we allow our citizens to give. I urge my colleagues to support this important amendment.

Mrs. MURRAY. Mr. President, I would like to take this opportunity to commend my friend, Senator SARBANES, for his leadership on this issue, and lend my support to his amendment which would restore funding for homeless assistance.

Mr. President, homelessness is a problem that the American people want solved. The number of homeless Americans has grown steadily over the last three decades and it will continue to grow until we responsibly address the issue of homelessness. Studies put the number of homeless at more than 600,000 people on any given night. It is even more shocking to find that children are now the fastest growing portion of this homeless population. As a caring Nation, we must no longer ignore this growing and often overlooked part of our population. I firmly believe that every citizen deserves not only a place to sleep at night, but a real opportunity to improve their lives. Our national efforts must focus on helping these families.

Senator SARBANES' amendment restores $360 million for homeless assistance funding to the fiscal year 1996 VA-HUD appropriations bill, bringing the funding level back up to fiscal year 1995 levels. These funds will enable local governments, communities, and nonprofits to form comprehensive, flexible and coordinated strategies for ending homelessness. These funds will help local agencies leverage additional money needed to aid homeless people with disabilities, create more housing and provide the services and facilities needed to move people into situations where they can live independently.

Restoring homeless assistance funding to 1995 levels is also an important part of the authorizing committee's effort to reform HUD in general and specifically to reform our delivery of homeless assistance. Last year's Senate Banking Committee bill created a single formula grant program which would replace the seven different categorical grant programs at HUD. This formula grant will allow better coordination of homeless services at the local level and facilitate better planning as funding levels become more predictable. The VA-HUD bill allows for this formula but does not provide adequate funding. The funds restored in this amendment will raise homeless assistance funding to a level that will allow a formula approach to make sense.

Unfortunately, no matter how we restructure HUD, during the transition some people are going to fall through the cracks. The homeless programs are the safety net that catches them.

Mr. President, earlier this year I had a chance to meet with Lucie McKinney and she reminded me of her late husband's tireless efforts and determination to end the cycle of homelessness. We must do all we can to continue Stewart McKinney's work.

Mr. ROCKEFELLER. Mr. President, I am proud to be a cosponsor of the amendment to ensure the survival of AmeriCorps, today's commitment to national service throughout the country and in my State of West Virginia. I was proud to be an original cosponsor of the legislation that created AmeriCorps.

I know something about the importance of public service because of the VISTA program back in 1964. After President Kennedy issued his famous call for serving our country, I went to West Virginia through the VISTA program and to a place called Emmon that changed the course of my life.

AmeriCorps is a wise and meaningful investment in our country's future. Whenever I am home talking to West Virginians of every age, I see heads nod when the idea of national service comes up. West Virginians and our fellow Americans believe in the values of service and responsibility, and AmeriCorps is a very exciting, important way for these values to have meaning. It is incredible to see this appropriations bill include a retreat from one of the most exciting initiatives taken in the recent years. We should be working together to renew and reinvigorate service, especially by our young people, and not retreat from it.

There is a great deal of talk about solving problems at the local level and working in communities. I agree and I believe that AmeriCorps is one Federal program that successfully delivers on this promise. For every Federal dollar invested in AmeriCorps, we reap as much as $2.60 in return.

While it is important to note that AmeriCorps is a cost-effective program, I know it is more compelling to talk about what AmeriCorps has done for communities.

In West Virginia, the AmeriCorps program places workers at seven domestic violence shelters to help battered women and children with a range of issues. I have visited a shelter in West Virginia and was deeply touched by the need to help women and their children caught in violent homes. This is important community work, and AmeriCorps is helping make a difference.

My State also sponsors Project HEALTH—Health Education Associates Learning to Teach Health—which places 20 AmeriCorps members in 15 sites that focus on promoting health care in rural areas. This is a unique partnership program with the Kellogg Foundation, my State, and AmeriCorps. AmeriCorps workers will be promoting child immunizations, working to reduce the prevalence of low birth weight, and promoting healthy behaviors.

AmeriCorps members are also involved in a West Virginia project called Energy Express. This is an innovative summer program for disadvantaged children that combines remedial education and child nutrition. Energy Express also works to promote parental involvement with a child's education which is a goal we all share.

I could go on and on about the extraordinary work by AmeriCorps and the other service programs sponsored in my State. We have more than 20,000 West Virginians participating in public service initiatives thanks to the leadership and encouragement of the Corporation for National and Community Service. There are 189 West Virginians in AmeriCorps, and others are involved in VISTA, RSVP, the Retired and Senior Volunteer Program, and "Learn and Service" in the schools. The Corporation for National and Community Service weaves all of these important incentives together.

As we talk about the need to strengthen our communities and to solve problems at the grassroots, we should continue our support for AmeriCorps, which reflects this basic goals.

Mr. President, I ask unanimous consent that two West Virginia articles be printed in the RECORD. These pieces tell the story of AmeriCorps in West Virginia more eloquently than I can.

There being on objection, the articles were ordered to be printed in the RECORD, as follows:

AMERICORPS COMES UNDER GOP SCRUTINY

(By Cheryl Caswell)

Americorps, President's Clinton's pet project for encouraging community service and education, is one the firing line as Republicans carry out their program to slash government spending.

But his first recruits may be too busy to pay much attention.

In West Virginia, nearly 60 Americorps workers are studying archaeological sites and inoculation records, building shelters, tutoring children, developing leadership clubs and drug prevention programs, housecleaning for the handicapped, studying stream erosion and assisting farmers and domestic violence victims.

"The great value I got in it is that they are not just doing work, but developing an emotional tie to the community," said Joan Ambratte, director of the state Commission for National and Community Service.

"They are getting a sense that they are responsible for the future," she said. "And these are the people who are going to take over as leaders in the next 30 years, the ones who will step forward and serve in the legislature and on boards."

Ambroge's commission came under direct assault by some state Republicans who hoped to end its funding and end AmeriCorps here, but the appropriations passed.

At the national level, many in the Republican party are calling for a $416 million cut to the AmeriCorps program. President Clinton has asked instead for a $300 million increase and hopes to extend the program to another 27,000 recruits.

"There are many critics of this," she admitted of the program labeled by Newt Gingrich as "coerced volunteerism."

"But few people can devote this much time to community service. * * * the local level, all non-profits are going to need more support. AmeriCorps in the perfect vehicle for that."

AmeriCorps recruits workers for 1,700 hours—about a year—earning $4.50 or more plus day care and medical benefits. At the end of their term, they get a credit of $4,725 to pay for education or existing college loans.

In Charleston, Sue Sayre, 50, is trading a year of serving battered women for that payback. She intends to return to college next fall.

"The money was an incentive," she said. "But these women needed help. It's a new experience every day for me."

There were more than 200 applicants for Sayre's position alone.

Hopeful recruits similarly stormed all of the AmeriCorps hiring sites statewide—some federal agencies and some non-profit organizations.

The federal directive for AmeriCorps did catch many of them short. It promised lots of money if they would use the government funded volunteers. The deadlines to submit requests for money and their plans to use it sent the hopefuls scrambling to make it work for them.

"Part of the plan was that they were not to do work that we were already doing with other personnel," said Pat Bowman, who works for the national resources conservation service. "It was like, 'Hey, it would be nice if we could have somebody to do this.'"

Bowen said his federal office greatly needed someone to travel the state evaluating potential archaeological sites that might be damaged by development, erosion or other means. When he secured funds and volunteers, he recruited a young man with a master's degree in archaeology from the University of Glasgow in Scotland.

In fact, three of his five volunteers have master's degrees, but Bowen doesn't see that as out of line with the AmeriCorps concept.

"If they could come out of school and get a job in their industry, they'd make a lot more pay than we're providing," Bowen said. "But they all have a desire to provide service while they gain experience. It's like a domestic Peace Corps."

Joetta Wright of Fairmont graduated from West Virginia University with a bachelor's degree in sociology. She began her graduate work and then quit for financial reasons.

Now she works as an AmeriCorps volunteer at a domestic violence shelter in her hometown, answering the hotline and helping victims.

Tommy Adkins, 21, is working with poor Lincoln County residents to establish a barter system with their local businesses. He also spends part of his time in Jackson County, trying to boost the business community there.

In Kanawha County, five AmeriCorps volunteers have helped to review more than 5,000 records of pre-schoolers at the Kanawha-Charleston Health Department in an attempt to catch them up on their inoculations.

Andy Johnston, coordinator of their work for the Regional Family Resource Network, said his agency got 18 volunteers altogether and hopes to see funding increased so they can add more.

"What AmeriCorps can do is be the pickup piece that encourages people to go get more education," he said.

Among Johnston's recruits, one had once been homeless. Three currently live in public housing, and two receive public assistance for their own children. Two are college graduates, and one is seeking a master's degree.

"In West Virginia, we're exceeding all our objectives," said Ambrose, state director.

"The volunteers have broken the belief that one person can't make a difference," she said. "They are doing real work and dealing with the real challenges of change."

AMERICORPS MEANS WIN, WIN, WIN

(By Rachel Tompkins)

Eric Stone, 22, thought he would never be able to save enough money to go to college. Many people told him he was bright, clearly college material, but no one in his family had gone, so he had no example of how to do it. Then he read about AmeriCorps.

Today, Eric works as an AmeriCorps member at Chandler School Family Resource Center and the Roger Switzer Community Center in Kanawha County. He's earning the minimum wage and at the end of his year of service, he will have an additional $4,725 in trust to spend on college. One more year of service and he will have enough to pay his tuition and fees at a West Virginia public college.

In the past six months since AmeriCorps began in West Virginia, 30 AmeriCorps members, like Eric, have been working in two community-based organizations: the Regional Family Resource Network in Kanawha County and the Coalition Against Domestic Violence based in Sutton, Braxton County. An additional 30 AmeriCorps members work in West Virginia for various U.S. Department of Agriculture agencies, the Children's Health Fund in Cabell and Wayne counties and the National Multiple Sclerosis Society.

West Virginia AmeriCorps members range in age from 19 to 55. Some have GEDs, or are just out of college, while others have been out of school many years. All are committed to obtaining more education. Some of those working for the Coalition Against Domestic Violence are victims of abuse themselves.

Some examples of AmeriCorps work in West Virginia include:

Reviewing 5,000 immunization records and scheduling 1,000 children for overdue immunizations.

Scheduling two community health clinics in underserved areas.

Expanding the Parents as Teachers program.

Creating two new after-school programs serving 84 children.

Helping 100 families use a common application for a variety of social, health and education services.

Expanding programs about domestic violence awareness in high schools in Southern West Virginia leading to four specific referrals.

Providing multiple assistance to victims of domestic violence on hot lines and in shelters in eight communities.

Unless the national budget cutters prevail, this program will expand in West Virginia during 1995 and serve twice as many AmeriCorps members. As a taxpayer, an educator and the parent of two college-age children, I'm convinced this program ought to be continued and indeed, ought to expand.

AmeriCorps is a win, win, win program. First, local community groups apply for AmeriCorps members to support local projects that need extra help. No one in the state or federal government tells communities what they need. Second, AmeriCorps members who go to work for local groups get things done. The jobs are real work that simply wouldn't get done without the time and talents of AmeriCorps members. AmeriCorps members also get important work experience that will help in future job searches. Finally, each AmeriCorps member puts away $4,725 toward post-secondary education or toward paying off college loans.

During the just concluded legislative session, Gov. Caperton proposed, and the Legislature enacted a bill continuing the West Virginia Commission for National and Community Service to oversee the implementation of AmeriCorps and to promote service and volunteering in West Virginia. Debate on that bill reported in this newspaper suggested that AmeriCorps members were merely overpaid baby sitters. That is simply not it.

I know it is fashionable today to be against government programs and especially fashionable for Republicans to oppose this program so closely identified with President Clinton. But AmeriCorps builds on America's tradition of volunteerism and community service, and adds a new program to the more than 30 years of positive experiences of the Peace Corps, VISTA, the National Senior Corps and Learn and Serve. All of these programs have had strong bipartisan support over the years.

My hope is that West Virginia's elected representatives state and federal, Republican and Democrat will visit these programs, talk with AmeriCorps members, and consider the value of the program to West Virginia citizens and communities. Eric Stone and his colleagues will be happy to share their stories.

Mrs. MURRAY. Mr. President, I rise today in strong support of my colleagues from Maryland's amendment that would restore funding to AmeriCorps.

I stand behind this program not from reading the glossy brochures that highlight its achievements. I believe in the work that AmeriCorps does from seeing young adults in my State coming together for a common goal. I have met these students and witnessed their accomplishments, and must tell you that communities throughout my State are praising their work.

From AmeriCorps members providing gang intervention in Olympia schools to rehabilitating damaged watersheds in Lacey to providing emergency assistance to disabled elderly in Pasco to delivering meals to HIV-positive patients in Tacoma, AmeriCorps is working across my State.

Let's put the partisan politics behind us. This is not anyone's program. It is America's program serving our Nation by making our streets safer, our environment cleaner, our children healthier, and our schools better.

Certainly, cries of deficit reduction have wrapped themselves around this debate. However, the return on America's Federal dollar has been proven to be quite substantial in recent studies.

A research report conducted last year by the Northwest Regional Educational Laboratory looked at two Washington State AmeriCorps projects in Hoquiam and Lake Chelan.

For every Federal dollar spent on these two AmeriCorps projects, a $2.40 return can be expected. Even beyond the many direct skills and experiences derived from AmeriCorps participants that cannot be measured in dollars and cents, monetary benefits were still found to substantially exceed costs.

Mr. President, I wonder how my colleagues can look these young people in the eye and tell them that Congress has pulled the plug on an opportunity that shapes their future while improving our communities. I strongly urge my fellow Members to think critically about what we fund that truly makes a difference in the lives of our next generation. AmeriCorps is the answer that provides a cost-effective solution to meeting many of our Nation's concerns.

Mr. SARBANES. Mr. President, I rise in strong support of the amendment offered by my colleague from Maryland, Senator MIKULSKI, to restore funding to the Corporation for National and Community Service. When the conference report on the National and Community Service Trust Act of 1993 came before the Senate for final approval, I was proud to cast my vote in favor of this important legislation and I am equally proud to stand before the Senate today to reaffirm my support for the Corporation and its mission.

Signed into law on September 21, 1993, the National Service Act has helped to renew the ethic of civic responsibility and the spirit of community service while also providing critical assistance to needy communities throughout the Nation. The measure has also encouraged and, more importantly, provided the opportunity for thousands of Americans to give of themselves for the greater good while earning money to further their education. In my view, the legislation effectively merges education and service, two critical components of a healthy society.

Now, several of my colleagues in stating their opposition to continued funding for the National Service Corporation have expressed the view that it is not the role of the Federal Government to subsidize community service; that to pay volunteers through a Federal program runs contrary to the spirit of local community-based service. I would urge those who hold this view to look to history. Our society and the unique form of government we enjoy was built on the strength of national service and, in my view, fostering the investment in and providing the leadership for increased opportunity to serve is a responsibility we all share.

Mr. President, AmeriCorps, the centerpiece of the national service program, is not one large Federal program, but a network of locally developed and locally managed service corps which gives thousands of young people the opportunity to serve their country while improving the lives of themselves and their neighbors. Moreover, the initial investment we have made has encouraged increased private sector involvement in community service programs, including AmeriCorps.

I encourage opponents of national service to look carefully at the success of many of the AmeriCorps programs operating in communities across the United States. Information gathered from site visits by the General Accounting Office (GAO) indicate that an overwhelming majority of the programs across the country serve their purpose. In my State of Maryland, the Montgomery County Police Department is operating a Community Assisting Policing program designed to engage volunteers in education and outreach efforts to control and prevent crime and to reduce fear in at-risk communities. The GAO found that participants were involved in such projects as organizing a school Crime Awareness Day, teaching senior citizens how to protect themselves from crime, and analyzing neighborhood crime statistics to identify problem areas.

The GAO also visited MAGIC ME America, a nonprofit organization founded in Baltimore in 1980. The central mission of the MAGIC ME organization, which operated three AmeriCorps programs nationwide, is to motivate and educate teens by involving them in local community service projects. The GAO reported that participants in the MAGIC ME Program in Baltimore found that the program helped them to build their self-esteem and confidence and that all three participants interviewed planned to use their education awards to start or return to college. Additionally, staff members at three of the area facilities served by AmeriCorps volunteers stated that their presence was a key ingredient to the program. With the help of the AmeriCorps Program, MAGIC ME estimates that they have been able to increase the number of people served by over 800 percent in their three AmeriCorps Program sites.

Mr. President, it is my view that national service, and those who participate in national service represent the best of our Nation. In the tradition of the Peace Corps and VISTA, AmeriCorps strengthens the beliefs and values that are at the very root of American citizenship—the tradition of serving others, the value of taking personal responsibility for ourselves and our communities, and the belief that to who much is given, much is expected. Through programs like AmeriCorps we provide our Nation with both an opportunity and an obligation. National service requests a contribution to the community while providing individuals with the opportunity to develop skills which will serve them well throughout their lives.

As I have indicated through examples in my own State, the national service program is effective; it does work. At a time when we as a society are searching for ways in which to strengthen our families and our communities it would be foolhardy to abandon this national service initiative. I urge my colleagues to join me in applauding those who have answered the call to service through AmeriCorps and other national service opportunities. These individuals are taking part in the oldest and best of America's traditions—the spirit of service—and they deserve our support.

Ms. MIKULSKI. Does the Senator from Massachusetts wish to speak?

I note the absence of a quorum, and ask that it be equally divided.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. I ask the Presiding Officer, how much time does my side have left?

The PRESIDING OFFICER. The Senator has 20 minutes, 51 seconds.

Ms. MIKULSKI. I would like to yield 8 minutes to the Senator from Massachusetts. And I look forward to his discussions, as well as the chart.

Mr. KENNEDY. I thank the Senator from Maryland very much.

Mr. President, I welcome the opportunity to respond to some of the issues and questions that have been raised about the AmeriCorps and the costs for this program. And I listened, even though I was not on the floor, to both the response by the Senator from Maryland as well as the Senator from Illinois, Senator SIMON, about some of the points that have been raised about AmeriCorps working with governmental agencies and how that issue is addressed in the Senator's amendment.

That has been an issue that had been brought up and examined during the course of the review of the AmeriCorps. And I believe that the amendment that has now been before the Senate responds to that particular issue and question.

Second, I listened to those who have talked about AmeriCorps and the cost of the program, and also how much is expended in costs that are related to the AmeriCorps volunteer. I think it is important that we understand the terms that are being used and the costs that are being allocated to the different projects.

I have a chart here, Mr. President. I understand that this presents a breakdown of the total cost per member by

category. I think there is some confusion about what the costs are in terms of the member. And I thought I would review this chart because I think it illustrates by this chart exactly what is being expended for the AmeriCorps and the costs which are related to the service of an AmeriCorps member. We are talking about two different items, and it has been very easy for those who have been opposed to this program to try to somehow lump all of those together and give a distorted view as to actually what is expended on behalf of the AmeriCorps volunteer.

For each AmeriCorps volunteer the Corporation spends $6,200 on the stipend over the course of the year. This represents 33 percent. We have the education award, which is $4,700. We have the health care, which is $1,200. Those all go into the costs. And then we have the AmeriCorps overhead at 7 percent.

I wonder how many of the governmental agencies are able to have an administrative cost at that figure—at some 7 percent—which is very impressive, and indicates that for every dollar that is actually expended, only a small amount of that dollar is used for program administration.

The State commissions that ensure that the programs are actually going to be a service in the State—really a State function for the AmeriCorps programs—is a small percentage, 2 percent.

Now, the other programs which are related in terms of the general costs are what are considered local program operations. This is the $4,300 over here. These are the tools by which the AmeriCorps volunteer is able to make the voluntary contribution. This is for projects like housing rehabilitation. These are the saws, the hammers, the nails, the equipment the AmeriCorps member is using.

There have been those on the floor of the Senate who have taken this figure, whether in this average figure where it is $4,300, 24 percent—or whether it would be even larger, depending on the particular program and have put it all in overhead to somehow say that the costs of the AmeriCorps Program is far in excess of what was estimated and far out of control.

That kind of confused calculation has been done with regard to the Navy's Seaborne Conservation Corps program. We have heard about the costs per participant being $66,000. I have the excellent response by Congressman GREEN that analyzes those figures to show that at the bottom line, the actual costs were $16,641.

Now, people can come on this floor and use this other figure which represents funding for the organization, so to speak, in which the AmeriCorps members are actually working. They can repeat it and repeat it and repeat it, but it does not make it any more accurate.

I think that it is important that we understand that.

Mr. President, earlier when I spoke about the participation of the private sector, there was a comment made about the contributions that were being made to match the AmeriCorps. I think it is important to have a complete response on that, as well.

We know that the 7 percent, which is actually the figure named in the legislation authorizing AmeriCorps, requiring leveraging of private support was far exceeded. In its first year, AmeriCorps raised $91 million in matching funds, nearly three times the amount required by law; $41 million came from the private sector, more than $32 million legally required from all sources. Over 600 businesses, from local concerns to national corporations like IBM and General Electric, have directly contributed money, uniforms, tools, equipment, and training.

And therefore, again, if you use selective figures to try to downplay the private sector's contribution, you can make a debater's point, but it is not an accurate reflection of reality. The figures I have given show the real participation and contributions that have been made. And I think, Mr. President, an even a greater indication of the value of AmeriCorps is not just what I say about this private-sector participation, but what the leaders of the various voluntary agencies and the other project leaders have said about AmeriCorps. There have been the most commendable and enthusiastic statements, across the board. In a number of instances these statements come from some by those who were skeptical about the whole program and ended up being enthusiastic about what these volunteers really mean.

Mr. President, both those who have supported AmeriCorps and those opposed to it have evaluated the service and the corps. You find out that even by the minimum evaluation, about two and a half times the benefit comes back from the expenditures. This is demonstrated by a cost analysis of the program.

So, Mr. President, I think the points that have been made earlier by the Senator from Maryland in terms of the costs of the program, in terms of the private participation, and responding to the criticisms that are made about involving the AmeriCorps with governmental agencies, all are extremely important issues that should be responded to. And I think we have tried to do that this afternoon.

I just say, finally, we want to keep our eyes on one important point, the $4,700, the educational award, is also eliminated in this appropriations bill. And this is at a time when we are cutting on student loan programs. We reported out of our committee earlier today what is effectively a tax on every college in this country, based upon the amount of the student loan programs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Can I have 2 or 3 more minutes?

Ms. MIKULSKI. I yield the Senator from Massachusetts 2 more minutes to conclude his remarks.

Mr. KENNEDY. Mr. President, at a time when we are cutting back on the student loan program, or at least making it much more expensive, this program is out there. These individuals, by and large, are involved because they want to give something back to the community. Their greatest reward is not only their personal satisfaction and service to the community, but an opportunity for education, which is certainly a matter of national interest.

Finally, I will include in the RECORD, Mr. President, the number of colleges that are matching these education awards. Hampshire College in my own State—and I will include in the RECORD a number of the schools and colleges that are matching these education awards two and three times in recognition of the service these young and old people are providing for the community. I thank the Senator from Maryland.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Twenty-nine minutes, 43 seconds.

Mr. BOND. I am happy to yield the Senator from Arizona 8 minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President. I appreciate the Senator from Missouri yielding time.

I appreciate what both he and the Senator from Iowa have done in pointing out some of the problems with this new program that is called AmeriCorps. My position is that at this time of severe budgetary crisis in this country, at a time when we are trying to balance the Federal budget, it is not the time to be starting new Federal programs with substantial expenses which, frankly, are not cost beneficial in terms of the degree of support that it provides to the American people.

As a brand new program, AmeriCorps costs American taxpayers $367 million in 1994, and the GAO estimates that AmeriCorps costs nearly $27,000 for each volunteer. It is not an effective jobs or education program, and I submit, Mr. President, that it is not going to increase voluntarism in this country or in my home State of Arizona.

For example, the Arizona AmeriCorps Program, called the Border Volunteer Corps, was one of the largest programs. It received $2.6 million in the 1994 and 1995 service year. But it will not be federally funded this year through the Corporation for National Service. The reason is because the Arizona-Mexico Commission, the Arizona

sponsor, pulled out because of alleged mismanagement of this program.

It seems to me that groups such as the Salvation Army, groups in Arizona like Arizona Clean and Beautiful, Crime Victim Foundation, St. Mary's and Andre House food bank, and others that provide volunteer service in the State commit millions of hours to voluntarism every year.

We know today, Americans 18 and up volunteer 19.5 billion hours of their time, which is a 50-percent increase in the number of hours since 1981. Turning voluntarism into a wide-scale public jobs project, it seems to me, will undermine public philanthropy. We are doing well in volunteering in this country, not paying people to be volunteers.

Moreover, as other speakers have pointed out, AmeriCorps is not based on need. Certainly, today in our effort to prioritize where Federal dollars are going, Federal higher education dollars, if that is what these are targeted to be, should be targeted toward those who are most in need of assistance. AmeriCorps does not promote voluntarism because it is not a volunteer program. Students are paid $7,400 for work and given $4,750 toward education costs for 2 years. In addition, recipients are guaranteed health and child care benefits.

For the average $20,000 to $30,000 cost per year per student in AmeriCorps, eight needy students could receive Pell grants at $2,400 each. Eight needy students—and that is the definition of the qualification for Pell grants—could be served with this same amount of money, in other words, that we pay for one AmeriCorps volunteer.

A $20,000 stipend is worth more than the individual income of nearly 40 million working Americans. That is what we are paying these AmeriCorps so-called volunteers.

Examples of AmeriCorps spending: The National Civilian Community Corps, funded through AmeriCorps, provides 1,000 AmeriCorps volunteers with meals, tuition stipend, health care, child care, and housing at four closed military bases in Maryland, South Carolina, Colorado, and California.

So this volunteer program will cost $26 million for these 1,000 participants. Of course, the taxpayers foot the bill for AmeriCorps and not just for the good work that they do, but also for everything else associated with their work, including their training and a lot of interesting kinds of seminars.

According to John Walters of the New Citizenship Project, AmeriCorps volunteers spend one-fifth of their time in training, education and other nondirect service activities. So the taxpayers pay for nonneedy students to participate in self-esteem and other government classes and seminars.

It is also, I think, a problem here because, Mr. President, at the time we are trying to reduce the Federal bureaucracy, AmeriCorps volunteers are becoming part of a Federal bureaucracy. Over 2,800, in other words, about 20 percent, of the 20,000 AmeriCorps volunteers are assigned to Federal agencies, including Agriculture, Interior, National Endowment for the Arts, and others.

The federally funded Legal Services Corporation, for example, has been awarded funding for 44 AmeriCorps volunteers, costing taxpayers $959,000.

I think the bottom line is that for fiscal reasons, we have to limit AmeriCorps spending, and that is why I support what the Senator from Missouri is trying to do today. It simply costs the American taxpayer too much for the benefits that it provides, and I suggest that it should be eliminated.

We ought to examine the intent and the costs of the program. For example, we should get answers to why the AmeriCorps program costs $42,000 per person per student in Alaska. More than 16 students in that State could participate in the Pell grant program for the same amount of money that is used to sponsor one AmeriCorps volunteer.

Or why $1.7 million of the AmeriCorps budget has been spent on an AmeriCorps advertisement campaign. This year alone, the Government will pay more than $3 billion in interest on our national debt. That is about $1,100 for every man, woman and child in the country, enough to pay a year's tuition for a young woman or young man, for example, to attend Arizona State University.

Reducing funding for AmeriCorps is one small but very important way that we can begin to prioritize how Washington spends the taxpayers' money. That is why, Mr. President, as I said, I support what the Senator from Missouri and the Senator from Iowa have been saying today. It is time to cut the AmeriCorps program down to size.

I appreciate the Senator from Missouri yielding me this time. I reserve the remainder of the time.

Ms. MIKULSKI. I yield 3 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today in strong support of the amendment offered by my colleague from Maryland, Senator MIKULSKI, which restores $425 million to the Corporation for National Service.

Two years ago, I was very proud to be a lead Republican sponsor of the National Community Service Trust Act. My support for this endeavor comes from a long-held belief that national and community service is essential in addressing many of our unmet social and educational needs. Community service is the cornerstone of democracy, where those who have much have a responsibility to help those who have little. Providing public service as a means of training individuals, while at the same time supplying benefits to a community, is a win-win initiative.

It is interesting to note that the critics of national service have never criticized the goals of the program. They focus their criticism on the cost of national service activities with figures which are highly debatable, but not the worthiness of the efforts.

I beg to differ with those who say we do not have the dollars for national service activities. We do have the resources to devote to this worthy effort. For example, since 1980, we have downsized our military enrollees by 184,790, representing 54 percent drop. The savings generated from curtailing new recruits by 184,000 is close to $2.7 billion per year, much more than we spend on this program. And yet we have reduced the opportunity to 184,790 individuals each year, who otherwise would get help from the Federal Government to assist them in learning skills and being able to participate in a more meaningful way in our society. All we are doing with this amendment is taking a small proportion of those who now no longer have that opportunity, approximately 20,000, and give them the chance to take part in this program.

Although we are downsizing our military, many young people still have the desire to become involved in public service. We are not providing them an opportunity to contribute if we do away with national service.

National service enables not only young people but schools, community organizations, towns and cities to develop programs that will meet their own unmet needs while giving invaluable education to generations of our future leaders.

I point out that those 184,000 no longer in the military would have had an opportunity to get the same kind of scholarship they could get with national service through the military. Now due to downsizing of our Armed Forces, that opportunity is no longer available to them. So the elimination of national service will effectively remove another avenue for a large number of young people to obtain educational opportunities.

Let us remember that national and community service is not a program that young people engage in because they are free for the summer or because they have nothing better to do. Participation in service requires true commitment. This is a program that demands that youth spend at least 1 year in full service, or 2 years in part-time service in an area of national need.

Although we all support spending cuts, this does not mean we should forsake our responsibility to develop necessary Government programs, especially those that help our young people.

We must commit ourselves to redirecting our priorities to make clear that unless we address the concerns of this Nation, our children will not have a future. National service is a cost-effective program that is meeting many urgent local and national needs not being met through traditional means.

An example of the program's cost-effectiveness is an AmeriCorps project in New York. For each hour that AmeriCorps members update computer equipment, they save the New York City Board of Education $100 in labor costs.

Through a combination of hard work and commitment, National service has surpassed the expectations we all had when this legislation was enacted almost 2 years ago. National service was not designed to result in miracles on a grand scale, but there are many examples of minor miracles occurring daily throughout the United States. Some of these examples include, Youth Conservation Corps participants who have assisted Midwestern families afflicted by this spring's floods, the Teach for America participant who not only taught children in Watts how to read, but also how to love, and the Battleboro, VT, Independent Living project participants who assist the elderly and individuals with disabilities so they can remain in their homes instead of being forced to live in an institutional setting.

National service is a program that has served our Nation well, and therefore I rise today to lend my voice in supporting the Mikulski amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOND. Mr. President, I yield myself 10 minutes.

Mr. President, I was struck by the comment of my friend from Vermont that we do have the resources to fund AmeriCorps. I think this amendment, which I have now had an opportunity to study a bit more, reflects just how difficult these funding choices are. I said earlier that when I made my recommendations, I had to weigh AmeriCorps versus community development block grants. I was interested to see what the sponsors of this amendment show as their offsets because we have to keep this amendment budget neutral.

Well, this amendment uses two accounts for offsets, both of them from Housing and Urban Development. The first cuts the annual contributions for assisted housing accounts by an additional $383 million by taking an unspecified reduction. This could affect section 202 housing for the elderly, or the section 8(11) program for the disabled, or even housing for AIDS victims.

Other activities in this account include vouchers for displaced families. Incidentally, when we are looking at family vouchers, for each AmeriCorps volunteer, four low-income families could be given housing for a year. Is this truly our priority? Is it truly our priority to pay one young person what otherwise could go to providing assisted housing for four families needing housing? I do not think so. That is part of the problem I have with AmeriCorps in this budget.

In addition, in the rescissions bill which was adopted by this body and signed by the President earlier this summer, there was already a $1.12 billion reduction in this housing account. And the Department of HUD is telling us of their difficulty in identifying those reductions. To impose a further $383 million cut could impact real programs and real housing assistance for low-income families, the elderly and the disabled. One of the great complaints I have heard about this bill, as it has been submitted by the committee, is that it cuts HUD too much. This amendment would cut HUD further. Frankly, I was not willing to do that. I do not think it is a good idea.

The other offset proposed in this amendment is achieved by increasing the individual limit on mortgages for the FHA-guaranteed program. Now, this is a very controversial provision. Under this amendment, mortgages as large as $175,000 would be eligible for Government guarantees. That is raising from the current limit of about $152,000. These are not and should not be the sector of the housing market that the Government guarantees should cover. Moreover, private mortgage insurance is readily available in those mortgages. This proposal would expand the role and scope of Government. It is something that has been debated in the authorizing committees. I believe it is not wise because it would place the Government in greater competition with the private mortgage insurance market and likely increase FHA's market share in the area at a time when the private market is doing more and more.

President Clinton has talked about reinventing Government and bringing it under control. The Republicans who were elected in 1994 talked about limiting the scope and the role of Government. This amendment goes in the opposite direction from both of those objectives. To make the argument that we should increase the maximum allowable loan amount because it generates more money is to say that the best reason for a Government program is that it makes money. That is not the right approach.

I think the only valid justification for a program is a public purpose that can only be achieved by Government. There is no public purpose served by expanding Government's role into the already served private market. I believe this proposal is corporate welfare for lenders who currently receive servicing fees far higher than market levels for handling loans with no risk. Actually, it is a risk assumed by the taxpayers, not by the lenders.

I think there is real reform needed in the AmeriCorps, National Service Corps. I am very pleased that the sponsors of the amendment—and I congratulate the Senator from Maryland for putting in a proviso that none of the funds available shall be used to administer, reimburse, or support any national service programs run by Federal agencies. We were astounded earlier this year to learn, Mr. President, when we wanted to find out where the money was going at the national level, that AmeriCorps had been funding the Departments of Agriculture, Energy, Interior, Justice, Labor, Transportation, EPA, and the Department of Veterans Affairs.

Well, according to the letters that we have received from OMB Director Rivlin and from Mr. Segal, they are not willing to talk about any reforms. I strongly support and commend the Senator from Maryland for agreeing to take out all of these Government agencies. AmeriCorps was funding these governmental agencies, and they were passing over Future Farmers of America, National 4-H Council, Girl Scouts of America, American Red Cross, Big Brothers/Big Sisters, the Boys and Girls Clubs, National Audubon Society, United Negro College Fund, United Way of America, United Cerebral Palsy Association, Goodwill Industries International.

These are the traditional volunteer agencies that most people think of in America when you talk about volunteers. Yet, they were passing over those. They were passing over those, in some instances, to go to Federal Government agencies. I am glad and I congratulate the sponsor of this amendment for knocking out those Federal agencies. But I also want to point out that there was strange scoring done. When you look at the independent assessment made by an outside agency who ranked these applicants, they had to reach way down in the rankings—from an impartial ranking group—to find some of the organizations that were funded. They overlooked Big Brothers/Big Sisters, National Urban League and Student Conservation to provide funding for an ACORN project.

Well, as Senator GRASSLEY has learned—and I believe he may have a statement later on—the ACORN project was involved directly in political activity. They were soliciting votes, actually involved directly in a campaign against a city councilman in Denver.

I think it is time that we had a commitment from this administration for a thorough reform of AmeriCorps before we even consider putting funds that are badly needed in other agencies into that program. I received a letter from PETER HOEKSTRA on the House side,

chairman of the Oversight and Investigation Subcommittee. He was an original supporter of the Corporation for National Service. He said, at the time, "I believed that this would be an efficient and effective use of taxpayer dollars. However, after conducting an independent evaluation of how money flows from the Corporation to AmeriCorps programs and how these funds are spent, I have grave concerns about the continuation of this program."

He states that he has begun a dialog but he finds that it is safe to say that AmeriCorps has been and likely continues to be an avenue for partisanship. "The recent move by the Corporation to defund ACORN and Cole Coalition only serves to highlight the seriousness of this problem. In the case of ACORN, AmeriCorps' IG has pointed out numerous cases of lobbying, fund raising, and even voter registration carried out by AmeriCorps members."

Congressman HOEKSTRA goes on to say, "Finally, our subcommittee is in the process of reviewing CNS' grantmaking procedures. Our preliminary findings reveal a less than comprehensible procedure, whereby grant scoring often has little to do with who receives the final grants."

I really believe that before we consider trying to take money away from HUD, from assisted housing for those who are in grave need, for the people who are elderly, who are disabled, or the people with AIDS, that the administration at least owes us a good-faith effort to make sure that the dollars that are spent in AmeriCorps are not being spent for political purposes, they are not being wasted on high-cost projects.

I reiterate my point that in these very tight budget times, I do not think that paying money to volunteers in this program is a higher priority than taking care of the needs of those who depend upon HUD for federally assisted housing. I reserve the balance of my time.

I yield the floor.

Ms. MIKULSKI. Mr. President, I yield the Senator from Delaware 3 minutes.

Mr. BIDEN. I thank the Senator from Maryland.

Mr. President, I will be necessarily brief.

There is very little the Federal Government can do about moral values. That is something that is shaped by families and communities and churches. One of the things we can do is the Government can help teach young people that they owe something to their country and to each other and that membership in the community conveys both rights and responsibilities.

The Senator from Georgia is on the floor. He had a national service piece of legislation which I and several others supported over the years. The notion that we are going to instill in our children that they have an obligation to their community and to their country—my own experience, we focus, I believe, too much on just what the benefit to the recipients of this service is.

I suggest one of the greatest benefits of AmeriCorps is what it teaches those who participate in AmeriCorps. My son was in the Jesuit Volunteer Corps. No relationship, no remuneration, but he spent a year in a community service project in a homeless shelter out in Portland, OR. I know he benefited more from that experience, quite frankly, than almost anybody he helped benefit.

That is one of the payoffs of this program. One of the payoffs is a generation of young people who, in fact, are instilled with a sense of obligation and responsibility to the community.

I heard my friend from Arizona stand up and talk about this as if it were need-based. There is nothing need-based about the military; the Peace Corps is not need-based. The point is to pass on these values to children or young people of all economic strata.

We need broad-based support from the next generation in terms of what their responsibility to the communities is. I think that is the most overlooked aspect of this program.

I also add, Mr. President, that I hear some of my friends—not the chairman of the subcommittee, but some of my friends on the floor—talking about the need for other programs. I notice they also cut those programs. I find it somewhat interesting the talk about this could pay for x amount of Pell grants or y amount of this. I notice from their records they do not vote for the Pell grants, they do not vote for the other things.

I find it somewhat interesting that they use as a straw man—I am not speaking about the Senator from Missouri but others who have spoken and talked about this off the floor—they use as a straw man the idea if we just were not spending the money on AmeriCorps, we would be spending it on other worthwhile programs that I note they also vote against and voted to cut.

Mr. President, I must admit that I find this debate—and the opposition to AmeriCorps—somewhat fascinating.

We have been hearing for about a year now—including the last few weeks during debate on the welfare reform bill—that we need to return power to States and local communities. That the Federal bureaucracy needs to get out of the way of local solutions to problems, that we need to make better use of nonprofit community organizations and church groups in addressing the problems this country faces. And that individuals helping each other, not the paternalism of big government, is the ultimate answer to our problems.

Fine and good, Mr. President. And, to an extent, I agree. But, that is exactly what AmeriCorps does.

AmeriCorps says to States and communities, you decide how to meet the needs of your people how to solve the problems you face. AmeriCorps says, private, nonprofit organizations should be the main focus of the program. And, AmeriCorps teaches young people about responsibility, opportunity, and citizenship.

The fact is, President Clinton's national service program is probably the most Republican program ever enacted by a Democratic President.

It is not the Federal bureaucracy trying to solve problems, it is State, local, and private organizations working together to solve problems.

It is not solutions conceived inside the Washington Beltway. It is solutions conceived where the problems are, at the local level.

It is not government taking over the role of charities. It is, as almost all local charities will tell you, a way to make volunteer efforts more useful and effective.

All the Federal Government does is to provide some money and some dedicated young people to help.

Let me tell you about some of those people from my State of Delaware—both those who help and those who are helped.

Tammy is a single parent who used to be on welfare. Today, Tammy is an AmeriCorps member who helps teenage mothers do what she did—move from welfare to work. Tammy says, "AmeriCorps gave me my voice back."

Dora is another woman supporting her two children. After leaving the military, she took a job waiting tables. But, this past year, she spent working for AmeriCorps, helping elderly public house residents get preventive health care.

Dora will be using her tuition voucher to go back to school, something she admits she never would have done without AmeriCorps. As she put it, "AmeriCorps gave me direction."

Jeff was a Maryland AmeriCorps member, but he did his service by tutoring at-risk elementary school children in the Colonial School District in Delaware. For many of the boys, Jeff was their only male role model.

And, the boys could hardly wait for Jeff to show up each day. After just 1 week, one of the teachers said, "There's already been a difference." Many teachers are now begging the principal to have an AmeriCorps member in their classroom.

And, finally, let me tell you about Camille, who is a homeless teenage mother who dropped out of high school. She met an AmeriCorps member named Chan. And, Chan gave her hope.

Chan got Camille to sign up for an adult education program. He supported her and tutored her. And, Camille will

soon graduate from the adult education program and receive her GED.

Mr. President, there is very little the Federal Government can do about moral values. That is something that is shaped by families and churches and communities.

But, what each of the examples I just gave proves is that the Federal Government can do at least a little bit about this country's values. The Federal Government can help teach young people that they owe something to their country and to each other, that membership conveys both rights and responsibilities.

And, what these examples also show is something I have long believed about community service—and I saw it with my own son after he served a year with the Jesuit Volunteer Corps. Those who benefit from community service are not just those who are helped, but also those who do the helping.

AmeriCorps helps instill the values of responsibility and citizenship. It makes a difference in lives of thousands of Americans and makes our problems just a little bit smaller.

There are children who will walk through their neighborhoods today safer because of the AmeriCorps members who are helping the police in community policing.

There are neighborhoods tonight that are safer because AmeriCorps members closed down the crack houses.

There are children in school today because an AmeriCorps tutor gave them hope and they did not drop out of school.

There are families who have homes today because of houses built by AmeriCorps members.

There are senior citizens in nursing homes whose days are just a little bit brighter because of the work of an AmeriCorps member.

Mr. President, AmeriCorps is not the solution to all of our problems. And, it is not the entire answer. But, I dare say, it is making a difference. And, it would be truly regrettable if AmeriCorps was eliminated after just 1 year.

Ms. MIKULSKI. I yield 2 minutes to the Senator from Georgia. I wish to tell the Senate this is one of the founding fathers of national service.

Mr. NUNN. Mr. President, I urge support of the amendment of the Senator from Maryland, and I commend her for taking this leadership and also commend the Senator from Missouri for pointing out things that need to be corrected in this program.

That is what we ought to be doing. We ought to be correcting the faults, not killing the entire program.

Mr. President, we have heard comparisons of how many Pell grant programs we could fund, how many job training programs we could fund. These criticisms are valid as far as they go but what they forget is a very important point.

That is, we are requiring service, and service is being rendered. A good analogy is our Nation's Armed Forces. We do not maintain Armed Forces in order to provide valuable skill and help develop good character in young men and women. Rather, Armed Forces personnel develop skills and character in the military as they carry out their primary mission for providing for our Nation's security.

The same is true of national service. Would critics have us disregard the benefits to society of national service participants helping flood victims in Montezuma, GA, last year, a town completely overcome by the flood? Should we ignore the benefits of the first-time immunization program of 33,000 children in Fort Worth, TX, in 1 month?

Mr. President, independent studies verified by the GAO found recently that AmeriCorps returns between $1.68 and $2.58 for every $1 invested. I think it is important that we continue this program. National service says to the participants, along with society's opportunities come duties. If you will provide your honest sweat and elbow grease to improve society, we will help you attend college or acquire a skill.

This is a win-win-win situation. The question I have for my colleagues is what other program is aimed at accomplishing these social ends without a handout, without stifling bureaucracy, and with such enormous benefits to our communities?

As my colleagues know, the idea of national service is one in which I have been involved for several years. In 1989, I introduced with Senator ROBB, GLENN, BREAUX, and SASSER introduced legislation to demonstrate the concept of national service in a small number of programs nationwide. President Bush signed that legislation into law in 1990, and the effort yielded a number of highly-successful demonstration programs, including two in my State. In 1993, Congress passed President Clinton's National and Community Service Act to create thousands of young people serving their communities. While the scope of AmeriCorps is much larger than our original demonstration project, the philosophy behind it, supported by Democrats and Republicans, is the same—make plain the essential connection between rights and responsibility by putting Americans to work meeting the unmet needs in their communities.

At present this Congress is involved in a great debate over how to reverse the fraying of our Nation's moral fabric. The question which confronts us is how to stop the rising tide of crime, illegitimacy, falling test scores, and rising despair that plague our communities. I do not pretend that funding national service is the answer to all of these problems. What I can say with great conviction, however, is that national service is one of the few Government enterprises with the potential to inspire large numbers of young people against this tide.

In Georgia, success stories are not hard to find. In my State, AmeriCorps members alone have contributed more than 300,000 hours of service, and served more than 19,000 individuals. In addition to their required service, AmeriCorps members have volunteered 7,500 hours to community-wide philanthropic efforts and traditional volunteer programs. They have also recruited more than 2,500 community volunteers to help in their community service efforts. Members are working with the Macon police department to patrol communities and establish neighborhood watch programs. In Douglas, members are helping to erect road signs to ensure that emergency crews can respond quickly to calls on the newly-installed 911 telephone system. In Atlanta, members mentor and tutor low-achieving students in schools and recruit volunteers for further community service efforts. In Atlanta, the principal of Ralph McGill school in a low-income area of Atlanta informed me on a visit that since AmeriCorps young people started working as teacher's aides discipline problems have declined at his school by 70 percent. This list of accomplishments is mirrored in virtually every State in this Nation.

Critics have tried to attack national service in a number of different ways. With the recent release of the GAO report on the costs of national service we have heard cries of how expensive the program is. I would caution the program's critics to examine the benefits of the program as well as its costs before issuing such casual independent studies. The GAO study often quoted by critics found that AmeriCorps' per-member costs to the Federal Government are in fact lower than the estimates the Corporation set for itself. In addition, the benefits generated by the program, as reported by an independent accounting agency and verified by GAO, have yielded excellent ratings for cost-effectiveness. Most importantly, however, the program receives high marks from the beneficiaries of the service, like the teacher of Ralph McGill school, who is better able to teach his students through AmeriCorps' efforts. In this way AmeriCorps is living up to its slogan, "Getting Things Done." I hope that the program's critics, many of whom were singing the praises of cost-benefit analysis on this floor in a different debate on regulatory reform just a few weeks ago, will practice that preaching for this program as well.

Our Nation's Armed Forces provide another good historical analogy to national service—the GI bill. This program, which began in the mid-1940's as an effort to provide an education to those who fought for our Nation's survival in World War II, has been judged

one of the most successful investments of public funds in our history. The program continues today as the Montgomery GI bill. The GI bill gives the participants an education benefit in exchange for their great service to this country. Like the GI bill, national service provides a triple payoff in terms of the service performed, the service experience, and the post-service benefit. Do my colleagues who criticize national service believe that the GI bill was a mistake? Here, Mr. President, is a program that has just as much potential to help our society.

Finally, Mr. President, I would point out that since its initial authorization in 1993, AmeriCorps has had only one full year of operation. As with any newly created enterprise, there are growing pains of varying degrees, and I am the first to express my willingness to search for ways to make the program more effective. The time for such debate and change, however, is during the program's scheduled reauthorization next year. That way we can have a systematic, rational consideration of whether this program has provided sufficient "bang" for the Government's buck, and whether structural changes are needed. To kill this program in this appropriations bill would be a costly mistake.

Mr. President, as our distinguished colleague Senator BYRD often points out, one of our primary duties as Senators is to exercise the "power of the purse" and be good stewards of the taxpayer's dollar. I have been watching AmeriCorps' work in my State, and I am pleased to inform my colleagues that AmeriCorps is achieving its goals. This is an innovative, nonbureaucratic, decentralized approach to one of our Nation's most important tasks—creating citizens who understand that responsibilities accompany rights and who provide real services to individuals and communities. I urge my colleagues to look at the benefits as well as the costs of this program, and to support the Mikulski amendment.

Mr. President, we are developing leadership and we are also serving communities and individual needs. I urge this program be retained.

Mr. NICKLES. Mr. President, acting on behalf of Senator BOND, I yield Senator SANTORUM 5 minutes.

Mr. SANTORUM. Thank you, Mr. President, and I thank the Senator from Oklahoma.

I rise, and I hesitate to come to the floor to talk about this issue although I have talked about it in the past. I wanted to make a statement because the former Senator from Pennsylvania, Senator Wofford, is in line to be the next head of the AmeriCorps Program.

I stand as someone who has been a critic of the program. I wanted to make it clear that I am critical of the program—not of Senator Wofford. In fact, I have said to the Senator that I will support him for that position and wish him well.

He has a big job ahead of him because I believe this program is a misguided program, is a program that is on a values level—the Senator from Delaware talked about values. I think it teaches the wrong values. I think it teaches the value of not voluntarism.

My definition from looking in the dictionary, voluntarism is unpaid labor. This is paid labor. That is not voluntarism. You can call it a lot of things, but not voluntarism, any more than me deciding to run for the U.S. Senate and therefore being elected, being a volunteer because that is what I decided I wanted to do.

You are compensated for your work and therefore you are not a volunteer. Call it what it is. It is a Federal paid taxpayers' position that you have, working many places in a government job, or through some government-sanctioned organization, or approved organization.

I do not see anything particularly noble about a job paid for by taxpayers' dollars, that is any more noble than someone who goes out and sells insurance or someone who works on Wall Street or someone who grows cotton.

Those are all noble jobs. They are providing valuable services to this country. To suggest that somehow we instill the value in people, working for the Federal Government for taxpayers' dollars is somehow noble, and that going out and trying to start a business or raise a crop is not noble, that those values are not important.

I think that is really what is fundamental. I think we are missing the point. Yes, there is a lot of good work being done by people, but they are being paid to do it by the Federal Government, and it is the Federal Government's design as to what role they should be filling.

I think that is a very dangerous value to somehow elevate Government service above all other aspects of our lives in our society. I think that is why you see so many people on our side of the aisle come up who feel this is a real hot button issue, because I think it is a distortion of the American value.

I would also add, having just been very actively involved in the welfare debate over the past few weeks, that there are a lot of people who are very strong supporters of AmeriCorps who are not supporters of requiring people on welfare to work. I find that incredible. Here we have people who desperately need work. You talk to employers. What do employers tell you they are looking for an employee? Are they looking for someone who has a lot of skills, someone who is exceptional in a particular area? No. What most employers look for in employees is someone with a good attitude and good work ethic. What people on welfare in most cases do not have as a result of having grown up on welfare—I am talking about the chronic welfare recipient—is instilled a good work ethic.

What we could provide instead of paying volunteers in AmeriCorps is we could be putting the people who are on welfare who need jobs the same things AmeriCorps people are doing. Remember, people on welfare are receiving the money. They are already getting the benefits. It does not cost any addition and gives the people who really need the work, not someone whose daddy is a CEO of some company who signed up for AmeriCorps because he wants to do the good thing and be a volunteer and get $27,000 a year, but someone who actually needs the work experience, needs to learn the skills.

Let us talk about what we can do to take this program and apply it in a sense in the welfare context. That makes a lot of sense. That is really a direction that I think the American public could support.

Mr. President, I want to read a quote from Father Robert A. Sirico, who is president of Action Institute for the Study of Religion and Liberty in Grand Rapids, who wrote an article on AmeriCorps and how it falsely teaches people what service is all about. His concluding paragraph is:

> Idealism led me to the priesthood. Another sort of idealism leads people to the business world. Here's some advice for young idealists. If you want to serve others, don't be bought off by a Government program. Try something voluntary that is personally challenging, socially beneficial, and doesn't cost the taxpayers one dime.

I think that sums up the mood of most of us on this side of the aisle. We want people to be challenged. We want young people to be involved in voluntarism. We want people to care about their community. But we want them to do it because they care about their community, not because they are getting paid $30,000 a year by Federal taxpayers.

Mr. NICKLES. Mr. President, I yield Senator ASHCROFT 3½ minutes.

How much time is remaining on our side?

The PRESIDING OFFICER. A total of 6½ minutes.

Mr. NICKLES. I yield 6½ minutes.

Mr. ASHCROFT. I thank the Senator from Oklahoma.

Mr. President, I am pleased to speak on AmeriCorps.

Before I begin, I would like to thank my colleague and my good friend, Senator BOND, for his management of this bill as well as his unending commitment to the taxpayers of Missouri. His opposition to the Corporation for National Service is another example of the fiscal integrity that has marked his career in the Senate, and I am honored to join him here.

Americans constitute a community of service. Last year 90 million Americans of all ages gave their time to civic and religious organizations. They cared

for the poor, sick, the broken, and the lonely. They gave their time without regard to benefit or pay. They did it as a matter of personal devotion and out of their regard for each other as part of the way we live our lives as Americans. Their personal sacrifice is, in my opinion, mocked by a Government program with a catchy name like AmeriCorps.

Mr. President, we have for most of this Congress been debating Washington's legitimate role in our daily lives. Some cases are tough, tough debates—debates on welfare, crime, and education. Others are not. This is not a tough case. AmeriCorps is a $27,000 per participant boondoggle for kids trying to find themselves. AmeriCorps is welfare for the well-to-do.

Mr. President, for what AmeriCorps costs annually we could send two poor students to the University of Missouri for 4 years, all expenses paid, for everyone person we send through AmeriCorps. We could give 18 Pell grants to needy students for the annual cost of one AmeriCorps participant.

AmeriCorps is wasteful and bureaucratic. At least $15,000 per AmeriCorps participant goes into overhead and administration here in Washington. Only in Washington could $15,000 a year be paid for paper turning, and as a result that would be considered volunteer service.

Of the AmeriCorps participants, 1,200 serve—volunteer—at the U.S. Department of Agriculture; 525 volunteer at the Interior Department; and 60 serve at the National Endowment for the Arts. This is not in the spirit of volunteering. This is not in the spirit of service that we normally find for American communities.

I rise to oppose this because I believe that a volunteer program should be a volunteer program. It should not be a way to subsidies the Federal bureaucracy and send individuals into the bureaucracy at rates of pay that deprive other needy programs, that displace the ability to meet other needs in our culture.

So I am pleased to support my senior Senator's motion which would defund or otherwise take AmeriCorps out, because I do not believe we should be spending money at this level in an enterprise which masquerades as a volunteer program but is a very expensive program.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield 1 minute to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President. I thank the Senator from Maryland.

I ask unanimous consent that I be added as an original cosponsor.

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

Mr. WELLSTONE. Mr. President, I rise in support of the Mikulski amendment, and I ask to be added as a cosponsor.

As a former college professor and community organizer, I was proud to be a part of creating and now implementing the National Service Program. I was also proud to bring the vast experience of people and programs in my State to Washington as Congress was considering this original legislation.

People across my State of Minnesota and the rest of the country have worked in National Service programs which has helped our Nation and local communities solve social problems while at the same time strengthen democracy and citizenship.

From all I see, this is a program that works.

Over half of the AmeriCorp members in Minnesota signed up for another year of service.

This is not about paid service at all. Service in Minnesota is about citizenship, to be part of a community, stepping forward to serve. These people are not getting rich by any means. The participants are making $4.50 an hour. This is essentially minimum wage.

If you think today's youth are cynical; if you think they are disengaged and apathetic, you are wrong. I have met them. This program is all about participation and citizenship.

Listen to what some of these young people in Minnesota have said about the program:

David Jacobsma: "It has meant meeting new people with a wide variety of backgrounds. It has meant money for my education. It has meant new life experiences."

Holly Sirjord: "I feel I have contributed to my community. I not only worked with the personal aspects of the community, but I feel in return I have learned a lot by working with the natural aspects as well."

Katherine Musch: "AmeriCorps is a wonderful service organization that helps people help themselves build futures. This past year I have learned so much working with people and nature. It was great to feel a part of something so worthwhile. I am proud to be a member and would love to see AmeriCorps continued."

Aaron Neubert: "It has given me the opportunity to use my college degree. I am anxious to show future employers that I have experience."

Kelly Engen: "Being a member of the AmeriCorps program has meant a great deal to me. It has given me a sense of pride knowing that I am giving something back to the local communities that have given so much to me."

Tim Reese: "An opportunity to experience resource management on a watershed scale, frustration, a valuable experience, good training, an understanding of the workings of a Federal agency and a way to help pay for graduate school."

Russell Boheim: "AmeriCorps has given me the opportunity to use the knowledge and experience I've gained on a natural resources project benefitting the people in the region, where I was raised."

Tony Kroska: "AmeriCorps is, and has been, an excellent opportunity to use and test my skills to further the improvement of a region that I consider to be a valuable resource."

Shelly Eckblad: "AmeriCorps—group of Americans forming a body of persons, acting together in a common direction. That direction is to solve problems facing our country—the United States."

Tracy Guthmiller: "AmeriCorps to me means opportunity. AmeriCorps has given me the opportunity to assist others while at the same time gain valuable experience for myself."

Linda Dahl: "To me AmeriCorps has meant helping those who are willing to work toward improving their stewardship of the land. I believe this will lead to a better informed rural community and a healthier living environment."

DiAnn Koening: "Being an AmeriCorps member has given me the opportunity to serve local communities through individual and team efforts, acquire new skills, and become more knowledgeable of the local agencies and what services they provide."

Melissa Stommes: "Being an AmeriCorps member has given me a lot of opportunities to test my talents, explore more options, and meet new people."

Graeme Belcher: "AmeriCorps has given me the chance to make my community and myself better. The results of my actions will affect the environment so that everyone can live healthier and happier lives."

Joy Swenson: "I have learned many things in my AmeriCorps stint, so far. I have been trained in some things that will be a definite help to me in my future career—along with some things that will help out my life in general. Things such as team spirit and working with a range of attitudes and personalities. I cannot really say all I want to in 25 words or less, but I will end with this thought. I believe that being an AmeriCorps member will be an experience that I will always remember."

Dean Lutz: "The AmeriCorps program has been beneficial to me in helping me develop and achieve my goals. The NRCS and other surrounding people are fantastic to work along side."

Jeff York: "Being a AmeriCorps member has allowed me to return and serve the area I grew up in. As a member, I have enjoyed the responsibility and commitment it takes to serve others. I have also been introduced to a new, diverse group of Americans that, without this experience, I would not have been able to otherwise meet."

Brian Krzmarzick: "Being an AmeriCorps member is having a chance to learn new things and meet fun and exciting people while doing something that will help my community and country."

Michael Aho: "AmeriCorps has provided a way for me to face the challenges of the future by taking the first of many steps after college."

I think what some in Washington who are trying to dismantle this program because they are afraid that it makes people think. It makes people who are working with homeless people to ask why is there homelessness. People who are working in the inner city are asking why is there poverty? And those who are working to clean up our environment are asking why is there pollution?

Every program in Minnesota is in a partnership with either a State and/or

private partners. All these new partnerships were spurred by this program. It has leveraged a lot of private funds.

Community service programs in Minnesota and across the Nation have offended hundreds of thousands of young people the opportunity to learn while serving their communities. Community service programs have provided important and necessary services to communities all over the country. Programs have empowered students to improve conditions in their own communities by encouraging them to become a part of their community.

Service-learning programs have taught young people about the skills of citizenships, responsibility, and democracy while teaching them math, science, civics, English, history at the same time. Students through these wonderful programs have had their eyes opened to new opportunities and to diversity and multiculturalism in society. They have taught people how to utilize community resources to improve their lives.

In Minnesota, we have combined State funding under the Youth Works Program and the Federal dollars in the AmeriCorps Program to create an excellent program.

People of all ages, but especially our young people, have been encouraged to help their communities and get involved in their communities. We created a program that empowers people to participate, to make changes in their communities, and a program that teaches the skills of citizenship, responsibility and democracy.

I urge my colleagues to support the AmeriCorps Program and service learning and support the Mikulski amendment.

Mr. President, I find the description of this program as kids trying to find out who they are insulting. I do not even recognize the program my colleagues are describing. In Minnesota, AmeriCorps is really an exceptional program. It is quite a wonderful thing to see the work done in a child care center, the work done in the environment, the work done for senior citizens, the work done for communities, combined with a whole lot of young people who are able then to begin to build the resources to attend higher education. Mr. President, I would call this a marriage. It is well worth it. It is the very best in this country.

As to deficit reduction, why do we not cut the subsidies for the oil companies, the coal companies, the tobacco companies and the pharmaceutical companies? Why do not we go after the military contractors, and what do we do when there is a $245 billion tax giveaway mainly to wealthy people? But instead, when it comes to community services, young people and higher education, and that kind of marriage, that is where we want to cut.

That is not a Minnesota standard of fairness, and I am proud to stand on the floor and speak for AmeriCorps.

Mr. BOND. Mr. President, I yield 3 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I would like to compliment my colleagues and friends from Missouri, Senator BOND and Senator ASHCROFT, for their statements, as well as Senators SANTORUM and GRASSLEY. I hope our colleagues had a chance to listen to them because they were right on target.

National service is basically paying volunteers. I find that to be a little bit of an oxymoron—paid volunteers. We have thousands, we have millions of volunteers who are doing great work, and they do it without the Federal Government saying, "Here, we are going to give you a check."

Many of us stated our opposition to this program at its inception because we said it would cost enormous sums. I looked at my notes, and I was computing, given the figures that we received from the Clinton administration, and estimated this program would cost $22,000. I remember debating Mr. Segal, and he said it would not cost that much; the cost would be something like $17,000 or $18,000. According to GAO, the cost is almost $27,000. I was talking about total cost, the cost to the Federal Government, the cost to State and local governments, and private.

It turns out to be, if you add the total cost, $17,000 from the AmeriCorps; other Federal support, $3,000; State and local contributions, governments, $4,000; and private, $1,800. So the private supports only 7 percent.

They stated that this was going to be largely privately funded. It has not been. It is largely Government funded at a cost of $27,000.

Mr. President, some people said, "Well, this is good so it will help people be educated." The average cost of a Pell grant is $1,300. It is about one-eighteenth the size of this program. And that is a grant. The average cost of a student loan is $416. That compares to this program's average cost of $27,000. There is no comparison.

Mr. President, in my opinion, this program is a failure as an education tool. It is a failure as a tool promoting service or volunteers. We do not need the Federal Government to micromanage a program. We see that all the Federal Departments—the Veterans Department, EPA, Department of Transportation, Labor, Justice, Interior—are receiving assistance and funds to train volunteers. We do not need that.

And then when you find out that Big Brothers and Big Sisters and Red Cross and Girl Scouts have been denied funds, this does not make sense. We cannot afford this program. Let us put the scarce resources that we have in the programs that will help thousands.

Actually, we have millions; we have 9 million students that benefited under the guaranteed student loan program or the Pell grant program. We can help millions in those programs, and we have been doing so. We are wasting millions of dollars under this program. It is a time to defund it, and I hope that this amendment by our friend from Maryland will be defeated. I thank my colleague from Missouri.

Mr. BOND. Mr. President, I thank my colleague from Oklahoma and the others who have spoken on this side so eloquently. I think we have had an excellent debate.

Because we have had so many people debating on this measure, we have used up all of the time. I would now ask unanimous consent that there be 3 minutes for the proponent of the amendment and 3 minutes for me as an opponent of the amendment to wrap it up, and then that I be recognized for a tabling motion.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

Mr. BOND. Mr. President, I yield myself 2 minutes.

Mr. President, we have heard I think some compelling arguments against the AmeriCorps Program. I think in this vote it is important for our colleagues to focus on the fact that everybody agrees this program is vitally in need of reform. This program has to be changed. There have been too many problems with it. Even if you accept the fact that paying for volunteers is a good idea, I think that taking the money from assisted housing or those who badly need assisted housing is unwarranted. I think that raising the FHA mortgage limits is an idea that should be left to the authorizing committees.

Serving on the authorizing committee, I can tell you that there are many good arguments against doing that. I recognize the difficulty that the proponents have had in finding funding for it. This was my problem when I chose to fund CDBG rather than this program.

I urge my colleagues to join with me to table this amendment. We will continue to discuss AmeriCorps in the conference and beyond. We are waiting for a response from the administration.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Maryland.

Ms. MIKULSKI. We have been through a lot of ups and downs already today, and I would like to thank all the Senators for offering their amendments.

Mr. President, I know I have 3 minutes for summing up. Let me just say this. There is much to be said in favor

of national service and much criticism in terms I think of the need for a tighter ship. I think we would agree with the need for a tighter ship.

Let me just say in conclusion, my life has been devoted to creating an opportunity structure. I am absolutely committed to giving help to those who practice self-help. My great grandmother came to this country from Poland for a prearranged marriage with $16 and a feather bed mattress. She came with no guarantees. She came seeking opportunities. And she came because she believed in the United States of America there would be access to something called the American dream. The triad of the American dream was homeownership, access to education, and personal freedom.

The reason that I was one of the leaders in establishing national service was that we would have an opportunity structure for access to the American dream.

There were those who said these are not volunteers because they earn a voucher. They do not get paid. They get a living stipend and a voucher.

We use the term "volunteer" to mean that they are not drafted or coerced into it. Perhaps that is not the right language, but it is the right intent.

The important part of this is that we know for most Americans their access to higher education is closing. Student debt is increasing. What this bill essentially does is follow the framework of a principle I believe in, that if you are middle class the role of Government is to try to help you stay there or do better and, if you are not middle class, to be able to get there through hard work, effort, and merit.

That is what national service is all about. That is what its intent is, and that is why we have been advocating this bill.

I know that we are in a very skimpy budget time; that the chairman of this bill and I struggled over this. I know that originally as we looked at this bill the question was, How can we fund it?

The chairman felt we needed money to go into the community development block grant funds, and I could not fault him for that—empowering cities to make local decisions for economic development. Absolutely.

What we face here is not should we or should we not support national service. We have a very skimpy budget allocation. I know that there are those who say, "Well, we can do Pell grants; we can do four more housing subsidies." The fact is, I believe under the skimpy allocations we are now coping with there will not be the money to do these things. I hope we continue the support of national service.

I thank the chairman for the courtesies given to us on this and really the civility of the debate. I hope that my colleagues will vote to continue national service.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I have seen the wisdom and I shall not offer a tabling motion. I shall ask my colleagues to vote against this measure.

I could not agree more strongly with the goals and the views expressed by my ranking member about the American dream. But I do not believe it involves AmeriCorps or paid Federal Government volunteer service. I am very much concerned, and I think all my colleagues should be. I hope they would vote against this amendment, even if they support the concept of AmeriCorps, because it takes money from housing assistance, from the elderly, the disabled, those with AIDS, and it raises the FHA mortgage limit.

I do not believe it is the time or the amendment on which we should move forward with AmeriCorps. I ask for the support of my colleagues in opposing this amendment.

Now, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. I ask further proceedings under the quorum call be dispensed with.

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

Ms. MIKULSKI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The question is on agreeing to the amendment No. 2781 offered by the Senator from Maryland [Ms. MIKULSKI].

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 464 Leg.]

YEAS—47

Akaka	Feinstein	Mikulski
Baucus	Ford	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Graham	Murray
Boxer	Harkin	Nunn
Bradley	Heflin	Pell
Breaux	Inouye	Pryor
Bryan	Jeffords	Reid
Bumpers	Johnston	Robb
Campbell	Kennedy	Rockefeller
Chafee	Kerrey	Sarbanes
Cohen	Kerry	Simon
Conrad	Lautenberg	Snowe
Daschle	Leahy	Specter
Dodd	Levin	Wellstone
Dorgan	Lieberman	

NAYS—52

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brown	Gregg	Packwood
Burns	Hatch	Pressler
Byrd	Hatfield	Roth
Coats	Helms	Santorum
Cochran	Hollings	Shelby
Coverdell	Hutchison	Simpson
Craig	Inhofe	Smith
D'Amato	Kassebaum	Stevens
DeWine	Kempthorne	Thomas
Dole	Kohl	Thompson
Domenici	Kyl	Thurmond
Exon	Lott	Warner
Faircloth	Lugar	
Feingold	Mack	

NOT VOTING—1

Gramm

So the amendment (No. 2781) was rejected.

Mr. BOND. I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, was leader's time reserved?

The PRESIDING OFFICER. It has been.

Mr. DOLE. I ask unanimous consent to use leader's time.

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

CONSULTING CONGRESS

Mr. DOLE. Mr. President, yesterday, together with some of my colleagues, I sent a letter to President Clinton urging him to consult with the Congress on the nature of the commitments his administration has made to our NATO allies and the Bosnians with respect to United States involvement in a potential peace enforcement operation in Bosnia. The letter included a number of specific questions about such an operation and the wisdom of the administration's present approach.

Much to my surprise, administration spokesmen protested this letter claiming that there have been numerous consultations on this matter.

Despite White House claims, the fact is that the Clinton administration has not consulted the Congress on sending United States ground forces to Bosnia since 1993—when consultations were held on possible enforcement of the Vance-Owen plan.

What was Congress' reaction then? As part of the fiscal year 1994 Defense Appropriations bill we passed an amendment, 99 to 1. The Mitchell-Dole amendment—which reads as follows, and I quote:

> It is the sense of the Congress that none of the funds appropriated or otherwise made available by this act should be available for the purposes of deploying United States Armed Forces to participate in the implementation of a peace settlement in Bosnia-Herzegovina, unless previously authorized by the Congress.

A subsequent provision addressed consultation on U.S. participation in

any peacekeeping or peace-enforcement operations and opposed it unless, and I quote:

The President initiates consultations with the bipartisan leadership of Congress...

This was followed by directions for such consultation, including discussion of the goals of the operation, U.S. interests, the costs, funding strategy, extent of U.S. involvement, and the expected duration and scope of the operation.

Well, it is more than 2 years later—more than 2 years later—and a great deal has changed. The situation on the ground is not what it was and the peace settlement being negotiated is also not what it was. While we are aware that the administration continues to repeat its commitment to send U.S. troops to participate in a settlement force, we in the Congress do not know what that means in concrete terms. And we believe we have a right to know.

About 2½ weeks ago, the administration sent a high level team, led by Deputy Secretary of Defense White, to brief Senators on the NATO air campaign. At that time, questions were raised about administration plans to participate in a peace enforcement operation. Unfortunately, these officials did not answer any of these questions, claiming that the planning process was not finished.

Mr. President, the point of consultations is to have input before there is a finished plan, before the Congress is handed a fait accompli. We do not want to be told after the fact that is a briefing, not a consultation. And we have had plenty of those where we are informed. We are not consulted; we are told. Lists of administration briefings and returned phone calls don't add up to consultation.

Today administration officials and members of the contact group concluded a second round of negotiations with the Bosnian, Croatian, and Serbian Foreign Ministers on principles for a peace settlement. There is little doubt in my mind that whether the Bosnian Government continues participating in these talks and finally agrees to sign a settlement will depend significantly on whether or not the United States sends troops to enforce it.

Let us face it, the so-called agreed principles are vague, except in that they partition Bosnia into two entities. As such, the Bosnians are bound to rely on United States guarantees where there are differences with the Serbs, which are inevitable on matters of Bosnia's sovereignty and territorial integrity. Because the administration and allied approach has left the Bosnians without the means to secure their own peace, they will depend on those troops sent to enforce a settlement to defend their sovereignty.

Mr. President, we are still waiting to hear the administration's plan on lifting the arms embargo on Bosnia, a question that remains relevant now, as well as central to any exit strategy for American forces. I cannot conceive of supporting a plan that sends United States troops into Bosnia, while leaving the Bosnians unable to defend against future aggression.

We must know what the administration is telling the Bosnians, the Serbs, and our NATO allies, what promises and what threats, are being made. We also need to know what commitments are being made to the Russians with respect to their participation. In particular what is the administration response to Russian demands to share command with NATO in an enforcement operation? Will U.S. forces be under unified NATO command at all times?

The bottom line is that U.S. credibility depends on the United States keeping its word, meaning what it says. NATO credibility is also on the line. Why has there been no response to Bosnian Serb violations of the NATO no-fly zone reported today and last week?

No doubt about it, there is a lot at stake here—United States and NATO credibility, as well as the future of Bosnia.

It cannot escape the administration that the Congress has repudiated its approach toward Bosnia for the past 2 years. An overwhelming bipartisan majority has opposed the arms embargo, and Congress has voiced concerns with respect to peace plans that would destroy the sovereignty and territorial integrity of Bosnia and Herzegovina. So, to operate under the assumption that Congress will approve administration plans to send thousands of Americans in harm's way to enforce a settlement is a major error. The fact is that the Clinton administration may be making promises it cannot or should not keep.

Therefore, I am writing today to the chairmen of the Appropriations, Armed Services and Foreign Relations Committees to request that they hold extensive hearings on this critical issue. I will request that the questions asked in the letter to President Clinton form the basis of their examination of this matter.

I ask unanimous consent that a copy of the letter we sent to the President today be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, September 25, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: It is our understanding that your administration, together with our NATO allies, is completing plans to enforce a potential settlement in Bosnia and Herzegovina—a settlement not yet finalized. Much to our dismay, what we have learned about possible U.S. troop obligations has been largely from press reports. To date, your administration has failed to consult with the Congress on the nature and extent of commitments made to our NATO allies and the Bosnian government regarding U.S. participation in a force to implement a settlement. We are especially concerned since those forces must consist primarily of ground troops. There should be no doubts that without the concurrence of the Congress these commitments will not be fulfilled.

In our view, your administration must answer the following questions as soon as possible in order that the Senate may begin to fulfill its responsibility to carefully evaluate this matter:

(1) What specific commitments regarding U.S. troop participation have been made by your administration to our NATO allies?

(2) What specific commitments regarding U.S. troop participation have been made by your administration to the Bosnian government?

(3) What is the range of total NATO ground force levels, related to enforcement of a Bosnian peace settlement, being considered in the administration and at NATO headquarters? What would the U.S. contribution of forces be? What is the estimate of the number of reservists that would need to be called up? What is the estimated impact of such a deployment on readiness?

(4) Would this be a NATO-only operation or would Russian troops and/or other troops, from Islamic countries for example, also be a part of that total force enforcing a settlement?

(5) Would NATO be in complete command of all forces involved in an enforcement operation? Or would Russian forces an non-NATO forces be under different command arrangements? If so, how would these varied command arrangements be ultimately integrated in order to achieve unity of command? Is there to be another dual-key command?

(6) When would NATO forces be deployed—immediately after an agreement is signed or after Bosnian government and Bosnian Serb forces withdraw to lines of demarcation? What if the fighting does not stop after an agreement is signed?

(7) Is there a time table for UNPROFOR withdrawal? Would some of these U.N. units, from NATO contributing countries, remain as part of the new force?

(8) When would the "dual key" be eliminated? Would there be any other U.N. input into the command arrangements?

(9) What would the rules of engagement for NATO forces be?

(10) Where would NATO troops be deployed? In Bosnian Serb controlled territory?

(11) Would Bosnian government forces be supplied with additional arms during this enforcement period so that Bosnia can better defend itself against aggression after NATO forces leave? If so, what types of weapons would be provided and by whom? Has a commitment to provide military assistance—to include arms and/or training—to the Bosnian government in a post-settlement period been made by Assistant Secretary Holbrooke, or any other administration officials to Bosnian government officials?

(12) How long would NATO troops be deployed? What is the exit strategy?

(13) What are the estimated costs of such a NATO deployment? What would the U.S. share be and how does the administration plan to pay for it?

Mr. President, these are not the only questions that will need to be answered, but they

are essential to any Congressional debate and consideration of commitments made by you and your administration with respect to U.S. troops participating in an enforcement operation.

Thre are also matters of principle that will have to be carefully considered. First and foremost is a very fundamental question—whether United States forces should be deployed to partition a sovereign and independent country into two entities. Our men and women in the military have protected our freedom and our interests and defended our principles. Do we want to place our soldiers in harms' way to defend the compromise of our principles? We must also ask whether or not any settlement reached has been agreed to freely by the Bosnian government and without coercion. We are concerned about news reports that senior administration officials gained Bosnian government agreement on the first set of "Agreed Principles" by threatening a halt in NATO bombing. Finally, we must ask whether it would not be more just and more wise to lift the arms embargo on Bosnia and Herzegovina, and allow the Bosnians to fight until there is a stable military balance—the precondition for any settlement which would *not* require the deployment of thousands of American and NATO troops to police it.

Mr. President, we have serious concerns about the commitments you and your administration reportedly have made with respect to U.S. participation—to include thousands of ground forces—in enforcing a possible Bosnian peace settlement. We hope that you will begin to consult earnestly and forthrightly with the Congress in the very near future.

Sincerely,

ROBERT DOLE,
JOHN W. WARNER,
THAD COCHRAN,
BOB SMITH,
JESSE HELMS,
ARLEN SPECTER,
JAMES M. INHOFE,
DIRK KEMPTHORNE,
JON KYL,
KAY BAILEY HUTCHISON.

Mr. DOLE. I reserve the balance of my leader's time.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1966

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The previous order is the Senator from Maryland is to be recognized to offer an amendment.

Mr. DOLE. Mr. President, let me indicate to my colleagues what we hope to achieve here this evening.

The Senator from Maryland will be recognized. I understand there is a 1-hour time agreement. We are willing to accept a 1-hour time agreement on the amendment.

Mr. SARBANES. It has already been agreed to.

Mr. DOLE. We will do that amendment and then the amendment of the Senator from Vermont, Senator JEFFORDS. I understand there is a 30-minute time agreement agreed to or willing to be agreed to. We will have those two votes.

By that time, we hope to be in a position to announce what will happen to the remainder of the evening. I am hopeful that Members who still have amendments will be willing to debate those amendments tonight and we will start voting on the amendments tomorrow.

We are talking about the additional amendments. There are two Rockefeller amendments, a Baucus amendment, Moseley-Braun.

Ms. MIKULSKI. As you know, we have been moving along very well on this bill, and what we will endeavor to do, and I thought we had, is to see if Senators ROCKEFELLER and BAUCUS will offer their amendments tonight because they are on the Finance Committee. That would, I think, take us through a substantial part of the evening.

Mr. DOLE. I suggest after these two votes we will announce what agreement we have been able to reach. We may not be able to reach any agreement. I do not want to keep raising this, but whether or not we are in session next week depends on whether or not we finish this bill, Labor-HHS, and State, Justice, and Commerce.

Yesterday we did not do anything. We had debate on one amendment. The amendment was voted on at 2:15 today.

My view is it is our hope we can finish this bill tonight and finish Labor-HHS by Thursday and dispose of the other bills by Saturday. If we cannot do it, we cannot do it, and we will be here next week.

The PRESIDING OFFICER. The Senator from Maryland is recognized to offer an amendment.

AMENDMENT NO. 2782

(Purpose: To restore homeless assistance funding to fiscal year 1995 levels using excess public housing agency project reserves, and for other purposes)

Mr. SARBANES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES] for himself, Mr. SIMON, and Mr. DODD, proposes an amendment numbered 2782.

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

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

The amendment is as follows:

At the appropriate place in title II of the bill, insert the following new section:

SEC. . HOMELESS ASSISTANCE FUNDING.

(a) ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS.—

(1) REDUCED APPROPRIATION.—Notwithstanding any other provision of this Act, the amount made available under title II of this Act under the heading "HOUSING PROGRAMS" under the subheading "ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS", is reduced from $4,350,862,000 to $3,990,862,000.

(2) USE OF ASSISTANCE.—Notwithstanding any other provision of this Act, in using amounts made available under title II of this Act under the heading "HOUSING PROGRAMS" under the subheading "ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS" to renew an annual contributions contract with a public housing agency administering the tenant-based existing housing certificate program under section 8(d) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)) or the housing voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), the Secretary of Housing and Urban Development shall take into account the amount in the project reserve under the contract being renewed in determining the amount of budget authority to obligate under the renewed contract.

(b) HOMELESS ASSISTANCE.—

(1) INCREASED APPROPRIATION.—Notwithstanding any other provision of this Act, the amount made available under title II of this Act under the heading "HOMELESS ASSISTANCE" under the subheading "HOMELESS ASSISTANCE GRANTS" is increased from $760,000,000 to $1,120,000,000.

(2) RESTRICTION.—Notwithstanding section 504 or any other provision of this Act, of the funds made available under title II of this Act under the heading "HOMELESS ASSISTANCE" under the subheading "HOMELESS ASSISTANCE GRANTS", $360,000,000 shall not become available for obligation until September 30, 1996, and shall remain available until expended.

Mr. SARBANES. Mr. President, am I correct that we have 30 minutes on this side and 30 minutes for the manager of the bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. SARBANES. Mr. President, I yield myself 5 minutes and ask the Chair to inform me when that time has been utilized.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Mr. SARBANES. Mr. President, I very much hope that Members will perceive this amendment in a way that will enable us to adopt it. In fact, I hope the manager of the bill will accept it, after we discuss it a bit.

What this amendment does is restore $360 million for homeless assistance funding. It brings the funding for the homeless back to the 1995 level of $1,120,000,000. The bill reported from the Appropriations Committee has a figure of $760,000,000. That is a cut of $360 million—a cut of 32 percent from the 1995 funding level—the largest percentage funding cut of any of HUD's formula-driven programs.

Homeless assistance programs are a critical part of the safety net.

The PRESIDING OFFICER. The Senator will suspend. Members who are having conversation in the aisles will please retire to the cloakroom.

The Senator from Maryland.

Mr. SARBANES. The homeless assistance programs are a critical part of

the safety net. The safety net is being badly shredded. I certainly hope it would not happen to the programs that really deal with the people who are out on the street—people who are out on the street without a place to stay.

The offset for this additional money would take funds out of section 8 program reserves. Housing authorities that have expiring section 8 contracts have money available to them. In the past, the authorities have been able to roll the reserves over. This amendment would utilize those funds for section 8 renewals. In the past, the public housing authorities have used the reserves to augment the section 8 program. I regret using section 8 as an offset because I think the section 8 program is also very important. But, in deciding between these two choices, it seems to me we have to pay more attention to the pressing problem of the homeless.

The Secretary of HUD has sent a letter indicating that the expiring section 8 contracts could be renewed by the money provided in the bill—even after this offset—even after the utilization of the $360 million—in order to bring the funding for the homeless up to this year's level.

Let me very quickly cover the importance of passing this amendment. On September 11, there appeared an excellent article in the Washington Post by Lucie McKinney, the widow of Stewart McKinney, Republican Member of the House of Representatives from the State of Connecticut. Representative McKinney was a very able and distinguished Member of the Congress who took a very keen interest in the problems of the homeless. In fact, the McKinney Act programs are named after him. That act includes the range of homeless programs addressed by this amendment.

Ms. McKinney points out, "I'm stunned that Congress, which has proclaimed its commitment to finding and funding plans that actually work, would allow these cuts to stand." She is talking about the cuts to the homeless programs.

She goes on to cite two studies which conclusively demonstrate that the supportive housing dimension of the homeless program is working exceedingly well. As she notes, "* * * cuts, far from saving money, will waste it." She goes on to say, "Put simply, not housing our most vulnerable Americans costs millions more than housing them. It's just common sense."

And she concludes this article: "* * * we do know how to end homelessness. And while the cure is not cost-free, it costs a whole lot less than not facing—and solving—the problem. Saving lives and saving money—how can that be bad?"

Increasing the homeless funding back up to the 1995 levels will provide an opportunity to reform how the homeless assistance programs are administered. The most notable feature of the reform effort is the push to convert the existing collection of seven categorical grant programs at HUD into a single program delivered by formula to State and local governments.

The PRESIDING OFFICER. The Chair advises the Senator he has used 5 minutes.

Mr. SARBANES. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SARBANES. A formula grant will allow better organization at the local level and facilitate better planning as funding levels become more predictable. The VA-HUD bill allows a formula approach, but it does not provide adequate funding. This amendment would raise the total homeless funding to a level that would allow a formula approach to make sense. In fact, the Appropriations Committee recognized it in their report. The committee stated: "The committee is worried that the block grant approach with funds less than $1 billion may disadvantage some areas with significant homeless problems and homeless providers."

This amendment addresses that problem. It brings the homeless funding figure back up to this year's level and makes it possible to use the formula approach. Almost everyone is supportive of a formula approach. In fact, the Senate Banking Committee reported a bill that included such a program last year on a bipartisan, 15 to 3 vote.

I am not going to go through a litany of the numbers of people who are on the street. I do want to point out, however, how much of this is a veterans problem. Well over a third of the homeless have served in the Armed Forces. It is estimated that about 275,000 veterans are homeless on any given night. The single largest segment of homeless veterans—55 to 60 percent—are from the Vietnam era.

The demand for these funds is significant. Last year applications for funds for assistance to the homeless were 2½ times the amount which the Congress had appropriated.

Let me discuss the offset further. The offset for this amendment comes from section 8 contract renewal accounts. Currently, HUD is holding reserves in section 8 contracts on behalf of housing agencies that administer the section 8 program. The amendment would allow HUD to take into account the project reserves when considering the amount to provide housing agencies when contracts are to be renewed. Money would not be available to, in effect, uplift the section 8 program. The HUD Secretary has assured us, however, that enough money would remain to do the contract renewals.

I therefore suggest to my colleagues, in terms of priority, it makes eminent good sense to shift this money out of section 8 and put it into the homeless programs. The last thing we want to see is people wandering our streets, many of them suffering from mental and physical disabilities. It is a problem that cuts to the very heart of what we stand for as a society.

This amendment offers the opportunity to bring it back to this year's level and to enable us to move forward in partnership with State and local governments and with the private sector—churches, community groups and other similar action organizations—in order to address this very pressing problem.

I very strongly urge my colleagues to support this amendment.

I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator yields 5 minutes to the Senator from Illinois.

Mr. SIMON. I thank my colleague from Maryland for offering this amendment.

Mr. President, I rise in support of this amendment. These subcommittees and committees have tough choices to make, but the reference has already been made to the op-ed piece by the widow of our former House colleague, Stewart McKinney. Senator SARBANES referred to two studies. Let me just read from that one study.

The first study found that formerly homeless people with severe mental illnesses achieved stability at a rate of 83.4 percent in supportive housing. Tenants also cut their hospital in patient use by 50 percent. The 4-year evaluation concluded that this unique housing "not only will alleviate human suffering, but also will reduce costs for institutionalization and hospitalization."

I ask unanimous consent that the entire op-ed piece be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 11, 1995]

DUMB MOVE ON HOUSING

(By Lucie C. McKinney)

Right before the summer break, the House approved drastic cuts to housing programs for the neediest Americans: homeless people who have chronic mental and medical illnesses. Four of these—the McKinney Programs, named after my late husband, Stewart B. McKinney, who was a Republican representative from Connecticut—face reductions of 40 percent or $444 million (as compared to the unasked-for $7 billion the House decided to give the Pentagon). Usually when I testify before Congress I talk about the people who have reclaimed their lives through the offer of housing and a helping hand. In keeping with the times, however, I'd like to reframe the debate—and talk about statistics and cold, hard cash.

I'm stunned that Congress, which has proclaimed its commitment to finding and funding plans that actually work, would allow these cuts to stand. The McKinney Programs provide funding from something called supportive housing—permanent housing linked

to a safety net of support services that allow even chronically disabled people who are homeless to live autonomously in hope and dignity. And according to the evidence, including two separate government evaluations, supportive housing is our best bet for ending homelessness and doing so cost-effectively.

The first study found that formerly homeless people with severe mental illnesses achieved stability at a rate of 83.4 percent in supportive housing. Tenants also cut their hospital inpatient use by 50 percent. The four-year evaluation concluded that this unique housing "not only will alleviate human suffering, but also will reduce costs for institutionalization and hospitalization. The five projects [studied] offer proof that the face of homelessness in America can be changed dramatically."

The second evaluation found a success rate of 84.5 percent and concluded that supportive housing—"provided cost-effective assistance to help families and individuals escape from homelessness."

So. These programs actually end homelessness, which is one of those seemingly intractable social problems we thought would be a permanent part of the American urban landscape.

As to the cost, Congress doesn't seem to grasp the fact that cuts, far from saving money, will waste it. Put simply, not housing our most vulnerable Americans costs millions more than housing them. It's just common sense: People with mental illnesses end up using expensive hospital beds, state psychiatric institutions and even jails as de facto housing; people with AIDS end up in acute-care beds (at more than $1,000 a day); people with alcohol or drug dependencies stay too long in high-cost treatment programs. Meanwhile, they are still homeless, still dependent on crisis services and no closer to living independent productive lives. This is worse than penny-wise, pound-foolish—it's billions foolish.

The cost of providing housing linked to services, on the other hand, can be as little as $10,000 a year, an expenditure that actually ends that person's homelessness and allows him or her to use clinics instead of emergency rooms, counseling instead of psychiatric hospitalizations and drug counseling instead of treatment centers. Supportive housing also promotes self-sufficiency through employment and education linkages. Aren't these the very goals Congress is so anxious to advance?

My late husband was committed to ending the blight of widespread homelessness. Four months before he died, he even spent a night on the streets in 20-below weather to bring media attention to the plight of homeless people. Yes, he was deathly ill at the time, but so are more than 70 percent of homeless Americans.

We may not have a cure for AIDS, cancer or a way to provide health care to all Americans, but we do know how to end homelessness. And while the cure is not cost-free, it costs a whole lot less than not facing—and solving—the problem. Saving lives and saving money—how can that be bad?

Mr. SIMON. Mr. President, I ask unanimous consent that an editorial from the Chicago Sun Times entitled "Rush To Trim Budget Cuts Off Homeless" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Sun Times, Sept. 13, 1995]

RUSH TO TRIM BUDGET CUTS OFF HOMELESS

Once again, Congress is using a machete instead of a paring knife to cut the federal budget to help pay for an unaffordable tax cut.

The latest casualty is the McKinney Homeless Services Program. The House already voted to cut the program by 44 percent, to $676 million. Today, the Senate Appropriations Committee will consider a plan to reduce it by a third, to $760 million. The short-term savings ignore the long-term expense of their actions.

Housing providers use McKinney money to pay for supportive services to people who otherwise would be living on the streets. On the streets, homeless people spend their energy looking for food and a safe place to sleep. They can't waste time seeking treatment for substance abuse, mental illness or AIDS. They aren't enrolled in job training programs. They can't even get a bath and a change of clothes—the first step toward a job.

Formerly homeless people now living in Lakefront SRO (single room occupancy) apartment buildings can do all those things. Lakefront provides the services for $2,500 per person per year at six buildings in Chicago. Shelters—the primary housing option for most homeless people—cost as much as four times that and provide little more than a place to sleep. If the homeless person ends up in a hospital or prison, the taxpayers' burden skyrockets—without any hope of breaking the cycle of homelessness.

No doubt, senators will emerge from today's committee meeting patting themselves on the back for having restored some of the draconian cuts made by the House. But they still must answer tough questions about how much saving $440 million now will cost us later.

Mr. SIMON. Mr. President, on Sunday—I happened to spend a weekend in Washington—I was reading a little bit from a small book that I had not read for years. It was Will Durant's "The Lessons of History." What he says in this book—my colleague from Maryland who is a history buff will appreciate this also—is that there is, among other things, one consistent action in nations; that is, the struggle between those who are fortunate and those who are less fortunate. And those who are fortunate usually put the squeeze on those who are less fortunate, and ultimately it hurts those who are more fortunate.

I think we are going through that struggle in a variety of ways right here in this very Senate. I can remember—I see some of my colleagues on the floor who will remember this, also. Maybe the Presiding Officer is young enough not to remember this. But I can remember when we did not have anywhere near the number of homeless people on the streets of our Nation that we have today. In Chicago, on Madison Avenue, there was a place where we had what we used to call winos. I am afraid it was not a respectful term. But it was used commonly where the winos were. But we did not have homeless people as generally as we have today.

Then I look at this allocation within the subcommittee. I find that the largest percentage cut in any of HUD's formula-driven programs is 32 percent which is taken off of the programs for the homeless.

We are not going to have any homeless here lobbying us on this one. There are not any big campaign contributions from any homeless. But it sure says something about our priorities and where we are.

Let me just add, my friends, that I know it is tough for the chairman of this subcommittee and the members of the subcommittee to make these choices. It can get worse. I heard my colleague from Illinois, Senator CAROL MOSELEY-BRAUN, the other day refer to an article in a history magazine that I happened to read also which talked about homelessness in New York City back at the turn of the century when young people were dropped off at churches. And that is where we got the name "foundlings." People found them in churches, and they would take train loads of these young people from New York City and take them out to the West, to Wyoming, to California, to Oregon. People would show up at the train station and look around and find a child that they might want to adopt and take care of.

Can things get worse? You bet they can get worse.

This is a program that works. Yes. We have tough decisions to make. But before we take money and say we have to have a tax cut, we have tough decisions to make. But here is one. If you are to say who are the people who desperately need help in terms of public housing and in terms of health, it is these homeless people. I am sure none of them are registered to vote, or very few of them are. But some of them have mental illness. Some of them have alcohol and drug problems, a variety of problems. We ought to help them.

That is what the amendment offered by my colleague from Maryland is doing. I am proud to stand up and urge adoption of this amendment. This is one that ought to be an easy vote for Members of the Senate.

Mr. SARBANES. Mr. President, what is the time situation?

The PRESIDING OFFICER (Mr. ABRAHAM). At this point the Senator from Maryland has 16 minutes, and the Senator from Missouri has 30.

Mr. BOND. Mr. President, I yield myself such time as I may require.

Mr. President, I appreciate the good motives. I appreciate the concern of the Senator from Maryland, the leader of the authorizing committee on his side. I appreciate the thoughtful comments by the Senator from Illinois as well.

But unfortunately, this is an effort to take money from one pocket and put it in another pocket. It does so in a

way that I do not think is particularly productive. I think it may even be counterproductive. While I commend them for their motives, I do not think it accomplishes anything.

This is in the arcane rule of scoring budgetary authority and outlays. I apologize in advance to my colleagues. But let me tell you what has happened.

The amendment proposes a budgetary offset from the HUD appropriations. It takes it out of the renewal of section 8 rental subsidy contracts. It takes out $360 million. The amendment is predicated on the reduction of project reserves. These are reserves held by local housing authorities for section 8 certificates and vouchers in use for low-income families to cover potential increases in rent or reductions in resident income during the remaining contract term. In other words, this is taking money away from one group of very poor who need housing to another group of very poor who need housing.

During the consideration of the recently enacted rescissions bill, we closely examined the funding needs of the existing section 8 contracts to remove any excess funds. Only 4 months ago, this body, along with the House and the President, after we carefully assessed the needs, determined that some $427 million could be rescinded from the section 8 reserves without, in our view, potentially jeopardizing the sound financing of these outstanding rental contracts. That rescission has already been enacted into law. We now find ourselves a few months later again attempting to raid these contract reserves to fund increased homeless activities.

There are two things I could say about the amendment. If we fail to adequately maintain reserves for the cost of section 8 contracts, we will surely need additional homeless funding to assist the families that get evicted when their rental contracts run out of money. So we could be pushing another group out into the street.

Mr. President, the pending amendment proposes to cut another $360 million from section 8 contract reserves. I should point out that more than half the current estimate of the total amount held in these reserves is by local housing authorities.

New York City, for example, stands to lose as much as $90 million if this reduction is taken proportionately. Such a large reduction could jeopardize the financial viability of the contracts issued and administered by that large housing authority.

I note that those who suggest this reduction in contract reserves claim that the section 8 amendment funding could be provided at a later point to make up any shortfalls. Unfortunately, this assumes there will be adequate funding within our budget allocation to accommodate such an appropriation request, in addition to meeting the growing renewal needs of these section 8 contracts, all in the face of further reductions in overall discretionary spending.

Mr. President, that is the fallacy behind this offset. I described earlier the difficulties in finding offsets. There are no easy places to find offsets.

In reality, this measure is no offset at all because the net effect of the amendment is to increase program funding levels. It simply proposes to borrow funds previously set aside for section 8 program costs to augment yet another activity, neither of which can be maintained in the future at the increased spending levels if we ever hope to balance the Federal budget.

I should add that the sponsors of this amendment have acknowledged the real programmatic effect of this budgetary shell game by delaying the availability of the $360 million added for homeless programs until the last day of the year.

I refer my colleagues who are interested to page 3 of the amendment. The last paragraph says "Restriction."

Notwithstanding section 504, or any other provision of this act, the funds made available under title II of this act under the subheading "homeless assistance" grants, $360 million shall not become available for obligation until September 30, 1996, and shall remain available until expended.

In other words, to avoid the Budget Act point of order, they said they are appropriating it for the coming year, but you cannot spend it until the end of the next fiscal year, to avoid the Budget Act point of order for breaching the fiscal year 1996 allocation.

Mr. President, I merely point out that if the sponsors of the amendment are concerned about increasing fiscal year 1997 homeless program spending, then it would be wise simply to wait until next year's appropriations bill and offer an amendment to take funds from the 1997 appropriations. Maybe we can work with the sponsors and the proponents of the amendment to find funding in that year. But it looks like a difficult year. This is an effort to fund in 1997 some programs from the budget authority in 1996.

I urge my colleagues to reject this amendment. The best of motives but, unfortunately, will do nothing towards meeting the current need for homeless assistance activities. It does not even click in until September of next year. It undermines our budgetary and deficit control efforts, and it jeopardizes the viability of housing assistance contracts currently in use by thousands of families across the Nation.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SARBANES. Mr. President, I yield myself 5 minutes.

First of all, the amendment does not jeopardize the contracts. We have a letter here from the Secretary of HUD. I ask unanimous consent to include it in the RECORD.

Mr. BOND. Could I see a copy of that? Will the Senator provide me a copy, please.

Mr. SARBANES. Certainly.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,

Washington, DC, September 26, 1995.

Hon. PAUL SARBANES,
Senate Hart Office Building, Washington, DC.

DEAR PAUL: I am writing this letter to express my support for an amendment to the Senate Appropriations bill which would restore the level of funding for the homeless assistance programs to their FY 1995 level, or $1.12 billion. This amendment would offset the homeless funding level increase of $360 million with a concomitant reduction in the section 8 renewal account.

Funding for the renewal of expiring contracts can be reduced without any impact on existing recipients because many public housing agencies have sufficient reserves in their section 8 tenant-based contracts. These agencies can use these reserves to renew expiring contracts before receiving additional federal resources.

As you know, the FY 1995 Rescission law required the Department to use available PHA reserves in the same manner as this amendment would provide.

We therefore fully support the amendment that would offset the increased Homeless funding level with available PHA reserves for section 8 tenant-based contract renewals.

Thank for you your consideration.

Sincerely,

HENRY CISNEROS.

Mr. SARBANES. The Secretary says:

I am writing this letter to express my support for an amendment to the Senate Appropriations bill which would restore the level of funding for the homeless assistance programs to the FY 1995 level of $1.12 billion. This amendment would offset the homeless funding level increase of $360 million with a concomitant reduction in the section 8 renewal account.

Funding for the renewal of expiring contracts can be reduced without any impact on existing recipients—

I underscore that "existing recipients"—

Because many public housing agencies have sufficient reserves in their section 8 tenant-based contracts. These agencies can use these reserves to renew expiring contracts before receiving additional Federal resources.

As you know, the FY 1995 Rescission law required the Department to use available PHA reserves in the same manner as this amendment would provide.

The amendment uses these reserves. That means the reserves are not available if they want to upgrade the section 8 program. Public housing agencies would be less able to issue more contracts or cover rent increases. The amendment does leave enough money to fulfill existing contracts.

The real question then becomes: Is it a sufficiently higher priority to address the problem of the homeless, even though we have to move money out of another program? I think the problems of the homeless are a critical priority.

What the extra money for the homeless program would enable us to do is use a formula approach. Virtually everyone is in favor of a formula approach. The additional funds made available in this amendment would become part of a larger pool which would enable the Department to apply the formula to allocate the funds. We need enough funds to make the formula realistic.

The fact that the additional money in this amendment can not be committed in a contract with a State or local government until the end of the fiscal year does not affect then the ability of the States and the localities to prepare for the money on the basis of a formula allocation and to develop their programs accordingly. The committee report says that "funding for a formula below $1 billion will mean that many communities with significant homeless programs will not get adequate resources to design and maintain assistance programs to meet their needs." This amendment would provide enough money and make possible a major reform in the administration of HUD's homeless programs.

Ever since 1989, the Congress has repeatedly increased the amount of money available for homeless assistance. This amendment merely tries to keep the funding level from 1995 to 1996. And, in this amendment, we have an offset that comes out of another housing account. I am not happy about the offset. I think the housing accounts are being markedly shortchanged. But, when it comes to a judgment as to whether we ought to let the bill's drastic cut in the money for the homeless stand or draw some money off of the section 8 reserves, it seems to me that we ought to use the section 8 reserves in order to assure that the homeless program can continue at a reasonable level.

I again want to underscore that a significant number of Members are talking about are the needs of veterans in the context of the bill before us. The amendment raises a question of priorities. I say to my distinguished friend from Missouri, in the choice between leaving these funds in reserve accounts to be rolled over into section 8 versus providing shelter for homeless veterans, I have chosen to move the money to the homeless programs. The money left in the section 8 account after this amendment will cover existing contracts. What will be lost is the housing authorities' reserves that are there to cover increases the contract subsidy or to cover rent increases. I say to my colleague: Between those two alternatives it seems to me that raising the level of appropriations for the homeless ought to take precedent.

As Lucie McKinney said in this very strong and moving article, "We do know how to end homelessness."

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. SARBANES. I yield myself one minute. The article by Ms. McKinney continues: "And while the cure is not cost free, it costs a whole lot less than not facing and solving the problem. Saving lives and saving money, how can that be bad?"

Mr. President, I strongly urge my colleagues to support this amendment.

Mr. President, what is the time situation?

The PRESIDING OFFICER. At this point the Senator from Maryland has 10 minutes and 40 seconds and the Senator from Missouri 23 minutes.

Mr. SARBANES. I yield 5 minutes to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise today in strong support of the Sarbanes amendment which would restore funding for the homeless assistance program. But I also rise in strong support of the leadership and advocacy provided by the senior Senator from Maryland. I am not the kind of person who likes being No. 2, but I am more than satisfied to be No. 2 to this distinguished Member of the Senate, our senior Senator.

As we know, he is the ranking member on the Housing Committee. He has chaired the Subcommittee on Housing for a number of years, and his advocacy in promoting homeownership, opportunities for the poor in terms of shelter, and economic and community development as well as banking reform I think are to be acknowledged.

Senator SARBANES really wanted to offer many amendments to this bill because there are issues in this bill related to housing and their skimpy allocation that warrant both debate and additional amendments. He has chosen to focus his amendment on the poorest of the poor, that constituency in our society that has the least advocacy.

The bill before us provides $760 million for homeless assistance programs, a cut of $360 million under last year's appropriation and the President's request.

The Sarbanes amendment will restore this funding to the President's request of $1.12 billion.

Preliminary analysis of this cut is that HUD would serve a total of 93,000 fewer homeless Americans, including 11,000 people who would have received housing if funding had been continued at current levels; 23,000 Americans who would lose their homes by denying them homeless prevention assistance that provides short-term rental and utility subsidies in times of family or financial crisis; 11,000 day care slots which would force the working poor to choose between working full-time and caring for their kids; 16,000 disabled Americans would lose mental health counseling provided under current levels; 14,000 homeless persons would be denied substance abuse counseling; and 20,000 homeless families would lose opportunities for job placement through HUD and nonprofit agencies.

These numbers are staggering.

In fact, this cut represents the first reduction in the homeless program since 1989.

What bothers me most about this cut in homeless funding is the impact of this cut coupled with others that are coming down the pike.

Over the past 25 years the construction of the interstate highway system, immigration and migration trends, the shift from manufacturing to service and knowledge-based industries, and the flight of the middle class have weakened our cities.

Poverty is growing and becoming more concentrated.

Twenty-five years ago 3.8 million people lived in the poorest neighborhoods in our largest 94 cities.

Today, 10.8 million people live in those same areas.

In those same 94 cities, unemployment increased by 66 percent between 1970 and 1990.

The percentage of people employed in manufacturing jobs has dropped from 22.1 to 14 in the last 20 years.

The point is that as we look across the agenda that the new majority in this Congress is promoting, you can't help but notice the devastating cumulative impacts of these cuts.

The deep cuts being proposed by the majority in areas like job training programs, mass transit, and community reinvestment programs are drawing jobs, private investment, and income out of metropolitan areas.

Cuts in Medicaid and the earned income tax credit will impact the working poor.

And as the Federal Government continues to shift service costs to localities, metropolitan areas will be forced to choose between raising taxes and cutting services and capital budgets.

The result is that our larger cities are increasingly becoming less desirable places in which to live and work. They are becoming warehouses for the poor.

At a time when our cities need a helping hand, this Congress is instead adding to the burden. There is no better example than committee proposal that the pending amendment seeks to address.

Mr. President, we have a convergence of forces going on in America's cities and also in communities we call the "inner beltway communities." These were the first suburban communities after World War II where the infrastructure is now aging. And in our hometown of Baltimore, and in communities like Silver Spring and Oxon Hill, and some others, and in our own home State of Maryland, we see a rising number of homeless. And we see a new kind of homeless.

Sure, the homeless in the past have been romanticized. Lucy played a homeless lady befriended by a young woman. We saw "Down and Out in

LA," some cute, clever kind of story about a homeless guy who ends up in a Gucci household and transforms them in some kind of great metamorphosis.

But I will tell you, down and out in LA, down and out in Baltimore is increasing. And when we look at the homeless, we see what is the face of the homeless.

First of all, there are many people who get up and work every day but because they often work at the minimum wage, they cannot afford housing. We see where men, particularly single men, are in and out of the shelters but going to work. We also see an increased amount, in the homeless, of single mothers who have been abandoned, often with no recourse, who then are finding themselves and their children out on the street. And now what we are also seeing is the homeless vet population. And I know the Senator from Alaska, Senator MURKOWSKI, has been an outspoken advocate of that. So what we are seeing is an increase in homelessness because we are seeing an increase in poverty.

Mr. SARBANES. Will the Senator yield on that very point?

Ms. MIKULSKI. Yes.

Mr. SARBANES. The figures here in this report before me show that single men comprise 48 percent of the homeless population. Families with children now comprise 39 percent of the homeless population. The nature of the homeless population is changing.

Ms. MIKULSKI. The Senator knows where I live in Baltimore, not too far from him, in a neighborhood called Fells Point. It used to be an old Polish neighborhood. It has a little bit of an entertainment district. But now we are seeing every day the increase of homelessness and panhandling. Yet when you talk to the panhandlers, these are mothers with children trying to get a few pennies together to hold the body and soul together. I live eight blocks from public housing. I live around the corner from a shelter for battered women. Those battered women are one step from being homeless. Fortunately, we have public housing. But this increase in homelessness is due to a decline in wages. It is also due to the decline of opportunity. So I think, coupled with what is going on in our economy combined with other cuts that are going to hurt the poor, that we really do need this amendment. I am very much concerned about the growing number and the changing profile.

There is nothing romantic about the homeless. The homeless do not think they are romantic. The homeless think that they are homeless. And if you talk to people in our public schools or if you go to Mercy Hospital in downtown Baltimore, they are treating more and—what they are facing in the hospitals is more and more homeless families, particularly the children who have no home and no medical plan.

I thank the Senator for his advocacy. I look forward to his voting for the bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SARBANES. I very much appreciate the support of my colleague and her leadership on this bill. The appropriations subcommittee has been given an allocation which is completely inadequate to meet the funding needs of the programs under her jurisdiction. I know how hard she struggled with that.

Mr. President, let me make this point: State and local governments, nonprofit groups, church groups, and community groups have all joined in a network to try to address the problems of the homeless. They are working at the local level to create comprehensive systems on behalf of the homeless, systems that outreach and screening, emergency shelters, transitional facilities, and permanent housing with services where that is necessary. Supportive housing is the approach to meeting the needs of the homeless about which Mrs. McKinney wrote in her article.

Our approach to addressing the needs of the homeless is beginning to work. This is not the time for the Federal Government to back away from its commitment. I implore my colleague from Missouri to accept this amendment. This amendment makes good sense. We are weighing the decision between dealing with the homeless, as this amendment seeks to do, and leaving those moneys in a section 8 reserve account. I do not think that it is even a close call. We have to try to deal with the homeless problem. We ought not to recede from the fight when we are finally realizing some success.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Senator from Missouri has 23 minutes; the Senator from Maryland has 4 minutes 16 seconds.

Mr. BOND. Mr. President, I am about ready to yield back my time. I have some very brief comments. I yield myself 3 minutes, and if the proponent of the amendment wishes to conclude, then I will respond briefly, and we can move on to the next amendment. While this is a very important amendment, we do not seem to have a great number of colleagues wishing to debate it. So, I yield myself 3 minutes.

Mr. President, I have already made the point that we are dealing with some very, very sensitive issues, and, unfortunately, I do not see this amendment as being any solution whatsoever because it takes money from an account designed to prevent homelessness in order to add money to those who are currently homeless.

Mr. SARBANES. Will the Senator yield?

Mr. BOND. We are dealing with the same population. Frankly, we are trying to make sure that the money available for section 8 grants does not run out next year.

Let me explain. There are a couple things that can happen. Not only if the rents go up, but if the income of the persons receiving the section 8 certificate or voucher goes down, more money is needed. And we are digging into the same pot and potentially causing the greater problem.

Mr. SARBANES. Will the Senator yield?

Mr. BOND. I will be happy to.

Mr. SARBANES. Would it not make more sense to take the chance that the section 8 contracts will be adequate funded? The reserves are there for when the rents go up or the income of the section-8-assisted people go down more than anticipated. Both of these outcomes are possibilities, but by no means certainties. Would it not make more sense to take the contingent money and use it to address the current needs of the homeless? Their needs are a certainty.

We are reducing our commitment to the fight against homelessness by 32 percent in this legislation. You have got State and local governments working with private groups to construct this network to try to deal with the homeless problem. They are relying on these resources and I think we should sustain our commitment. We know that the homeless problem is there. The section 8 problem you are talking about is only a possibility. I do not deny that using the reserves does raise the possibility of future section 8 needs.

Mr. BOND. Yes.

Mr. SARBANES. The section 8 offset is not money that appears out of nowhere.

Mr. BOND. If the Senator wishes to make an argument, he has 4 minutes left. To respond to the question, I would say that argument holds no water when he does not make any of the funds available—what is it—until September 30, 1996. This is a shell game.

Mr. SARBANES. No. Will the Senator yield on that point?

Mr. BOND. Yes.

Mr. SARBANES. The money in the amendment would become available for purposes of running the formula and for the purposes of HUD developing its regulations. With this amendment, the Senator has an opportunity now to make the formula approach—which he supports, as I understand it—work. The Senator has said himself in the committee report that he needs at least $1 billion in order to fund a formula adequately. This amendment would provide the Senator with that opportunity. The final commitment of funds would not come until the end of the fiscal year, but the whole process could

be put in place. You could have a formula-based homeless program, which everyone says is the direction in which to move. My amendment would give HUD the opportunity to do it.

Mr. BOND. Well, Mr. President——

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. BOND. All right. Would the proponent of the amendment wish to pursue that? Does he wish to, on his time, state anything further? Because I am prepared to yield back all of the time as soon as I make some closing comments.

Mr. SARBANES. If the Senator wishes to respond, I will hear him out and then make my closing statement.

Mr. BOND. I will say, first, we are asking HUD to promulgate rules through negotiated rulemaking and include recommendations by State and localities, as well as homeless assistance providers.

This task is going to go forward in any event. A budget gimmick of making funds available on the last day of the fiscal year does not improve the situation. We are going to be facing a very tight budgetary situation in 1997. To attempt to move funds now and make them available September 30 next year, unfortunately, is not a realistic way of dealing with the problem of homelessness. I share the concern of the Senator from Maryland to make sure we get a new program. Frankly, this does not do anything for it.

I point out that when we rescinded slightly more than this in the rescissions bill, that rescission was more than three-quarters of the way through the fiscal year when we knew what was going to happen in the fiscal year. This is starting out the fiscal year by taking away from that reserve fund. I do not think that makes any sense, particularly when it is not going to be needed until the end of the fiscal year.

I ask this amendment be set aside for a vote to occur—I will, when the time arrives, ask that it be set aside. I yield the floor.

Mr. SARBANES. Mr. President, I have no objection to the vote being set aside. I gather the Senator from Vermont wishes to offer his amendment, and then we will vote on both of them at the same time seriatim.

Ms. MIKULSKI. Mr. President, let me bring to the attention of the other Senator from Maryland, the senior Senator from Maryland, that the leadership is going to try to do some other amendments after the Jeffords, of Vermont, amendment. There are Senators who need a window and both leaders are trying to accommodate that. I think they are looking for votes somewhere around 7:30, 8 o'clock, though it has not been agreed to. That is what is floating out there. So we are trying to get as many amendments in.

Mr. SARBANES. Is the parliamentary situation that a vote is to occur on this amendment at the conclusion of the use of our time?

The PRESIDING OFFICER. There is no order that the vote occur after this amendment, but if at the conclusion of this debate a motion to put it aside takes place, the normal procedure in regular procedure would be to vote at the conclusion of debate and expiration of time.

Mr. SARBANES. That would be the regular order. I do not mind accommodating, but I do not want to see the vote extended way into the evening, I say to my colleagues.

Ms. MIKULSKI. I do not believe it will be extended into the evening, if the Senator agrees to lay this aside so we can go to the Jeffords amendment.

The PRESIDING OFFICER. The Senator from Maryland has 3 minutes, 23 seconds.

Mr. SARBANES. Let me say to my colleague from Missouri, and I am on the housing committee, you say in your own report, on trying to go to a formula base:

> . . . the Committee is worried that a block grant approach with funds less than $1,000,000,000 may disadvantage some areas with significant homeless problems and some homeless providers.

That is on page 61.

What this transfer will do is it will enable HUD, in effect, to move to a formula grant program as it develops these negotiated regulations in the coming fiscal year. It is going to take time to develop those regulations, but they cannot structure a competition or an allocation of those moneys unless they are above $1 billion by your own statement in the report.

So this offers the opportunity to really move forward on the homeless issue, and the price we are paying for it is we are taking some moneys out of the section 8 program, which would not cover then the possibilities to which you have eluded, either that, rents would rise or incomes of people getting section 8 would drop. Those are both possibilities, and I concede that.

But the homeless are a reality here and now, and the need to structure the homeless programs in partnership with State and local government and in partnership with the private sector must move forward. And the way to move it forward is to adopt this amendment, bringing the amount for the homeless back up to this year's level and thereby enabling HUD to structure a program which utilizes the formula-grant approach, which the committee on which the Senator and I serve reported out last year on a bipartisan vote, on a 15-to-3 vote.

A formula grant will provide State and local governments with a predictable stream of funding to support their efforts to create comprehensive systems: outreach and screening, emergency shelters, transitional facilities and permanent housing with supportive services.

Comprehensive, coordinated systems such as those are critical for addressing the needs of the homeless population. I urge the adoption of this amendment. It will actually be putting resources to work in their most important and critical need.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield myself 5 minutes.

Mr. President, I go back to the fact we have asked HUD to engage in negotiated rulemaking because HUD is unlikely to be able to put together a block grant during fiscal year 1996. Negotiated rulemaking will provide the homeless advocates with the ability to fashion a block grant to utilize these moneys, and, frankly, this amendment, although it looks good to have it in an appropriations bill in 1995 that I hope gets signed this year for 1996, will not make a single dollar available, cannot be allocated or obligated during fiscal year 1996.

Mr. SARBANES. If the Senator will—

Mr. BOND. This measure does not do anything except what I think is a shell game to make it look better when, in fact, there is not a dollar that can be allocated during the coming fiscal year because of the restriction put on saying it should be restricted until September 30, 1996.

While we both share the objective of taking care of the homeless, this amendment is less than it appears. It does not accomplish anything. I, therefore, move to table it. I ask for the yeas and nays.

Mr. SARBANES. Will the Senator withhcld the tabling motion, because it is just not correct to say it cannot be allocated. It can be allocated.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not.

Mr. BOND. I ask unanimous consent that the amendment be put aside until such time as the leaders, by agreement, can establish the vote.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. I object. Is there time remaining on this side?

The PRESIDING OFFICER. There is no time remaining. The question is—

Mr. SARBANES. Will the Senator yield me 30 seconds?

The PRESIDING OFFICER. There is no time.

Mr. SARBANES. There is time on the other side.

The PRESIDING OFFICER. There is no debate on a motion to table.

Mr. SARBANES. Has the tabling motion been made?

The PRESIDING OFFICER. There is no time to be yielded, because we have a motion to table and it is not debatable.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SECRETARY CHRISTOPHER CALLS FOR U.N. REFORM

Mr. PELL. Mr. President, yesterday Secretary of State Warren Christopher delivered an important address to the U.N. General Assembly. Secretary Christopher's speech, which was made at the initiation of the 50th session of the General Assembly, was remarkable not only for the milestone it commemorated, but for the forward-thinking approach it took to the issue of U.N. reform.

Recent congressional debates have demonstrated that continued U.S. support for the United Nations hinges on the issue of reform. At a time when some members of Congress are questioning the fundamental utility of U.S. participation in the United Nations, it is imperative that the U.N. perform its duties effectively and in a cost-efficient manner. As Secretary Christopher said last night,

> It is time to recognize that the UN must direct its limited resources to the world's highest priorities, focusing on the tasks that it performs best. The UN's bureaucracy should be smaller, with a clear organizational structure and sharp lines of responsibility. Each program must be held to a simple standard—that is, it must make a tangible contribution to the freedom, security, and well-being of real people in the real world.

Mr. President, as one who was present at the creation of the United Nations, I have tried very hard to see the U.N. live up to its potential and have seen the good works of which it is capable. I underscore and applaud the Secretary of State's call for reform. His initiative has my full support, and I hope it will receive the support of the Congress as well. The very future of the United Nations, and the success of many of our own national security objectives, depend upon it.

Mr. President, I commend the Secretary's address to my colleagues and ask unanimous consent that the full text of his remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
OFFICE OF THE SPOKESMAN,
New York, NY, September 25, 1995.

REMARKS BY SECRETARY OF STATE WARREN CHRISTOPHER TO THE 50TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

Mr. President, Mr. Secretary-General, Excellencies, Distinguished Guests: It is a privilege to speak to you today on behalf of the United States. A half-century ago, the General Assembly first met in New York—across the river in a converted skating rink at Flushing Meadows. In those modest surroundings, our predecessors began to put into place an ambitious framework they hoped would keep the peace as successfully as they had prosecuted the war.

In the years since, the United Nations has helped to bring peace, prosperity and hope to countless people around the world. Technological change has brought nations closer together than the UN's founders could possibly have foreseen. The United Nations itself has been challenged in unforeseen ways. It has had to manage complex humanitarian emergencies, from civil wars to the mass movement of refugees to health epidemics. This evolution has placed great strains on the organization, and revealed the necessity for far-reaching change in how it is run.

The Clinton Administration has vigorously made the case to our Congress and our people for continued American leadership at the UN. The United States made a commitment to the UN Charter 50 years ago. We are determined to keep our commitment, including our financial obligations.

We will always remember that for millions of people around the world, the UN is far from a faceless institution: It is, as Harry Truman once said, "a case of food or a box of school books; it is a doctor who vaccinates their children; it is an expert who shows them how to raise more rice, or more wheat." To millions more, it is the difference between peace and war.

Economic and social development, as well as protection of human rights, remain central to the UN's mission. But the UN must change to meet these needs more effectively. When money is wasted in New York, Geneva, or Vienna, and when time is lost to bureaucratic inertia, the people who pay the price are those most vulnerable to famine, disease and violence.

It is time to recognize that the UN must direct its limited resources to the world's highest priorities, focusing on the tasks that it performs best. The UN's bureaucracy should be smaller, with a clear organizational structure and sharp lines of responsibility. Each program must be held to a simple standard—that is, it must make a tangible contribution to the freedom, security, and well-being of real people in the real world.

In the last two years, under the leadership of Secretary-General Boutros-Ghali, the groundwork for substantial change has been laid. The UN has an office with the functions of an inspector general, and a mandate to crack down on waste and fraud. Under-Secretary-General Joe Connor has embarked on an aggressive campaign to improve the UN's management culture, and we fully support his work. The UN Secretariat has moved in the right direction by submitting a budget that begins to restrain spending.

Now the momentum for reform must accelerate. Let me propose a concrete agenda:

First, we must end UN programs that have achieved their purpose, and consolidate programs that overlap, especially in the economic and social agencies. The UN has more than a dozen organizations responsible for development, emergency response, and statistical reporting. We should consider establishing a single agency for each of these functions. We should downsize the UN's regional economic commissions. We should ensure that the functions of the UN Conference on Trade and Development do not duplicate the new WTO. And we should adopt a moratorium on big UN conferences once the present series is completed, concentrating instead on meeting the commitments of those we have held.

Second, we need to streamline the UN Secretariat to make it more efficient, accountable and transparent. Each part of the UN system should be subject to the scrutiny of an inspector general. The UN must not tolerate ethical or financial abuses and its managers should be appointed and promoted on the basis of merit.

Third, we should rigorously scrutinize proposals for new and extended peacekeeping missions, and we should improve the UN's ability to respond rapidly when new missions are approved. We must agree on an equitable scale of peacekeeping assessments that reflects today's economic realities. And we should have a unified budget for peacekeeping operations.

Finally, we must maintain the effectiveness of the Security Council. Germany and Japan should become permanent members. We should ensure that all the world's regions are fairly represented, without making the Council unwieldy.

We welcome the formation of the high-level group on reform, initiated under the leadership of outgoing General Assembly President Essy. Our goal must be that a practical blueprint for UN reform will be adopted before the General Assembly's 50th Session finishes work next fall. The way forward is clear: We have already seen countless studies and reports. The time has come to act on the best proposals.

As you know, in my country there have been serious efforts to curtail our support for the United Nations. The Clinton Administration believes it would be reckless to turn away from an organization that helps mobilize the support of other nations for goals that are consistent with American and global interests. But to sustain support for the UN among the American people and the people of other nations, it is not enough that we defend the institution. The best argument against retreat is further reform. Tangible progress will help us win the battle for UN support that we are waging in the United States.

The United Nations must emerge from the reform process better able to meet its fundamental goals, including the preservation of peace and security. From Korea, to the Persian Gulf, to Haiti, the UN has provided a mandate to its members as they carried out this responsibility. The UN's own blue helmets have helped nations create the basic conditions of peace in some of the most difficult situations imaginable, even though they have not always fully achieved their intended purpose.

Recently, a young Haitian father was asked what peacekeeping forces had achieved in his country. "We walk freely," he answered. "We sleep quietly. There are no men who come for us in the night." In Haiti, as for example in Cambodia, Mozambique and El Salvador, the UN has shown that peacekeeping, for all of its limitations, has been an enormously useful instrument.

Our region where UN forces and the international community have played a critical role is the Middle East. Another historic milestone will be marked this Thursday in Washington when Israel and the Palestinians sign their agreement to implement phase two of the Declaration of Principles. That agreement will bring to life a goal first set in the Camp David accords—that is, to protect Israel's security and to give Palestinians throughout the West Bank control over their daily lives. The international community and the UN must continue to support this process politically and economically.

Without a doubt, the UN has never undertaken a mission more difficult than the one in the former Yugoslavia. The limitations of that mission are well known. But we must also recognize that it has provided relief for hundreds of thousands of people and saved thousands of lives. Today, with diplomacy backed by force, the United States and the international community are moving forward on a track that is producing genuinely hopeful results. The United Nations and NATO are working together effectively to bring peace to the region. On September 8 in Geneva, the parties to the conflict accepted the fundamental goal the Security Council has often expressed—namely, the continuation of Bosnia-Herzegovina as a single state within its current internationally recognized borders. When I meet with the foreign ministers of Bosnia, Croatia, and Serbia later today, I will urge them to maintain momentum toward peace and to establish constitutional structures for Bosnia.

The framers of the UN Charter created this institution to meet threats to peace and security posed by aggression and armed conflict. These threats are still very much with us. But the world also faces a set of new security challenges, including proliferation, terrorism, international crime and narcotics, as well as the far-reaching consequences of damage to the environment. These have assumed a new and dangerous scope in a more interdependent world. As President Clinton said in San Francisco in June, the "new forces of integration carry within them the seeds of disintegration and destruction."

While new technologies have brought us closer together, they have also made it easier for terrorists, drug dealers, and other international criminals to acquire weapons of mass destruction, to set up cocaine cartels, and to hide their ill-gotten gains. The collapse of communism has shattered dictatorships. But it has also left the political and legal institutions of newly liberated nations even more vulnerable to those who seek to subvert them.

Although these threats are sometimes sponsored by states, they increasingly follow no flag. Each of us must vigorously fight these enemies on our own. But we will never be truly secure until we effectively fight them together. That is the new security challenge for the global community. It must be the new security mission of the UN.

There is no area where the UN can make a more significant contribution than in nonproliferation. Fifty years ago, the United States was the only country capable of making a nuclear bomb. Today, many countries have the technology that would enable them to turn a fist-sized chunk of plutonium into a bomb as small as a suitcase. That is one reason why more than 170 countries agreed to extend for all time the Nuclear Non-Proliferation Treaty last May, at the conference chaired here by Ambassador Dhanapala. We must build on that achievement.

First, we should have a Comprehensive Test Ban Treaty ready for signature by the time we meet here next year. As President Clinton announced last moth, the United States is committed to a true zero-yield test ban. We urge other nations to join us in that commitment.

Second, we should immediately start negotiations on a Fissile Material Cutoff Treaty. Those who have been most vocal in calling for nuclear disarmament should recognize that it is essential to ban future production of fissile material for nuclear weapons.

Third, we should push forward with the historic reductions of the nuclear arsenals of the United States and the countries of the former Soviet Union. I call on the U.S. Senate, as well as the Russian Duma, to approve the START II Treaty so that we can lock in deep cuts in our strategic nuclear arsenals. In addition, Presidents Clinton and Yeltsin are working together to ensure the safety, transparency and irreversibility of nuclear arms reductions.

As part of this process, President Yeltsin will host a Nuclear Safety and Security Summit in Moscow next spring. The Summit should have an ambitious agenda, including a declaration of principles on nuclear reactor safety. We look to the summit to address the worldwide problem of nuclear waste management, including ocean dumping. The Summit should also promote a plan of action to Safeguard nuclear materials. That plan should include new measures to prevent criminals and terrorists from acquiring nuclear material for use in weapons.

Finally, we should push for the earliest possible entry-into-force of the Chemical Weapons Convention. President Clinton has urged the U.S. Senate to act promptly on its ratification, and to stop holding it and the START II treaty hostage to unrelated issues. The world has witnessed the effect of poison gas too many times in this century—on European battlefields during World War I, in Ethiopia and Manchuria during the 1930s, and against Iranian soldiers and innocent Kurdish civilians in the 1980s. The Chemical Weapons Convention will make every nation safer, and we need it now.

The UN is also playing an invaluable role in focusing attention on pressing regional poliferation problems. In Iraq UNSCOM and its chairman Rolf Ekeus continue to uncover horrific details about Saddam Hussein's weapons of mass destruction.

Under Saddam Hussein, Iraq developed a deadly biological weapons capacity hidden from view. It was conducting research to turn some of the most toxic substances known to man into weapons of war. We know Saddam succeeded in putting anthrax and botulism in bombs and missile warheads. In December 1990, he deployed these with every intent to using them against the international coalition and innocent civilians. He was dissuaded only by the steadfast determination of the United States and the international community.

In light of what Ambassador Ekeus has uncovered, we can only conclude that for the last four and a half years Saddam Hussein has lied about the full scope of Iraq's weapons programs. There should be no easing of the sanctions regime until the Iraqi government complies with all the demands of the Security Council and demonstrates that it has changed its ways.

The UN should also promote responsibility and restraint in the transfer of conventional weapons. Last year at the General Assembly, President Clinton proposed, and the Assembly approved, the eventual elimination of antipersonnel landmines. On my recent trip to Cambodia, I saw the terrible damage these hidden killers can do. This year, we will again call on other countries to join us in ending the export of landmines.

Two years ago, President Clinton called on the international community to devise a true international system that governs transfers of conventional weapons and sensitive dual-use technologies. I am pleased that the Russian Federation has joined with the United States and 26 other countries to agree on common principles to control the build-up of dangerous conventional arms. We hope to activate this global regime, called the New Forum, by the end of this year.

The proliferation of weapons has added a disturbing dimension to another threat we all face: international terrorism. Indeed, this year's sarin gas attack in Tokyo is a grim warning of what can happen when terrorists acquire weapons of mass destruction.

More nations are joining the fight against those individuals and groups who attack civilians for political ends. The United Nations has supported this effort in important ways. The UN Security Council recognized the importance of countering state-sponsored terrorism by imposing sanctions against Libya for the bombing of Pan Am 103 and UTA 772.

Terrorists should be treated as criminals and there must be no place where they can hide from the consequences of their acts. States that sponsor terrorists should feel the full weight of sanctions that can be imposed by the international community. Let us not deceive ourselves: Every dollar that goes into the government coffers of a state sponsor of terrorism such as Iran helps pay for a terrorist's bullets or bombs. Iran's role as the foremost state sponsor of terrorism makes its secret quest for weapons of mass destruction even more alarming. We must stand together to prevent Iran from acquiring such threatening capabilities.

The United States has taken a leading role in meeting the international terrorist threat. We have intensified our sanctions against Iran. Last January, President Clinton also issued an Executive Order prohibiting financial transactions with terrorist groups and individuals who threaten the Middle East peace process. We are urging our Congress to tighten our immigration and criminal laws to keep terrorists on the run or put them behind bars.

The United States strongly supports the counter-terrorism measures the G–7 and Russia announced at the Halifax Summit, and we expect the P–8 Ministerial Meeting on Terrorism in Ottawa to produce a concrete action plan to implement these measures.

Other kinds of international crime also threaten the safety of our citizens and the fabric of our societies. And globalization brings new and frightening dimensions to crime. The threat of crime is a particular menace to young democracies. It weakens confidence in institutions, preys on the most vulnerable, and undermines free market reform.

Of course, every country must take its own measures to combat these threats. The Clinton Administration is now completing a review of our approach to transnational crime that will lead to a stronger, more coordinated attack on this problem.

To help other states deal with criminal threats, the United States and Hungary have created the International Law Enforcement Academy in Budapest to train police officers and law enforcement officials from Central Europe and the states of the former Soviet Union. We are providing similar help bilaterally and through the UN Drug Control Program to countries whose laws are challenged by drug cartels.

A particularly insidious form of crime and corruption is money laundering. All nations should implement recommendations by the OECD to attack money laundering. The nations of this hemisphere should also advance the anti-money laundering initiative introduced at last December's Summit of the Americas. Together, we must squeeze the dirty money out of our global financial system.

Through the UN's conventions on drugs and crime, the international community has set strong standards that we must now enforce. We call on UN member states who

have not already joined the 1988 UN Drug Convention to do so. Those countries who have approved the convention should move quickly to implement its key provisions.

We are increasingly aware that damage to the environment and unsustainable population growth threaten the security of our nations and the well-being of our peoples. Their harmful effects are evident in famines, infant mortality rates, refugee crises, and ozone depletion. In places like Rwanda and Somalia, they contribute to civil wars and emergencies that can only be resolved by costly international intervention. We must carry out the commitments we made at last year's Cairo Conference, and the Rio Conference three years ago.

Never have our problems been more complex. It has never been more evident that these problems affect all nations, developed and developing, alike. Only by working together can we effectively deal with the new threats we all face.

That is why, on this 50th anniversary year, we must shape the UN's agenda as if we were creating the institution anew. Just as the UN's founders devised a new framework to deter aggression and armed conflict, the United Nations, in particular the Security Council, must now assign the same priority to combating the threat posed by proliferation, terrorism, international crime, narcotics, and environmental pollution. We should dedicate our efforts in the UN and elsewhere to turning our global consensus against these threats into concrete action. We must renew and reform the United Nations not for its sake, but for our own.

Thank you very much.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

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.

AMENDMENT NO. 2782

Mr. BOND. Mr. President, I ask unanimous consent that my previous tabling motion be withdrawn.

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

Mr. BOND. Mr. President, I ask unanimous consent that the Senator from Maryland be recognized for 2 minutes.

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

The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I simply want to address the argument by my colleague that passing this amendment will not serve a purpose. The amendment will, in effect, enable HUD to implement a formula approach with respect to the homeless problems in the coming year. HUD could structure the formula approach so that State and local governments, the homeless assistance providers, the church groups, and the community groups could come in and anticipate their expected level of funding off a $1.1 billion figure. The Appropriations Committee itself has said they have to have more than $1 billion in order to make the formula approach work.

They are going to negotiate regulations. That will take a good part of the fiscal year. The end result of all of this is a greater commitment to dealing with the homeless.

I concede that we are taking money from the section 8 program. I think in the order of priorities, addressing the homeless ought to come ahead of that.

Then people say, well, the following fiscal year the amount needed for section 8 is going to double from $4 billion to $8 billion. If it is that order of magnitude you will need an entirely new solution. You will not solve it by this $360 million here that is being held in the reserve.

This money, though, could make an enormous difference with respect to addressing the homeless problem.

Therefore, I very strongly renew my support of the amendment.

Mr. BOND. I yield myself 2 minutes.

Let me just conclude this discussion by saying that under the system that has been suggested by my colleague from Maryland, which is an effort to solve the homeless problem, we are still in a budgetary quandary. We have not solved the budgetary problem.

The Budget Committee will score the outlays during the year in which they occur no matter when they have been allocated. If, when the budget authority has been granted, if we move the funds to fiscal year 1997, as the amendment by my friend from Maryland would do, we will have that many fewer dollars to spend, that many fewer dollars in outlays to spend during fiscal year 1997.

That is why I say that we have asked HUD to enter into negotiated rulemaking to try to get these funds out to deal with not only the funds we have appropriated in this bill but the funds, $297 million, made available in the rescission bill for the coming year, and utilize those funds to deal with the homeless problem.

That is why again I regretfully say that moving money from one pocket to another does not overcome the appropriations and budgetary problems, and does not move us any further towards the goal of serving the homeless and those who need section 8 public housing assistance.

Mr. President, is all time expired?

The PRESIDING OFFICER. All time has expired.

Mr. BOND. Mr. President, I ask unanimous consent that this amendment be set aside.

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

AMENDMENT NO. 2783

(Purpose: To require EPA to give priority to small businesses in its "green programs" and to require EPA to perform a study to determine the feasibility of making these programs self-sufficient)

Mr. JEFFORDS. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself and Mr. BINGAMAN, Mr. CHAFEE, Ms. SNOWE, Mr. DASCHLE, Mr. SIMON, Mr. BIDEN, Mr. LIEBERMAN, Mr. KOHL, Mr. KERRY, Mr. BUMPERS, and Mr. LEAHY, PROPOSES AN AMENDMENT NUMBERED 2783.

Mr. JEFFORDS. 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 151, line 11, insert:

SEC. . ENERGY EFFICIENCY AND ENERGY SUPPLY PROGRAMS.

(a) PRIORITY FOR SMALL BUSINESSES.—During fiscal year 1996 the Administrator of the Environmental Protection Agency shall give priority in providing assistance in its Energy Efficiency and Energy Supply programs to organizations that are recognized as small business concerns under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(b) STUDY.—The Administrator shall perform a study to determine the feasibility of establishing fees to recover all reasonable costs incurred by EPA for assistance rendered businesses in its Energy Efficiency and Energy Supply program. The study shall include, among other things, an evaluation of making the Energy Efficiency and Energy Supply Program self-sustaining, the value of the assistance rendered to businesses, providing exemptions for small businesses, and making the fees payable directly to a fund that would be available for use by EPA as needed for this program. The Administrator shall report to Congress by March 15, 1996 on the results of this study and EPA's plan for implementation.

(c) FUNDING.—For fiscal year 1996, up to $100 million of the funds appropriated to the Environmental Protection Agency may be used by the Administrator to support global participation in the Montreal Protocol facilitation fund and for the climate change action plan programs including the green programs.

Mr. JEFFORDS. Mr. President, I will not take very long, and I want to thank the managers of the bill for agreeing to an amendment to our original proposal, which makes good sense and which I think improves the amendment. I appreciate their cooperation.

I am offering this amendment on behalf of myself, Mr. BINGAMAN, Mr. CHAFEE, Ms. SNOWE, Mr. DASCHLE, Mr. SIMON, Mr. BIDEN, Mr. LIEBERMAN, Mr. KOHL, Mr. KERRY, Mr. BUMPERS, and Mr. LEAHY.

What this amendment does is to restore the EPA Administrator's ability to fulfill our obligations under the Montreal Protocol. In addition, it will

authorize the EPA Administrator to fund the successful green programs, including Green Lights and Energy Stars Building Programs.

The net effect, actually, of this amendment as far as present spending will actually decrease because it will raise by fee some revenues to assist in the second program that I mentioned.

I need not go into detail on the importance of the Montreal Protocol. Last year, the Congress appropriated $119 million for these important programs—$101 million for the green programs and roughly $17 million for the Montreal Protocol multilateral fund. This amendment will allow the Administrator to spend up to $100 million on these programs, actually a 13 percent decrease from last year's levels.

Again, it is authorization to spend. It is not a specific authority for those programs. That will be up to the administrator.

I will not go into detail on this. I do not want to take the time of our Members here for this.

I will summarize now the green programs. There is no money for the green programs. I remember President Bush searching for alternatives to overregulation, command and control policies of the 1970's and 1985's. He longed to find a way to control production in a nonregulatory free market manner.

His legacy through the environment is his success in developing just such a program which we are referring to this evening. The Green Lights Program and Energy Stars Program are a testament to the type of innovative programs we must implement if we wish to reduce the regulatory burden faced by industry today. The programs are volunteer, reduce energy use, save business money, and stimulate markets for clean alternative energy technologies and services. What more could you ask for?

Green Lights is simple. EPA provides technical assistance to help a company survey its facilities and upgrade its lighting. Since its inception, Green Lights has saved companies hundreds of millions of dollars and dramatically reduced air pollution emissions, all without one regulation.

I have to my left here a chart which shows—how often do you get to the cover of Time Magazine? This is an important public-private partnership. Just ask companies in my own State like IBM, our largest utility—Green Mountain Power, Jay Peak Ski Area, and many others, including small businesses.

Now I had several Members that wanted to speak but due to the gracious acceptance of this amendment by the managers, I will yield the floor.

Mr. BINGAMAN. Mr. President, I rise today to speak in favor of the Jeffords-Bingaman amendment to the VA–HUD appropriations bill, which would restore authority to the EPA Administrator to expend funds on their atmospheric pollution prevention programs, and on the Montreal Protocol Multilateral Fund.

This amendment requires no new money of any offsets to H.R. 2099. It merely allows the administrator to use appropriated funds from the $1.6 billion program and administration fund to continue what we believe is essential work going on at EPA. It does not affect the overall budget cuts prescribed in the bill.

The Green Lights Program represents one of the best ideas of the past 20 years in the field of environmental protection. As our framework of environmental laws has evolved since 1970, we have been shown the positives and negatives of command and control regulation. While strict standards have been successful in many ways at reducing pollution, they have also proven costly and unwieldy for complying companies in some situations.

The Green Programs at EPA have done an exceptional job at saving energy and reducing pollution in a voluntary, flexible manner which should be emulated and expanded rather than zeroed out. In 1994 alone, Green Lights and Energy Star prevented $69 million metric tons of carbon equivalent, including 5.1 billion pounds of carbon monoxide, 14.1 million pounds of sulfur dioxide, and 6 million pounds of nitrogen oxides.

While these pollution reductions are a positive step, the more impressive fact is that these improvements are making money for State and local governments, companies, nonprofits and other organizations in almost every case. The Green Lights and Energy Star Programs saved $92 million in utility bills in 1994 alone.

Corporate welfare is a term one hears of often these days, both in and outside of this body. I am strongly supportive of reducing unnecessary subsidies to private industry wherever possible. However, labeling the EPA programs as corporate welfare is just plain wrong. No direct subsidies are given to corporations or any other participants. In fact, no direct marketing is done on behalf of any specific manufacturer or contractor. EPA merely alerts energy users to the financial savings and public relations benefits of the programs and gives them a long list of businesses that can do the work. All sales and contracting is the responsibility of the companies involved.

I have heard many statements in this Chamber railing against the evils of environmental regulation. If the majority also eliminates cooperative, voluntary, non-regulatory approaches to environmental protection, what alternatives remain?

Also restored in this amendment is the authority of the Administrator to expend Federal dollars on the Montreal Protocol Multilateral Fund. Stratospheric ozone depletion from man-made chlorofluorocarbons [CFC's] is a real and pressing problem. Due to prompt action on the part of the Congress to phase out production of CFC's in the Clean Air Act, ozone depletion will likely peak in the year 2000, and restore itself gradually during the following 3 to 5 decades.

The United States is enduring significant transition cost to accomplish the phase-out and must be assured that our progress is not undercut by rampant CFC use in developing countries. Our participation in the Montreal Protocol is essential for those recovery projections to be realized.

I understand that the subcommittee chairman would like to see the Montreal Protocol funded by the Subcommittee on Foreign Operations. It does not make a difference to me if the Senators from Missouri and Kentucky want to work out an arrangement. However, our treaty obligations to the Montreal Protocol are vital, and whether our commitments to it are met should not be subject to a squabble over what subcommittee should provide the funds.

I urge my colleagues to support the amendment.

Mr. BOND. Mr. President, these programs are programs that I think are vitally in need of restructuring and reoriented and bringing in to the modern day.

No question that Green Lights may have done some good for some big companies. This is really a distinguished group of companies. You can see Martin Marietta, General Dynamics, Warner Lambert, Phillips Petroleum, Whirlpool, Xerox, U.S. West, Trans-America, all these companies have saved millions of dollars through the Green Lights Program. Great.

What I think is that it is time to say enough corporate welfare. Start getting these people who are benefiting to pay for it. I have agreed with the sponsors of this amendment to accept their permissive language and to make some changes.

No. 1, we say that there ought to be a priority for small businesses. During fiscal year 1996, the Administrator of the EPA shall give priority to providing assistance in its energy efficiency and energy supply programs to organizations that are recognized as small business concerns under section 3(A) of the Small Business Act.

Get out of the business of providing very scarce taxpayer resources to help very large companies save money on energy. They ought to be saving it. We have started the program. We have shown how they can save money. Let them pay for it.

No. 2, we will include a study. The Administrator must determine the feasibility of establishing fees to recover all reasonable costs incurred by EPA for assistance rendered businesses in

the energy efficiency and energy supply program. The study should include making the program self-sustaining, the value of the assistance rendered to businesses, providing exemptions for small businesses, making the fees payable directly to a fund that would be available for use by EPA as needed for this program.

Nobody here is challenging the need for energy efficiency. It is vitally important from the environment standpoint, from a cost standpoint. It makes good sense. I do not believe that we ought to continue to have the Federal Government paying out this high-class corporate welfare.

This is a significant step toward weaning those large companies away from that endeavor.

Now, let me address the Montreal Protocol, and let me state to my colleagues that both of these are permissive. EPA is going to have to eat into its own budget to the extent it wants to use up to $100 million to support the climate change program in the Green Lights program or the Montreal Protocol facilitation funds. I hope they will be careful in utilizing those funds because we need those funds to be used on cleaning up the environment here in this country, not providing foreign aid to other countries under the Montreal Protocol and not using up dollars in helping the largest corporations save money by instituting energy-efficiency programs.

Let me tell you briefly about the Montreal Protocol funds. The fund received $116 million from the U.S. Government over the past few years. It is an international fund, managed through the State Department, to support developing countries in their efforts to phase out ozone-depleting chemicals. It is a worthwhile goal, but I do not see why the EPA, which is strapped for funds, is going to want to spend much of its money on that. I think, if we really want to provide foreign aid for other countries to improve their environment, we ought to be looking at the State Department.

I understand the Senator from Vermont had expressed concern about cuts in the foreign operations appropriations bill, the account which provides funding for the Montreal Protocol funds. That, I believe, is where it should be funded in the future. This subcommittee is not able to make up for shortfalls in other appropriations bills. We will allow the EPA, as a transition, to utilize those funds to the extent necessary. But I really believe the funds are better spent on environmental protection activities at home. We have provided the funds as available for these activities. We provided the Montreal Protocol funds some $116 million. I think the EPA can determine how to utilize its scarce resources and phase out the funding of these programs.

The companies that have benefited from the Green Lights programs, we congratulate them and urge the EPA to move on to self-funding.

With that, Mr. President——

Mr. CHAFEE. Mr. President, if I might, I would just like to make a couple of comments on this. It is my understanding the distinguished floor manager is prepared to accept this?

Mr. BOND. We are prepared to accept the amendment, and we appreciate the support of our colleagues for the program.

Mr. CHAFEE. I commend the distinguished chairman of the subcommittee of the Appropriations Committee for accepting this. Let me just say a couple of words, if I might, about the Montreal Protocol.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, every single Member of this Senate, and indeed members of the Republican Party, should be extremely proud of the Montreal Protocol. Why? Because it was signed under the administration of Ronald Reagan. This is what President Reagan said on April 5, 1988, about the Montreal Protocol:

> The Montreal Protocol is a model of cooperation. It is a product of the recognition and international consensus that ozone depletion is a global problem.

I am going to come back to that in a minute, because often it is said, only spend your money on domestic problems. But ozone depletion cannot be solved just by the United States alone. "It is a global problem," as President Reagan said, "both in terms of its causes and its effects. The Protocol is a result of an extraordinary process of scientific study, negotiations among representatives of the business and environmental communities, and international diplomacy. It is a monumental achievement," said Ronald Reagan, and he was absolutely right.

With respect to the Montreal Protocol Multilateral Fund, how does the money come about and who contributes? Let us just take what is happening right now. The United States is supposed to contribute $38 million a year to this international fund. Where does it come from? Because of funding shortfalls in previous years, the State Department requested $27 million and the EPA requested $24 million. That is a total of $51 million for fiscal year 1996. The amounts in excess of the $38 million cap were requested to make up for past years. In other words, the request is up some. The point I am making is it is split between the State Department and the EPA.

Who else contributes? There are 40 other nations that are contributing. The United States puts in a total of $38 million. Japan puts in $22 million, Germany $16 million, United Kingdom $9 million, Canada $5 million, and so forth.

I am advised that the contributions to the multilateral fund have been at a higher rate—85 percent of the assessed amounts are contributed. This is the highest of any known U.N. trust funds. So it is working.

I would just like to point out a quote from the July 14, 1994, journal of Science. That is the name of the journal. It published the findings of an international group of scientists who concluded that "methyl chloroform, one of the chief threats to the Earth's protective ozone layer, has begun to diminish. Other researchers confirm the finding, first reported 2 years ago, that chlorofluorocarbons, CFC's, have almost stopped increasing in the atmosphere."

You might say why have they not stopped completely? You have had this Montreal Protocol since 1987. The facts are, it takes a significant amount of time for the CFC's to go from the Earth up into the stratosphere where they do their damage. So, if we can stabilize—if our reports show they are stabilizing in the atmosphere, that means the efforts we have made to reduce the emissions are working and pretty soon the destruction of the ozone layer will go into a rapid decline from the activities that are taking place now. So, we can congratulate ourselves. Here is something that has worked.

I want to just say how happy I am that we have worked out this agreement this evening; that both the distinguished ranking member and distinguished manager of the bill, the senior Senator from Missouri, have accepted these proposals. I am particularly interested in the Montreal Protocol side of it, having been connected with it for some years.

Again, it is my view that the Republicans can pat themselves on the back for this measure, because it occurred under a Republican administration with a Republican President leading the way.

I thank the distinguished Senator from Vermont for his efforts in connection with this this evening. I am glad we have reached a compromise and that the amendment of the Senator from Vermont has been accepted.

Mr. President, I ask unanimous consent a letter to me from the Alliance for Responsible Atmospheric Policy dated September 19, 1995, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALLIANCE FOR RESPONSIBLE ATMOSPHERIC POLICY,
Arlington, VA, September 19, 1995.

Hon. JOHN CHAFEE,
U.S. Senate, 506 Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR CHAFEE: On behalf of the Alliance for Responsible Atmospheric Policy, I urge you to support the appropriation of funds to fulfill the U.S. commitment to the Multilateral Fund for the Implementation of the Montreal Protocol. The Multilateral Fund provides resources for developing

countries to comply with the Protocol's requirements to phase out of the production of ozone-depleting compounds such as chlorofluorocarbons (CFCs). Appropriation of moneys to the Fund have been eliminated in the EPA budget and substantially reduced in the State Department's budget.

The Alliance is the internationally recognized U.S. industry coalition which is composed of producers of CFCs and their alternatives; and several hundred manufacturers and organizations whose products and services rely on CFCs and their alternatives. The Alliance was organized in 1980 and continues to assist government in the development of reasonable international and U.S. government policies regarding ozone protection. A list of Alliance members is attached.

Industry has worked diligently over recent years with policymakers to seek sensible international requirements for the phaseout of ozone-depleting compounds. We have done so because the best scientific information has led us to conclude that the concern for human induced alternation of the ozone layer is a serious "global" environmental concern. Unilateral requirements imposed on U.S. industry alone would be neither fair nor environmentally beneficial in solving the overall global problem of ozone depletion. Therefore, the Montreal Protocol, ratified by 149 countries, provides an unprecedented forum for all nations to work together to solve this global environmental problem.

The United Nations Environment Programme Science Assessment Report shows that one of the few remaining obstacles to recovery of the ozone layer is the growth of CFCs in developing countries. Developing countries must be urged to continue their transition to alternatives and phase out of CFCs as soon as feasible. The Mulitlateral Fund helps to ensure the success of the Montreal Protocol by providing needed assistance to these developing countries. Without funding for the implementation of CFC alternatives in developing countries, these countries will continue to use ozone-depleting CFCs because they are the best option available to them as their economies grow to meet their society's needs. Developing countries need assistance through the Fund in phasing out of CFCs and utilizing new technologies.

Industry is proud of its accomplishments in ozone protection, by its efforts to phase out of CFCs ahead of schedule, and in its investment of several billion dollars to identify and introduce ozone-protecting alternative technologies. Therefore, it is critically important that Congress provide as much oversight as necessary of federal agencies, such as EPA, to ensure that U.S. interests and alternative technologies are not disadvantaged or prejudiced in the Multilateral Fund's CFC phaseout projects. In addition, the Fund should not be used to implement any acceleration of the phaseout of hydrochlorofluorocarbons (HCFCs) beyond the 1992 Copenhagen Amendments to the Montreal Protocol.

The Multilateral Fund is an integral part of the effort to ensure that alternative technologies are adopted globally. The U.S. contribution to the Fund is only a relatively small but important symbol of the U.S. commitment to this effort. The U.S. agreed to the Fund assistance as part of its treaty obligation; and it should not renege on this obligation. Government and industry in the United States have shown both strong leadership in ozone protection and a commitment to the success of the Montreal Protocol. In order to fulfill this commitment and continue U.S. leadership, we urge you to support the funding of the Multilateral Fund.

Sincerely,

DAVID STIRPE,
Executive Director.

1994/1995 MEMBERSHIP LIST ALLIANCE FOR RESPONSIBLE ATMOSPHERIC POLICY

3M Company.
A. Cook Associates, Inc.
Abbott Laboratories.
Abco Refrigeration Supply Corp.
Acme—Miami.
American Electronics Association (AEA).
Air Comfort Corporation.
Air Conditioning Contractors of America.
Air Conditioning & Refrigeration Institute.
Air Conditioning Suppliers, Inc.
Air Products.
Alliance Pharmaceutical Corporation.
AlliedSignal.
American Auto. Manufacturers Assoc.
American Frozen Food Institute.
American Pacific Corporation.
American Refrigerant Reclaim Corporation.
American Thermaflo Corp.
American Trucking Associations.
Amtrol, Inc.
Anderson Bros. Refrigeration Service, Inc.
Apex Ventilations.
ARCA/MCA.
Arizona Public Service Co.
Arjay Equipment Corporation.
Arrow Air Conditioning Service Company.
Arthur D. Little, Inc.
Ashland Inc.
Astro-Valcour Inc.
Association of Home Appliance Manufacturers.
AT&T.
Ausimont USA.
Automotive Consulting Group, Inc.
Bard Manufacturing Co.
Beltway Heating & Air Conditioning Co. Inc.
Beverage-Air.
Big Bear Stores Co.
Blue M Electric.
Building Owners and Managers Association (BOMA).
Booth Refrigeration Services Conditioning.
Bristol Compressors.
c/o Moog Training Center.
Carrier Corporation.
Celotex.
Center for Applied Engineering.
Central Coating Company, Inc.
Cetylite Industries, Inc.
Chemical Packaging Corp.
Chemtronics, Inc.
Clayton Auto Air, Inc.
Commercial Refrigerator Manufacturers Association.
Copeland Corporation.
Day Supply Company.
Dow Chemical U.S.A.
E.I. Dupont De Nemours and Company.
E.V. Dunbar CO.
Eastman Kodak.
Ebco Manufacturing.
Electrolux/White Consolidated.
Elf Atochem North America, Inc.
Elliott-Williams Company, Inc.
Engineering & Refigeration, Inc.
Falcon Safety Products, Inc.
FES Inc.
Flex-O-Lators, Inc.
Foam Enterprises, Inc.
Foamseal, Inc.
Food Marketing Institute.
Foodservice & Packaging Institute.
Ford Motor Company.
Forma Scientific.
Fox Appliance Parts of Augusta.
Franke Filling, Inc.
Fras-Air Contracting.
Free-Flow Packaging Corp.
Freightliner Corporation.
Gardner, Carton & Douglas.
Gebauer Company.
General Electric Company.
General Motors.
Graineer.
Gulfcoast Auto Air.
H.C. Duke & Son, Inc.
Hale and Dorr.
Halocarbon Products Corporation.
Halsey Supply Co., Inc.
Harold Electric Co.
Henry Valve Company.
Highside Chemicals.
Hill Refrigeration Corp.
Howard/McCray Refrigerator Co., Inc.
Hughes Aircraft Company.
Hussmann Corporation.
ICI Americas Inc.
IG-LO, Inc.
Illinois Supply Company.
IMI Cornelius Company.
Institute of Heating & Air Conditioning Industries.
Institute of International Container Lessors.
Integrated Device Technology Inc.
International Assoc. of Refrigerated Warehouses.
International Cold Storage Co., Inc.
International Mobile Air Conditioning Assoc.
International Pharmaceutical Aerosol Coalition.
Interstate Truckload Carriers Conference.
Johnson Controls.
Joseph Simons Co.
Keyes Refrigeration, Inc.
King-Weyler Equipment Co., Inc.
Kline & Company Inc.
Kraft General Foods.
KYSOR WARREN.
LaRoche Chemicals.
Lennox Industries.
Liggett Group Inc.
Lintern Corporation.
Lorillard.
Lowe Temperature Solutions.
Luce, Schwab & Kase, Inc.
Malone and Hyde Inc.
Manitowoc Equipment Works.
Marine Air Systems.
MARVCO Inc.
Maytag Corporation.
McGee Industries, Inc.
Mechanical Service Contractors of America.
Merck & Co., Inc.
Metl-Span Corporation.
Miles Inc.
Mobile Air Conditioning Society.
Monsen Engineering Co.
Montgomery County Public Schools.
Moog Automotive Inc.
Moran, Inc.
Nat. Assoc. of Plumbing-Heating-Cooling Contractors.
National Assn. of Food Equipment Manufacturers.
National; Automobile Dealers Association.
National Refrigerants, Inc.
National Training Centers, Inc.
NC State Board of Refrigeration.
Neaton Auto Products Mfg., Inc.
New Mexico Engineering Res. Instit.-U of NM.
North Colorado Medical Center.
Northern Illinois Gas.
Northern Research & Engineering Corporation.

Northland Corporation.
Norton Company-Sealants Division.
O'Brien Associates.
Omar A. Muhtadi, Inc.
Omega Refrigerant Reclamation.
Orb Industries, Inc.
Patterson Frozen Foods, Inc.
Peirce-Phelps, Inc.
Pennzoil Company.
Perlick Corporation.
Polyisocyanurate Insulation Manufacturers Association (PIMA).
Polycold Systems International.
Premier Brands Ltd.
Ralph Wright Refrigeration.
Rawn Company, Inc.
Reeves Refrigeration & Heating Supply, Inc.
Refrigeration Engineering, Inc.
Refrigerant Management Services.
Refrigeration Service Engineers Society.
Refron.
Revco Scientific.
Rhode Island Refrigeration Supply Comp, Inc.
Ritchie Engineering Co., Inc.
Rite Off.
RJR Nabisco.
Robinair Division, SPX Corp.
RSI Co.
Rule Industries, Inc.
SCM Gidco Organics.
Scott Polar Corporation.
Service Supply of Victoria, Inc.
Servidyne Inc.
Sexton Can Company.
Sheeting, Metal Air-Conditioning Contractors National Association (SMACNA).
South Central Co., Inc.
Southern Refrigeration Corp.
Society of the Plastics Industry (SPI).
Sporian Valve Company.
Spray, Inc.
Stoeiting, Inc.
Sub-Zero Freezer Company, Inc.
Superior Valve Company.
TAFCO Refrigeration Inc.
Tech Spray, Inc.
Tecumseh Products Company.
Tennessee Eastman.
Tesco Distributors, Inc.
Thermal Engineering Company.
Thermo-King Corporation.
Thompson Publishing Group.
Thompson Supply Co.
Thorpe Supply.
Tolin Mechanical Systems Co.
Tomen America Inc.
Trane Company.
Tropicana Products Inc.
Tu Electric.
Tyler Refrigeration Corp.
Union Chemical Lab. ITRI.
United Refrigeration, Inc.
Unitor Ships Service, Inc.
University of Maryland at Baltimore.
University of Wisconsin-Madison.
Valvoline Oil Company.
Venable, Baetjer, and Howard.
Vulcan Chemicals Co.
W.A. Roosevelt Company.
W.M. Barr and Company.
Wawa, Inc.
Weinberg and Green.
White & Shauger, Inc.
Willam F. Nye, Inc.
Wynns Climate Control.
York Division, Borg-Warner Corp.
York International Corporation.
Zero Zone Refrigeration MFG.
Zexel USA.

Mr. DASCHLE. Mr. President, I strongly support the amendment offered by Senator JEFFORDS, which would make $100 million available for participation by the United States in the Montreal Protocol Facilitation Fund and the Climate Change Action Plan green programs. This funding is critical if we are to protect the ozone layer from further erosion and continue our progress in helping American industry become more energy-efficient.

The Montreal Protocol Facilitation Fund helps implement the international phaseout of CFC's—chemicals that deplete the ozone layer. In turn, it helps make the lives of every American safer and healthier, protecting us from radiation that causes skin cancer.

To date, the Fund has provided over $300 million for almost 900 activities in 80 developing countries around the world. These projects have resulted in the elimination of over 55,000 tons of ozone-depleting chemicals—representing roughly 25 percent of the developing nation's ozone-depleting chemical use.

Why does this effort merit the Senate's support? Let me suggest two reasons.

First, developing countries are rapidly industrializing, making choices about the technologies they will employ to improve their standard of living. The choices they make will affect the health of everyone who inhabits this planet, and Americans are no exception.

Developing countries can profit from the lessons of more developed countries and avoid the environmentally damaging mistakes that have already been made. Or, they can follow the path of least short-term resistance and make the current ozone depletion problem even worse. If developing nations chose to industrialize using ozone-destroying CFC's, then all countries could suffer, since the ozone hole will continue to grow.

Second, American businesses benefit from the global market for ozone-friendly equipment created by this international effort. To date, U.S. companies have sold millions of dollars' worth of equipment designed to prevent the release of ozone-destroying compounds as a result of the program. Clearly, further investment by the United States in this program is very much in our interest.

In addition to eliminating funding for the Montreal Protocol Facilitation Fund, the VA–HUD appropriations bill cuts $90 million from the Climate Change Action Plan green programs. The Jeffords amendment would restore most of this funding.

The cuts in this account primarily affect EPA's green programs. The Green Lights Program, for example, provides information, training, technical reports, and other assistance, but not direct financial assistance, to companies to encourage them to invest in highly energy-efficient lighting, heating, and cooling technologies designed to save energy.

In my view, these programs represent the type of public/private initiative we should be encouraging—a government and industry partnership that protects the environment and reduces our consumption of energy, thereby making domestic industries more competitive.

Green Lights is so popular that businesses throughout the country have signed up. Nearly 2,000 businesses and other institutions participate in the program today.

In my home State of South Dakota, Gateway 2000 and the State government both are participating in the Green Lights Program. It has been a great success, saving energy, reducing costs, and cutting pollution.

Mr. President, I commend Senator JEFFORDS for offering this amendment and urge my colleagues to vote to restore the funding for the Montreal Protocol Facilitation Fund and the Climate Change Action Plan green programs.

Mr. BIDEN. Mr. President, I rise to join with my colleague from Vermont, Senator JEFFORDS, in support of the Montreal Protocol Fund—an extraordinarily successful multilateral agreement to phase out the use of ozone-depleting chemicals.

Since the early 1970's, scientists from both academia and the business community have warned us that the use of chlorofluorocarbons—commonly known as CFC's—as refrigerants and solvents damages the Earth's stratospheric ozone shell.

This ozone shield absorbs some of the sun's harmful ultraviolet, or UV radiation. Increased amounts of this radiation will raise the risk of skin cancer and cataracts, impair the functioning of human immune systems, and could adversely impact the global food supply.

As a direct consequence of CFC use, scientists identified literally a hole in the ozone layer over Antarctica, in 1985.

An intensive investigation concluded that this hole, which increased each consecutive year from 1990 to 1994, and which is expected to enlarge again this year to over 3.9 million square miles—roughly the size of Europe, was caused by chlorine from dissolved CFC compounds.

The ensuing inquiry also detected falling concentrations of ozone over the North and South Temperate Zones—the former includes the United States incidentally.

In response to this growing threat, 47 of the world's developed and developing countries joined together in September 1987, and formed the Montreal Protocol.

This agreement bound the leading ozone-using countries to first freeze, and later phaseout, the use of these chemicals.

At present, over 120 countries have voluntarily signed onto the Protocol,

making it the broadest and most successful international collaboration in world history.

Protocol member nations have accelerated the CFC phaseout schedule twice, and have agreed upon a complete elimination of halons in 1994, and of CFC's by the end of this year.

Protocol member nations also recognized that the disproportionate reliance upon ozone-depleting substances by the developing world threatens to eliminate any progress.

Consequently, 30 developed nations formed the Montreal Protocol Fund in 1990, to provide technical assistance to developing nations, as they make the transition to less harmful technologies.

To date, roughly $350 million has been committed for 900 projects in more than 85 developing countries. When fully implemented, these projects are anticipated to cut the developing countries' use of ozone-depleting chemicals by almost one-third—55,000 tons.

A recent report produced under the auspices of the United Nations Environmental Program indicates we are making some headway—since 1989, the rate of growth of major ozone-depleting substances in the stratosphere has declined significantly.

Yet, further reducing CFC's remains critical. Earlier this year, the World Meteorological Organization reported that ozone levels were 10 to 15 percent below long-term averages, with a 35-percent depletion over Siberia. In fact, the past 3 months saw the most depletion ever.

Mr. President, the United States is responsible for a small portion of the Montreal Protocol Fund's resources. Yet, even though we have the most to gain, we are currently $28 million in arrears.

Shrinking away from our commitment, going back on our word as the committee has suggested by eliminating the account, will severely hamper developing countries' transition to non-CFC technologies.

Additionally, our industrial allies will likely refuse to adopt added measures to further reduce ozone-depleting chemicals which are not currently controlled.

Many American businesses, which are now world leaders in the manufacturing of non-CFC refrigerants and solvents, will also suffer.

Mr. President, regrettably, my home State of Delaware is one of the national leaders in terms of the incidence of cancer. Delaware ranks among the top 10 nationally in breast, lung, and bladder cancer.

We have put a lot of work into identifying the causes, but we don't yet know what in our environment, or what aspects of our behavior, are leading to these cancer cases.

For that reason alone, Mr. President—and perhaps it is a selfish reason and I make no apologies—I want to prevent the increase of cancer-causing UV radiation.

Delaware is a coastal State, and during the summer months hundreds of thousands of people flock to our shoreline to enjoy our beaches. I don't want these people or anyone in America, to unknowingly be exposed to harmful doses of UV radiation because this Nation walked away from its responsibility.

The Montreal Protocol is enormously successful, and we are making solid, substantial progress in decreasing the use of CFC's in the developing counties.

This success needs to be continued. I urge my colleagues—support this worthy program and send a signal to the world community that America remains a leader.

Mr. JEFFORDS. Mr. President, I ask unanimous consent to add as a cosponsor Senator COHEN, Senator LUGAR and Senator WELLSTONE.

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

Mr. JEFFORDS. Mr. President, I have no further requests to be heard from any of the Members I am aware of.

Mr. BOND. Mr. President, we are willing to accept the amendment on this side.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I believe there is no objection on the other side. I think we are therefore ready to go to a vote.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2783) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 2784

(Purpose: To strike section 107 which limits compensation for mentally disabled veterans and offset the loss of revenues by ensuring that any tax cut benefits only those families with incomes less than $100,000)

Mr. ROCKEFELLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Maryland will be set aside.

Mr. BOND. Mr. President, I believe that we have discussed previously the possibility of a time agreement on this amendment.

I understand the proponent of the amendment is willing to accept a 30-minute time agreement, equally divided in the usual form, provided there is no second-degree amendment. Is that the understanding?

Mr. ROCKEFELLER. The Senator is entirely correct.

Mr. BOND. May I ask which amendment he just sent forward?

Mr. ROCKEFELLER. I wanted to lead off with the amendment relating to the mentally disabled veterans.

Mr. BOND. And the second amendment?

Mr. ROCKEFELLER. Would have to do with veterans' health care.

Mr. BOND. Is the Senator agreeable to a 30-minute time agreement equally divided in the usual form for that amendment as well?

Mr. ROCKEFELLER. I am indeed.

Mr. BOND. Mr. President, I ask unanimous consent that on these two amendments the time be equally divided, 30 minutes in the normal form on both sides with no second-degree amendments.

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

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for himself, Ms. MIKULSKI, Mr. LEAHY, Mr. WELLSTONE, and Mr. DORGAN, proposes an amendment numbered 2784.

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

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

The amendment is as follows:

On page 16, beginning with line 20, strike all through page 17, line 5, and insert the following:

SEC. 107. Section 105(b) of House Concurrent Resolution 67 (104th Congress, 1st Session) is amended to read as follows:

"(b) RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.—

"(1) CERTIFICATION.—(A) In the Senate, upon the certification pursuant to section 205(a) of this resolution, the Senate Committee on Finance shall submit its recommendations pursuant to paragraph (2) to the Senate Committee on the Budget. After receiving the recommendations, the Committee on the Budget shall add such recommendations to the recommendations submitted pursuant to subsection (a) and report a reconciliation bill carrying out all such recommendations without any substantive revision.

"(B) The Chair of the Committee on the Budget shall file with the Senate revised allocations, aggregates, and discretionary spending limits under section 201(a)(1)(B) increasing budget authority by $170,000,000 and outlays by $150,000,000.

"(2) COMMITTEE ON FINANCE.—Funding for this section shall be provided by limiting any tax cut provided in the reconciliation bill to families with incomes less than $100,000.".

Mr. ROCKEFELLER. Mr. President, my amendment is very simple. It would strike a provision of the appropriations bill which seeks to limit compensation benefits to certain veterans who are disabled by mental illness, and offset the savings that would result from the enactment by limiting any tax cut

under the budget resolution to families earning less than $100,000.

Mr. President, the choice posed by my amendment is, again, simple and, I think, straightforward. Do we favor tax cuts for the wealthy or benefits for mentally disabled veterans? I trust the answer will be obvious.

The Appropriations Committee would reenact a 1990 provision which cut off VA compensation benefits to mentally incompetent veterans who have no spouse, children, nor dependent parents, when the veteran's savings reached $25,000. Payments were resumed when the savings fell to $10,000. This provision expired at the end of 1992. Attempts to reenact this provision were rejected by the House and Senate Veterans Affairs' Committees in both 1993 and again this year, 1995, in our reconciliation efforts. It is bad policy, and, in any event, it does not belong in an appropriations measure.

Mr. President, some may argue that suspending compensation to mentally disabled veterans when their savings reach $25,000 prevents uncaring heirs from acquiring funds amassed through the receipt of VA compensation benefits. Indeed, that is usually the argument which is used against this. While it is undoubtedly true that this will happen in a few cases—that is, that individuals truly remote from the mentally incompetent veteran will receive moneys on the death of that veteran—it is equally true that it does not happen in the great majority of cases in which a mentally incompetent veteran dies without a spouse, child, or dependent parent. In fact, to the contrary, in many cases there are other family members—nondependent parents, brothers, sisters, uncles, aunts, or cousins—who have been involved with the veteran and the care of the veteran.

Also—this is important to note—there is absolutely no reason to suppose that the situation of funds going to so-called remote heirs occurs any more frequently with mentally incompetent veterans than with other seriously disabled veterans who have acquired significant savings based upon their receipt of compensation.

If there is indeed some interest in ensuring that savings derived from VA compensation not go to remote heirs, then the law should be changed to provide that the cutoff in compensation apply across the board to everyone. I do not believe that this is something the Government should do only for those who are mentally incompetent, disabled veterans.

If we are to undertake this policy—and I would not favor that—it must be done in a fair, across-the-board fashion. Otherwise, we single out mentally disabled veterans and in that classic sense discriminate against them when, of course, they are unable to do anything about this themselves.

Mr. President, on its face this provision discriminates against one small group of veterans: those who are mentally disabled. There is no sound policy reason for allowing a competent disabled veteran to save money that could possibly go to remote heirs upon the veteran's death, while limiting savings of a mentally incompetent, disabled veteran. There is a rather important matter of fairness involved here.

This provision would do terrible harm to families who sacrificed to provide care for their mentally incompetent son or daughter. In many cases, parents who act in fiduciary roles build savings so that when the parents are deceased, there will be enough money to care for the disabled veteran. Under the proposal, families could not accomplish this goal.

Another outcome of the 1990 provision was that many veterans and their guardians did very creative things to circumvent the law. For example, mentally incompetent veterans arranged marriages in order to avoid losing their compensation. Others made large purchases of unneeded property or cars to lower their savings or otherwise disburse their savings. Guardians in these cases often consented because it was better to expend those savings than to lose VA compensation altogether. We can expect more of the same if this proposal becomes law. By cutting off payments, the provision punishes the veteran whose guardian conscientiously administers the veteran's funds, while it rewards the guardian who allows the veteran to spend frivolously everything that he gets.

Mr. President, I note that all of the major veterans service organizations oppose this provision, some of them very strongly. They generally believe, as I do, that there is no justifiable reason for singling out these veterans for discrimination solely because they are mentally disabled.

Also, as I noted briefly earlier in my remarks, this provision is a clear example of authorizing legislation on an appropriations bill. That is not considered lightly around here. The Veterans Affairs' Committee considered this provision as part of meeting our reconciliation mandate under the leadership of Chairman SIMPSON, and we rejected it. That is the business of an authorizing committee. It should not be resurrected in the guise of an appropriations issue.

Mr. President, for all of these reasons, I urge my colleagues to join me in supporting this amendment to remove this onerous provision from the appropriations bill.

I yield the floor and thank the Chair.

Mr. BOND. Mr. President, I yield myself such time as I may require.

Mr. President, this is an effort again to deal with some very, very tight funding problems. We recommended, and the committee accepted, that the incompetent veterans provision included in the House stay in the Senate bill. It limits the provision, as we said earlier, in order to save $172 million in budget authority and $157 million in outlays.

As a result of this provision, the subcommittee was able to provide an increase for VA medical care. It does say that where a mentally incompetent veteran has neither dependent children, dependent spouse, nor dependent parents, when the value of the veteran's estate exceeds $25,000, until the estate is reduced to $10,000, there will be no payments. These are for veterans whose needs are being fully cared for by the Veterans Administration. This is a veteran who has no dependents. This is the ultimate estate builder plan. These are veterans who are in very difficult circumstances. The people who will benefit from the payments made by the VA are heirs, not dependent heirs.

Frankly, the offset provision which purports to deal with tax cuts is thin air. It is absolute vapor. It proposes some budget gimmickry, but, frankly, what this amendment does by raising spending by the amount of $172 million in budget authority and $157 million in outlays is to say to our children "We've got you. We are going to put this estate builder program on your credit card."

This is a violation of the budget that is proposed and been adopted by Congress. If this provision were to succeed, it would have the impact of busting the agreement to achieve a zero deficit by the year 2002.

Imagine how difficult it would be to tell your children or your grandchildren, "I just decided that we don't need to stop spending on your credit card. We're going to provide an estate builder plan for incompetent veterans, people who served the country well but who are being fully cared for by the Veterans Administration so their nondependent heir, not their wife, not the dependent child, not the dependent parent, but some farther away heir will receive the bonus that has been built up by these payments."

In September 1980, the Comptroller General, as written by the former chairman of the House Veterans' Affairs Committee, said, "Congress intended distant relatives should not be enshrined to receive benefits of veterans or their immediate families. However, large estates consisting of VA benefits are evidently still enriching distant relatives who may have had very little to do with the veteran and were not affected by his service to the United States."

The VA inspector general conducted an audit of the VA's fiduciary program and recommended legislation to limit compensation payments. The IG found numerous instances of substantial estates being inherited by distant relatives.

An incompetent veteran of World War I emigrated from Lithuania in 1907 and died in 1978, leaving an estate of $87,900, of which $77,800 came from VA benefits. The estate went to six nieces and nephews living in the Soviet Union.

There are many other examples like that. But the basic argument is we have a very tight budget, and it was our decision in recommending to the subcommittee, which the subcommittee recommended to the full committee, which the committee recommended to this floor, we could better spend the $172 million in ensuring that current veterans receive medical care that they need. This was a very important part of the increase that we were able to give in veterans medical affairs.

When the time comes, I will raise a Budget Act point of order to this measure.

I yield the floor.

Mr. President, how many minutes would the Senator from Wyoming like?

Mr. SIMPSON. Seven minutes.

Mr. BOND. I yield 7 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, again, one of these difficult issues that are filled with emotion. I have chaired the Veterans Affairs' Committee for several years. Senator Cranston chaired the committee, Senator MURKOWSKI, Senator ROCKEFELLER. It is a remarkable committee that does tremendous things for veterans, and I very much enjoy having Senator JAY ROCKEFELLER as the ranking member. We work closely together. His staff and my staff work closely together.

This is an honest difference of opinion, but again it is one of those that have a ring—a tug at the heart—and I have been through a lot of these through the years, because if you resist this, then it will go out on the wavelength that somehow you do not care about veterans; you are cold and mean spirited and heartless.

This one you want to pay close attention to. This is a serious issue that is not leaving any single veteran unattended.

We are talking here about an incompetent veteran. We are talking about a person that cannot manage their assets. They have a conservator or a guardian.

What we are providing here, it seems to me to make eminent common sense. We are going to suspend the VA disability compensation payments in the case of an incompetent veteran with no dependents whatsoever.

If you really want to get a look at what we are talking about, we are talking about a person perhaps in a nursing home or some other institution who is totally incapable of functioning, with not a single person that comes to see them on Christmas or New Years or Easter, not a single dependent ever shows up at the door.

We are talking about not including the value of a home in computing the size of the estate, and we are talking about the fact that if a person in that status accumulates over $25,000, we stop. And the purpose of stopping is so that a nondependent heir does not inherit something which is totally a windfall—because the veteran did not need it at all. The veteran's necessities as an incompetent are totally taken care of—food, shelter, clothing. This is for expenses that he or she did not need. That is why it accumulated in a bank account, and that is why it should not go to a nondependent relative who had no desire to care for or even see the person.

So if you want to get into the emotion of it—and we always usually do—then remember this is a pretty tragic situation. So we are saying, I think in a very magnanimous way, if it gets above $25,000, we are going stop it so it will not get up to $100,000 and go to somebody who does not care about the veteran. The veteran will be totally taken care of; every single need will be taken care of. I know that and you know that. And then here is the key.

If this drops below $10,000, you start the money coming again. Now, that is what we have here, to save $170 million. If it drops below $10,000, it starts again. If it gets above $25,000, it stops.

And what is the money for? The veteran. And he is not using it, so why let it go to $60,000, $70,000, or $80,000. And it only affects veterans who are not competent in any way to handle their money. These payments are made to provide for the living expenses of disabled veterans. They are not being used for that purpose. The money is not paying for clothes or food or shelter. It is a accumulating, and it will be ultimately passed on to nondependent heirs.

This provision does not affect the standard of living or the condition of living of any veteran because the veterans involved are not now spending the money. If the benefit money is being expended to support the veteran, then the money would not be building up in the bank, and the provision in the bill would not kick in. It is that clear.

The amendment is actually an assault on the budget resolution. The cost of this amendment would be offset by reducing the amount available to the Finance Committee to reduce the tax burden imposed on the American people and the American economy. We will hear over and over and over in these next days that Senators must either vote for a tax cut for the rich or vote for disabled and helpless veterans, one or the other.

That is a sad choice and quite an extraordinary rigging of the amendment. But we will see a lot of those in the days to come, many, many of those. I personally do not favor a tax cut for the rich or the poor. So at least I am on record on that because we are going to deal with the $5 trillion debt limit in the next few days. And we will deal with Medicare and Medicaid and let that go up 6.4 percent, and that will be called a savage cut from coast to coast.

We do not do veterans any favor if we use them as a point man. I was in the infantry. I do not know where others served, but it was not fun to be a point man to begin to do any kind of military activity. And certainly you cannot use veterans as point men to begin dismantling the national effort to try to bring the deficit under control and provide some relief to Americans aged between 18 and 45 who will have nothing in 30 years. And nobody talks about them and that period of time.

We always talk about 1 year. We have a Secretary of Veterans Affairs, a Cabinet Member, who will not go past 1 year in his dealings with telling the American veterans what is going to happen to them.

And so these are the troublesome things. We do veterans no favor at all if we use them as point men for including spending for a program without at the same time reducing spending in another program. We do veterans no favor if we enact legislation that really has the effect of enriching only their nondependent relatives after their death, people who have not cared a whit about them.

I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 7 minutes 43 seconds.

Mr. ROCKEFELLER. Mr. President, I yield 2 minutes to the esteemed Senator from Maryland, Senator MIKULSKI.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I thank the Senator for yielding.

I want to congratulate him on his advocacy for veterans. I thank him for coming here this evening to offer his amendment, the kind of cultured cooperation we have here in the U.S. Senate. And I particularly want to thank him for his advocacy for veterans health care.

I am proud to be a cosponsor of the Rockefeller amendment to strike the provision contained in the committee bill which would deny benefits to those veterans who have become mentally incapacitated.

The bill before us reinstates a provision of law that was expired in 1992.

The provision contained in this bill suspends benefits to veterans who are mentally incapacitated with no spouse

or children when their estates reach $25,000. It would allow payments to be resumed when the value of the estate falls to $10,000.

Section 107 of the committee bill discriminates against a small group of veterans, those who have become incapacitated as a result of mental illness or disease.

There simply is no sound policy reason to single out these veterans and deny them their benefits.

The provision contained in the committee bill is an affront to veterans.

By including this provision, the committee is going after those veterans who have become completely incapable of defending themselves, taking their benefits, and then using their money to cover even deeper cuts in the VA medical care budget.

Aside from the fact that this provision discriminates against a small group of veterans, it also: denies parents who are caring for the disabled veteran the ability to accrue savings needed to care for their son when the parents dies; experience has shown that guardians and trust officers responsible for the care of these disabled veterans are unwilling to continue their responsibilities if benefits are interrupted; and the provision, when it was law under the 1990 Budget Reconciliation Act, led to a variety of unintended consequences that were destructive and demeaning to veterans such as arranged marriages to avoid the law, and the purchase of unneeded property or cars in order to keep the estate value down.

Mr. President, we've seen enough to know that this is bad policy and bad law.

If we don't stand up for these veterans, who will?

I urge my colleagues to support the Rockefeller amendment.

I want to make one point perhaps that has not been discussed in the debate, which is about the parents of the mentally incompetent veteran.

You see, parents are very much concerned about their—primarily their son, sometimes their daughter—who is disabled and the need to keep some type of saving to care for their son or daughter when these parents die. Experience has shown that guardians and trust officers responsible for the care of these disabled veterans are unwilling to care for them if benefits are interrupted.

The other thing that happens is that in order to keep some kind of asset base, they kind of get into phony, manipulatory things. They will want to try to buy a car or a new property and so on. This is not the veteran. This is not the people who fought at Iwo Jima or Pork Chop Hill or the Mekong Delta. These are honorable men and women who do that. And I think that what we need to do is make sure that we do not have bad policy become not good law. And I really support the Senator's amendment. These are people who have come to a point in their life where they are unable to think for themselves and in many instances unable to care for themselves. We are asking that a safety net be provided. And when they join the U.S. military, it is not an asset test.

So I hope that the Senator's amendment prevails, and I hope his advocacy continues.

Mr. ROCKEFELLER. This Senator thanks the distinguished colleague from Maryland.

Mr. President, I will use my remaining time to say the following. In 1992, Senators HATFIELD and DOMENICI and Kasten wrote to the President of the United States, President Bush, about precisely this subject. And they said in a letter, which I ask unanimous consent be printed in the RECORD, the following:

. . . based on "irrational discrimination against the mentally disabled . . . the virtually exclusive, if unintended result is impermissible discrimination against mentally incompetent disabled veterans."

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 16, 1992.

DEAR MR. PRESIDENT: On February 3, 1992 the U.S. District Court for the Southern District of New York temporarily restored the right of mentally incompetent veterans to receive disability compensation. These benefits were being denied to this select group of veterans because of a provision in FY '90 OBRA.

We believe that the ruling of temporary injunction by Judge Shirley Wohl Kram should not be appealed. We agree with her statement that the current statute is based on "irrational discrimination against the mentally disabled. . . . the virtually exclusive, if unintended result is impermissible discrimination against mentally incompetent disabled veterans."

Mr. President, we ask that you recognize the harm caused by this discriminatory provision and urge you to withdraw your appeal of this temporary injunction.

Best regards,

ROBERT W. KASTEN, Jr.
MARK O. HATFIELD.
PETE V. DOMENICI.

Mr. ROCKEFELLER. Mr. President, people talk about people with remote heirs and people who may care for mentally disabled veterans as if they did not really care. They say, why would one care for a mentally incompetent veteran? Well, I am sorry, but there are people who do care. And there is nothing in the law which says that you have to care to 20 percent or 70 percent or 90 percent for this to be fair.

There is no justification for singling out mentally disabled people for discriminatory treatment. None. We have not said they are entitled to compensation only if they are poor. The law does not say that. We have not said they are entitled to compensation only if they have savings less than $25,000. And we have not said they are entitled to compensation only if they have no money from anywhere else, like so many Members of this body do who do not have to worry about things like this. These are people who have people who care about them. To assume they do not is not in line with thinking about family values.

We have said that they are entitled to compensation for their disability based on their disability. And that is what my amendment asks for.

Are we prepared to say now that for some reason the mentally disabled are somehow less entitled solely because they are mentally disabled? Is that what those who oppose this amendment would do? The Senator from West Virginia will not join such an effort.

I hope very much that my amendment will be accepted. I think it is right, fair, reasonable, just, and nondiscriminatory.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia has yielded back his time.

Mr. ROCKEFELLER. I urge adoption of my amendment.

Mr. SIMPSON. How much time is remaining, Mr. President?

The PRESIDING OFFICER. There is 2 minutes 6 seconds left remaining of the time for the opponents of the amendment.

Mr. BOND. I yield the distinguished Senator from Wyoming 2 minutes.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I hope this debate does not come down to who cares more about disabled veterans or homeless people or the lesser in society. That is not what this amendment is about. That truly is a mind-boggling thing to think that there are some people in this Chamber who care less about other people in society. We all have the same level of care toward the lesser in society.

Since I have chaired this committee, we have doubled the veterans benefits. The veterans budget when I came to this Chamber 17 years ago was about $20 billion, and we are going to do something which puts it close to $40 billion. And the veterans population is declining. And if anyone can say that we do not take care of veterans, it is usually nonveterans or people who were never overseas or never involved with veterans who say that.

And I am not making a reflection on anyone. When I came to this Chamber, I heard the most stirring debate I ever heard about what we did not do for veterans by a person who had never been in the civil air patrol. I had to listen to one-half hour of unmitigated guff about what we were doing for veterans. Now, that is a tiresome argument, and I do not think it fits in any way of what we do for these fine people, now

26 million, now declining 2 percent per year, who have given much, and we have given them much. And we will continue to do so.

This is a very isolated incident. If we are talking about caregivers and the conflict of interest, is it a conflict of interest for a caregiver to put aside $100,000 if they know they are going to get it? Let us apply this to everybody, competent veterans and incompetent veterans. That will seem to cover it pretty well.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. The adoption of the pending amendment would cause the Appropriations Committee to breach its discretionary allocation as well as breach revenue amounts established in the fiscal year 1996 budget resolution.

Pursuant to section 302(f) and 306 of the Congressional Budget Act, I raise a point of order against the amendment.

Mr. ROCKEFELLER. Mr. President, I move to waive the application of the Budget Act to the pending amendment.

Mr. BOND. I ask unanimous consent that the amendment and the motion to waive be set aside.

Mr. ROCKEFELLER. Objection is not heard.

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

AMENDMENT NO. 2785 TO COMMITTEE AMENDMENT ON PAGE 8, LINES 9 AND 10

(Purpose: To increase funding for veterans' medical care and offset the increase in funds by ensuring that any tax cut benefits only those families with incomes less than $100,000)

Mr. ROCKEFELLER. Mr. President, the second amendment I propose is also very simple. It would provide funding for VA medical care at the level requested by the President—that is, $16.96 billion—and would offset the cost of this increase, approximately $511 million, by a reduction in the amount set aside in the budget resolution to cover the revenue loss from any tax cut.

The choice represented by the amendment is simple: Should VA health care be funded at a level which allows it to continue to meet health care needs and demands of those veterans who seek care from the Department of Veterans Affairs, or should medical care be cut so as to fund a tax cut?

The Senator from Wyoming indicated this comparison would be made on a number of occasions, and he is entirely correct. The values implicit in this argument, and how one comes down on this argument, are profound. Obviously, to me the answer is self-evident.

Mr. President, I want my colleagues to understand some of the ways that the level of funding included in the appropriations bill will affect the people who use the VA health care system.

The PRESIDING OFFICER. The Chair asks the Senator to withhold so that the clerk can report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for himself, Ms. MIKULSKI, Mr. LEAHY, and Mr. WELLSTONE, proposes an amendment numbered 2785.

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

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

The amendment is as follows:

On page 8, line 10, strike "$16,450,000,000" and insert "$16,961,487,000".

On page 22, between lines 4 and 5, insert the following:

SEC. 111. Section 105(b) of House Concurrent Resolution 67 (104th Congress, 1st Session) is amended to read as follows:

"(b) RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.—

"(1) CERTIFICATION.—(A) In the Senate, upon the certification pursuant to section 205(a) of this resolution, the Senate Committee on Finance shall submit its recommendations pursuant to paragraph (2) to the Senate Committee on the Budget. After receiving the recommendations, the Committee on the Budget shall add such recommendations to the recommendations submitted pursuant to subsection (a) and report a reconciliation bill carrying out all such recommendations without any substantive revision.

"(B) The Chair of the Committee on the Budget shall file with the Senate revised allocations, aggregates, and discretionary spending limits under section 201(a)(1)(B) increasing budget authority by $511,487,000 and outlays by $511,487,000.

"(2) COMMITTEE ON FINANCE.—Funding for this section shall be provided by limiting any tax cut provided in the reconciliation bill to families with incomes less than $100,000.".

Mr. ROCKEFELLER. The Senator asks permission to continue.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ROCKEFELLER. Under the bill as reported, VA would be forced to operate at a level below current services. In human terms, 113,000 eligible veterans would be denied inpatient and outpatient care in 1996. In terms of VA's capacity to provide a full range of health care services nationwide, the equivalent of four VA hospitals would have to be shut down; 6,500 VA health care professionals would lose their jobs.

I spent most of the day in the Finance Committee, and people there say that a reduction in the increase in the amount of money put aside for health care is not a cut. They are, of course, entirely wrong. Health care is not like a loaf of bread. A loaf of bread is subject to normal inflation; it goes up a couple pennies a year, whatever. Health care is subject to entirely different influences. It is subject to technology. It is subject to the fact that veterans are aging.

The Senator from Wyoming made the point that there are fewer veterans, but he did not make the point that, in fact, demand for veterans' health care, even with fewer veterans, is increasing. Are we to deny them that? My amendment would seek to try to deny them less.

Mr. President, I ask my colleagues to focus on these repercussions in human terms. I fear too often we hear numbers and we become numb. We lose sight of the human element in what we are doing. If we do not appropriate funds for VA medical care at the level sought by the President, which is a modest level, in my estimation, and which only covers the cost of inflation—not medical inflation but inflation—real people, veterans who answered our country's call, will not receive the health care that they need, the health care that they deserve, the health care that they have been promised.

One can ridicule all one wants the commitment to our Nation's veterans, but it was made, and it is justified. This is not pulling on heart strings. This has to do with whether veterans get treatment for different kinds of conditions which might range all the way from prostate problems to Alzheimer's to other long-term care problems or immediate problems. They are real problems and real people.

I do not say that any person in this body cares for people less than any other person, but what they do about what is available to those people may differ substantially, and in what they do is the judgment about what they feel, in terms of their priorities.

Every VA medical center furnishes vital care to veterans in the geographic regions served. We know that. We stopped all new construction in the Veterans' Committee. We have stopped any major renovation of our current veterans hospitals, many of which were built 75 years ago. The Senator from Maryland mentioned a psychiatric hospital which is literally crumbling on its foundations, but are we doing anything to build that up, to restore it, to improve it? No. So we are not doing that. We are talking here about veterans health care as it exists, to be made available to veterans who need it.

We will deny service to my constituents who are veterans and to the constituents of others who are veterans. Some have disabilities from their service; others were able to complete their service without injuries but are now unable to afford the cost of health care. What do they do if they are unable to afford the cost of health care? We have 40 million, 50 million Americans who do not have health insurance. To deny veterans health care is wrongheaded. We must avoid it, and my amendment will help us to do so.

Mr. President, I find it very ironic that we are being asked to cut VA health care funding below current services, thereby turning veterans away

from their health care, just as we conclude a great national celebration of the 50th anniversary of the end of the Second World War, an enormous emotional outpouring.

I remember staying up late one night a couple of weeks ago to watch President Clinton out in Hawaii. C-SPAN did something at 2 or 3 in the morning for an hour, or hour and a half. We have had people talk about it on the floor of the Senate, Senators discussing their service with each other. Powerful, powerful testimony. We have all agreed that these people saved the world.

One thing came through very loud and clear to me during those recent celebrations, and that is how the victory belonged to the GI's—not to me, I was 5 years old, but to the GI's—who fought the battles from Normandy to Iwo Jima. Oh, how we love to talk about that, and ought to and are inspired by it, made better by it.

Mr. President, these are the same GI's who are now veterans in their seventies seeking care from the VA. Not everybody is rich. They say a third of the Members of the Senate are millionaires. Well, we may be out of touch. A lot of those folks out there are not, and they are broke and they need VA, and that is what the VA is there for, to serve them. These same GI's could be turned away from the care they need if the cutback envisioned by the Appropriations Committee is enacted. That hardly seems like a fitting or worthy tribute after all the speeches that we have heard.

I also find it ironic that there are proposals to cut VA below current services at the very time that cutbacks are being proposed in Medicare and Medicaid. Now, why do I say that? There is every reason to suspect that as individuals are pushed out of those programs because of the changes that are being contemplated, the veterans who have relied on either Medicare, which is being diminished by $270 billion, or Medicaid, which is being diminished by $182 billion, will have to turn to VA for needed health care. I find that ironic.

Mr. President, VA health care is at a crossroads, and many innovative and dynamic changes are happening within the system. We have a lot of improvements that we can make, and they are being done—not all, but some.

Some, as I have indicated, suggest that the number of veterans is declining, and that that, therefore, justifies cutbacks in VA health care. People even laugh at that. Well, it is true that the overall veteran population is coming down. It is now just over 26 million. A few years ago, it was close to 27 million. It is also true the demand for VA health care continues to increase. The question is whether we will meet it under the obligations that we have.

This is a phenomenon—this demand for more health care—that is easy to understand once one realizes that as the population continues to age, the demand for health care services actually is on the rise.

As our veterans age, we must make sure that the promises a grateful nation has made will not be undone as we rush to balance the budget.

I urge my colleagues to adopt this amendment.

The PRESIDING OFFICER. Who will yield time?

Mr. BOND. Mr. President, I yield myself such time as I may require.

Mr. President, it is not hard to see how this Congress has gotten into the habit in the past of spending more money than we take in, of running deficits of $200 billion or more, putting burdens on our economy and terrible burdens on the backs of our children and grandchildren. When we talk about cuts, as my friend from West Virginia has—about draconian cuts in Medicare, when under the budget resolution Medicare will rise per recipient faster than the rate of inflation in coming years, only in Washington, DC, is that a cut.

My colleague from West Virginia is complaining about the draconian cuts in veterans medical care. Our increase in medical care for the VA is the largest in this bill. It will be an increase of $285 million above fiscal year 1995—that at a time when every other aspect of this budget is being cut.

Now, we have a clear choice. We have a clear choice on these two amendments. Neither one of them are offset. There is language in the amendment which purports to change the congressional budget resolution that has been adopted months ago. We cannot do that. This is simply a budget buster. It feels good. If you do not care about the fiscal impact of your irresponsibility, then you can move to waive the Budget Act so that we can go on spending like money is going out of style, because it will go out of style and this second amendment is just another in the same direction.

We have tried to work with the Veterans Administration for the past several months on ways to trim VA's budget, so that the budget of VA will be used to serve the veterans. Unfortunately, the secretary has completely stonewalled and refused to cooperate with it. The secretary of the VA has done everything in his power to torpedo efforts of the Congress to reform the VA medical system, to bring it into the 21st century, to get rid of fraud, waste, and abuse, and to make sure that we use modern techniques to serve our veterans with the high quality of care that this country is capable of providing, but I fear in too many instances does not provide through the VA.

The secretary has sent computer e-mail messages to every one of VA's 220,000 employees decrying the congressional budget resolution and its devastating impact on veterans health care. He has sent messages out to each employee on their pay stubs saying: "The administration's plan is much better for veterans and their families."

He has made speeches across the country, talking about bed closures and patients being denied air care. He has impugned the motives of Congress and the congressional budget resolution.

I think it is very, very disappointing that the secretary has chosen to use his efforts on politics rather than on finding ways to serve the veterans better.

He has cited statistics that are overstated, as the GAO has found, or need to be put into context. For example, the secretary said that this measure will result in hundreds of beds being closed. But what the secretary has not acknowledged is that the VA has been, and plans to continue absent any budgetary constraints, to close hospital beds because of the demand for care on an outpatient basis—rather than hospitalization. Since 1989, VA has closed almost 20,000 hospital beds—and the budget has increased each of the years since 1989.

In a September 12 letter to the House Veterans, Affairs Committee Chairman STUMP, GAO found serious flaws in VA's analysis of the possible impacts of the House budget resolution. VA overstated the funds it would need to maintain its current level of services because, according to GAO, it based its projected funding needs on assumptions that there will be an increase in VA workload in fiscal year 1996, and that it will be maintained for the outyears; it limited savings from increases in the efficiency with which services will be delivered, and steadily increasing costs, workload and staffing due to facility activations.

Frankly, the Veterans Administration stands for the status quo. Despite medical practices changing dramatically across this country, despite the declining veteran population, despite mismanagement, the secretary does not want the VA to change.

Mr. President, I am tired of the rhetoric. It is not serving anyone—particularly not our Nation's veterans.

There are few experts on VA who believe that the current quality of management of VA hospitals is adequate. GAO, the Congressional Budget Office, the VA Inspector General, and the veteran service organizations have advocated major changes to the way VA operates.

They have pointed out scores of opportunities for management improvements, which would result in hundreds of millions of dollars of savings—which would improve, rather than hinder quality of patient care.

You can save by shifting from inpatient to outpatient care. The veterans, in their independent budget, recommend shifting inpatient care to an

outpatient basis for savings of up to $2 billion. VA estimates it could save $761 million.

The inspector general testified that "VA does not always receive the best price for pharmaceuticals, for which VA spent close to $1 billion in fiscal year 1994, and millions of dollars in annual cost savings are not realized."

VA is overpaying in its fee-basis program for outpatient care. Again, the IG audits say the VA could save $25 million.

All of these reforms, like not spending too much on affiliations with medical schools, not providing surgical services at every VA facility, when it is far safer for the veterans to be served in areas where surgical services are performed on a regular basis—all of these are savings that could go to the bottom line of better care for veterans.

Let us be clear. This bill provides an increase for VA medical care. It is an increase. It is $16.45 billion to care for fewer than 3 million veterans—about $5,500 per veteran. The bill seeks only to reduce the rate of increase in VA medical spending by forcing the VA to adopt modern health care delivery methods, reduce bureaucracy and improve management. There is adequate money in this budget—without busting the budget, without destroying the congressional agreement to achieve a zero deficit in 2002—to provide the quality of care that our veterans are entitled to.

Mr. President, I reserve the remainder of my time.

Mr. SIMPSON. Mr. President, how much time remains?

The PRESIDING OFFICER. Seven minutes twenty seconds are left on the opponents' side, and 6 minutes 12 seconds are left for the proponents.

Mr. ROCKEFELLER. Mr. President, I yield 3 minutes to the distinguished Senator from Maryland, Senator MIKULSKI.

Ms. MIKULSKI. I am proud to be a cosponsor of the Rockefeller amendment, which would restore funding to veterans medical care.

This amendment is about promises made, it's about keeping our commitments.

This amendment is for the GI Joe generation—the World War II generation—our fathers who fought on the battlefront overseas and our mothers who fought on the homefront here in our communities.

This amendment is for the men and women who fought in Korea in an undeclared war; the soldiers who served in Vietnam in an unpopular war; the veterans from the high-tech Gulf war; and, the new veterans from humanitarian missions in Somalia and Haiti.

I have always fought to get them the care they deserve—and they deserve the best.

Although this bill increases the funding level for veterans medical care by $235 million over last year, it is still $511 million below the President's request and $327 million below the House number.

When we compare this year's number to last year's it looks as if the vets are getting a deal. But that is not true. This increase does not keep up with the skyrocketing increase in the cost of health care delivery. The increase does not allow the VA to keep pace with the number of veterans needing treatment—particularly the long term care requirements for the aging veteran population.

It is inevitable that the quality of the health care we promised to our veterans will decrease.

IMPACT OF SENATE FY 1996 MARK

Medical care—Assuming an increase of only $285 million above the 1995 appropriation, the impact in 1996 would be the following.

A reduction of $511 million from VA's request:

A reduction of 6,500 FTE
113,000 fewer vets treated
46,000 less inpatients treated
1,000,000 less outpatient visits
Closing the equivalent of 4 medical centers with an average of 300 beds each.

Mr. President, I recognize the need to balance the budget. But it rubs against everything I believe in to do that on the backs of the GI Joe generation, especially while we pile money up in a slush fund so that we can dole out a tax break to people who are making 6 figure incomes.

So, I think it would be only fair to live up to the long-standing commitments we made with our veterans before we start making new commitments with the wealthiest of Americans.

I certainly hope this Senate will recognize the commitment our great nation has made to its veterans and stand by that commitment by supporting the Rockefeller-Mikulski amendment.

Mr. WELLSTONE. Mr. President, I am pleased and proud to be an original cosponsor of the two amendments to H.R. 2099, the VA–HUD appropriations bill for fiscal year 1996 that specifically concern our Nation's veterans. My distinguished colleagues who are cosponsoring this amendment are to be congratulated for their efforts to ensure veterans' access to quality VA health care is not seriously compromised and to protect some mentally incompetent veterans who are being targeted for discriminatory, arbitrary, and shameful cuts in VA compensation.

Mr. President, while these amendments address two different issues—veterans health care and compensation for the most vulnerable group of American veterans—they are prompted by one basic concern. Our pressing need to balance the budget. Unfortunately this pressing need is being used to justify unequal sacrifice. Veterans with service-connected disabilities and indigent veterans, many of whom earned their VA benefits at great cost on bloody battlefields are seeing those benefits whittled away, while the most affluent of our citizens are exempted from sacrifice. Instead of being asked to share the pain, the wealthy seemingly are supposed to contribute to balancing the budget by accepting substantial tax cuts. What kind of shared sacrifice is this?

I believe that one of the great strengths of these amendments is that they make a significant contribution to righting the balance. The $511 million that would be restored to the medical care account to enable the VA to meet veterans health care needs and the $170 million that is needed to ensure that all mentally ill veterans continue to receive unrestricted compensation are to be offset by limiting any tax cuts provided in the reconciliation bill to families with incomes of less than $100,000.

Our Nation's veterans are prepared to sacrifice for the good of this country as they have done so often in the past, but only if the sacrifices they are asked to make are: (1) equitable; (2) reasonable; and (3) essential. Clearly, these sacrifices that service-connected—particularly mentally incompetent veterans—and indigent veterans are being asked to make meet none of these essential criteria.

Mr. President, before I conclude I would like to discuss each of the amendments. Amendment No. 2785 would restore to the medical care account $511 million cut from the President's budget for fiscal year 1996. While there may be some doubt as to the validity of VA projections of the precise impact of such a cut on veterans health care, there is little doubt that it would result in some combination of substantial reductions in the number of veterans treated both as outpatients and inpatients as the number of VA health care personnel shrink. According to the VA, this cut could have an impact that is equivalent to closing some sizable VA medical facilities.

While not directly related to this amendment but related to the quality of VA health care generally, this bill also would eliminate all major medical construction projects requested by the President. In the process, some projects involving VA hospitals that do not meet community standards and are deteriorating would not be funded. How can we treat veterans in facilities that do not meet fire and other safety standards? In obsolete facilities that lack separate rest rooms and dressing room areas for men and women veterans? This is a travesty and no way to treat those who have defended our country. Our veterans don't deserve such shabby and undignified treatment and I will do all in my power to see that this shameful situation ends. I hope that all of my colleagues will join me in this long overdue effort.

Mr. President, as I pointed out at a Veterans Affairs Committee hearing a few months ago these cuts could not come at a worse time. We are now talking about cutting $270 billion over the next 7 years from Medicare and making deep cuts in Medicaid. This could lead to a much greater demand for VA services precisely at a time when VA health care capabilities are eroding. Would the VA be able to cope with an influx of elderly and indigent veterans eligible for health care, but currently covered by Medicare or Medicaid? There sometimes is much talk about a declining veterans' population, but much less about an aging veterans' population—one that disproportionately requires expensive and intensive care. What happens if this population grows even more as a result of Medicare and Medicaid cuts? Before veterans fall victim to the law of unintended consequences, I strongly urge my colleagues to give careful consideration to the cumulative impact on veterans' health care of such concurrent cuts in Federal health care funding.

Regarding amendment No. 2784, I was frankly appalled when I learned that both the House and Senate versions of H.R. 2099 include a provision that limits compensation benefits for mentally incompetent veterans without dependents but does not limit benefits for physically incapacitated veterans without dependents—or any other class of veterans for that matter. As I understand it, compensation for service-connected disabilities paid to mentally incompetent veterans without dependents would be terminated when the veteran's estate reached $25,000 and not reinstated until the veteran's estate fell to $10,000.

Such unequal treatment is outrageous and indefensible. How can we discriminate against veterans who became disabled while serving their country only because they are mentally ill. In eloquent and informative testimony before the Senate Veterans' Affairs Committee, Secretary of Veterans Affairs Jessie Brown, who I regard as an outstanding Cabinet officer and a singularly tenacious and effective advocate for veterans, pointed out that the only difference between veterans who have lost both arms and legs and those who have a mental condition as a result of combat fatigue, is that the latter group can't defend themselves. Moreover, the Secretary stressed, we are not only talking about veterans who seem to have no organic basis for their mental illness, but also veterans who were shot in the head on the battlefield and as a result of brain damage can't attend to their own affairs. And, I might add that to make matters worse, this provision amounts to means-tested compensation that applies to only one class of veterans—the mentally ill. I am aware that such a provision was enacted in OBRA 1990 and withstood court challenge, but the fact that it was held to be constitutional makes it no less abhorrent. Fortunately, Congress had the good sense to let this onerous provision expire in 1992.

Victimizing the most vulnerable of our veterans while providing tax cuts to our wealthiest citizens smacks of afflicting the afflicted while comforting the comfortable. I urge my colleagues from both sides of the aisle to support amendment No. 2784.

Finally, Mr. President, I am very proud to be a Member of the Senate, the oldest democratically elected deliberative body in the world. But I'm sure the last thing any of you would want is for this great deliberative body to merely rubberstamp ill-advised actions by the House and in the case of the VA Medical Account to make matters even worse by appropriating $327 million less than was appropriated by the House.

The veterans health care and compensation protected by these two amendments are by no means handouts, but entitlements earned by men and women who put their lives on the line to defend this great country. They are part and parcel of America's irrevocable contract with its veterans, a contract that long predates the Contract With America we've heard so much about recently.

I have a deep commitment to Minnesota veterans to protect the veterans benefits they have earned and are entitled to and in cosponsoring these amendments I am keeping my faith with them. I urge my colleagues to join me in supporting both amendments.

Mr. BOND. Mr. President, I yield the Senator from Wyoming 4 minutes.

Mr. SIMPSON. Mr. President, again, I speak as chairman of the Veterans' Affairs Committee. There are two facts, alleged to be facts, that are not so.

It has been said in the debate some veterans will be turned away. That may be so, but the care for those nonservice connected is on a space-available basis anyway, and some veterans will not be cared for by the VA no matter what the funding level.

Please hear that. I hope that those who are debating it will hear it. Some veterans will not be cared for by the VA at any funding level you can put up, including the level proposed by my friend from West Virginia.

I commend Senator BOND. He is a fierce fighter for his causes. He had another one that has been erroneously presented. They said there would be no hospital refurbishment. That is wrong. Refurbishment can be funded by minor construction, which is increased by $37 million in this bill.

Let me review the bidding in my years here in the U.S. Senate with this remarkable series of charts. I have never done this, probably will never do it again. Here we are. Look here. When I came to the Senate in 1978 with my good colleague from Montana over there—I see him smiling—when I came here, there was the total VA budget of almost $20 billion. The total health care budget in 1978 was $5.1 billion and is $16.2 billion in 1995. Here is what it is today: Nearly double. The total VA budget is almost $40 billion now. It was $20 billion when I started here 17 years ago.

If you say it is all in paper or the vapors, here is the increase in VA staff by human beings. We are always talking about human beings here, so we want to talk about the human beings that are working for the VA. There are quite a number of them.

Physicians have gone up from 11,200 to 12,300; registered nurses from 26,000 to 37,000; and nonphysician providers FTE, a whole new category of those who serve veterans and who are paid for by the taxpayers were zero in 1975 and 3,079 in 1995. And we hear about veterans growing in number—they are not. We all know that. Here it is: There were 28.5 million veterans in 1978, and we are headed down to the year 2010 where there will be 20 million veterans. When we are finished with this budget exercise in 7 years, there will be 23 million veterans instead of the 26 million today.

If we cannot work through the cloud of vapors about what we do for veterans in this country, then look at this. Here is what we have done in 1978. Here is what we are doing now. Hospital admissions, down now. We are trying to do outpatient instead of inpatient. Look at the outpatient visits: 17.4 million in 1978, versus 25.9 million in 1995. It is tough enough to get things done around here using correct figures. It is impossible to get anything done when you use a combination of emotion, fear, guilt or whatever.

I am proud to be a veteran, very proud to be a veteran and a lifetime member of the VFW and a member of the American Legion and AMVETS, and we do our share. They know it. We know it.

There is not a person in this Chamber that can say in any conscientious way that we have not done yeoman work for our veterans. We will continue to do it for one reason. We will find out when we do this amendment. Mention the word "veteran" and hope to get everybody to the floor and vote for it regardless of its sense.

An amendment to increase funding for VA health care sure sounds attractive. Who can be against sick veterans?

We do have an obligation to care for those who are harmed as a result of their military service.

But remember that almost 90 percent of VA patients are being treated for non-service-connected conditions.

And, yes, we do have a policy to care for additional veterans to the extent that resources are available.

But, that does not mean that we have an obligation to make resources available without limit.

America's veterans served to preserve our Republic and to ensure a better future for their own children and grandchildren.

But, the Congress will throw away all that our veterans fought to preserve if we fail to stick to our plan to balance the budget.

The Rockefeller amendment is an assault on the budget resolution and the goal of a balanced budget.

It uses veterans as point men to break down the fire walls that constrain the natural desire of the Congress to spend money.

It will put Senators in the position of voting to fund a tax cut for the rich at the expense of sick veterans.

It does so by providing for $511 million increased spending for VA health care and offsetting the cost by limiting the benefits of a tax cut to families with incomes over $100,000.

Remember that VA health care actually INCREASES in this appropriation.

Remember that VA has never had to try to become more cost effective under the pressure of REAL cost constraints.

The Rockefeller amendment would have the effect of funding continued business as usual.

Mr. DORGAN. Mr. President, I strongly support and am pleased to cosponsor the amendment being offered by Senators ROCKEFELLER and MIKULSKI to add $511 million to the veterans health care component of this appropriations bill. This increase will bring funding in the bill to the level proposed by the President in his fiscal year 1996 budget request.

There is no more patriotic or generous group of Americans than our Nation's veterans. Not only do they care deeply about the national security of this country, they care about its economic health and social welfare as well. But we ought not ask of those who suffered physically or mentally from their military service to make additional sacrifices with regard to the future of their health care system.

Veterans have borne their fair share of budget cuts over the past decade. Their benefits and services over that period have been cut approximately $10 billion. Under the budget resolution passed earlier this year, they are slated to take additional cuts of $6.4 billion over the next 7 years. And in this bill, it's not just any cuts—it's cuts in their health care. Veterans have paid enough; their accounts should be free and clear.

In establishing priorities in this era of shrinking resources, it is my firm belief that veterans must remain at the top of the national agenda. That has not happened in this bill. The veterans have been short-changed in this legislation, but we have a chance to correct that mistake by passing the Rockefeller-Mikulski amendment. I don't know how in good conscience my colleagues can oppose it.

The $16.4 billion allocated for veterans health care in this bill is $327 million below the House-passed level, and more than half a million dollars below the President's request. That is unconscionable. Veterans, who put their lives on the line in service to their country, deserve better. The very least they deserve is a quality health care system on which they can rely.

The proposed appropriations level in this bill clearly undermines the VA's ability to fulfill its health care mission to those who have suffered injuries resulting from their military service. And it undermines Congress' longstanding commitment to care for the Nation's veterans. Mr. President, the pot of money available for VA health care in this bill is simply insufficient to maintain current services. That is just plain wrong, and I hope my colleagues will do the right thing today and vote for this amendment.

For those of you who believe that the proposed level of funding will not have an impact—that the VA will be able to absorb these cuts through efficiencies—let me tell you what the VA thinks. They estimate that the proposed funding level will result in 133,000 fewer veterans being treated in fiscal year 1996. They believe that they will be able to treat 46,000 fewer inpatient episodes of care and 1 million fewer outpatient visits. And they believe they will have to reduce employment levels by 6,500—the equivalent of closing four VA Medical Centers with an average of 300 beds each. While these estimates may not be 100 percent on target, I would guess they are pretty accurate. And no one can argue that the proposed reductions are not going to have a serious detrimental impact on the ability of the VA to provide high quality medical care to deserving veterans.

As a Member of the Senate Committee on Veterans' Affairs, I have to tell you that I don't believe our veterans are being treated fairly in this appropriations measure. They deserve better than they are getting in this bill. Therefore, I urge my colleagues to support the Rockefeller-Mikulski amendment to add $511 million for VA health care to this bill which will bring funding up to the level proposed by the President. It is the right thing to do.

Mr. ROCKEFELLER. Mr. President, how much time is remaining to the proponents?

The PRESIDING OFFICER (Mr. GRAMS). Two minutes and three seconds.

Mr. ROCKEFELLER. I ask unanimous consent to yield myself such time as I need.

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

Mr. ROCKEFELLER. I simply conclude this argument by saying the Finance Committee has been meeting all day. They are meeting as we talk. The Senator from Wyoming and I are on that. They are going to pass out—without my vote, but it will happen—the Committee will pass out $450 billion of cuts in Medicare and Medicaid.

I repeat that one can say that there are fewer veterans, but it is also statistically true that the demands by veterans for health care, as the demand for other American citizens for health care, is increasing. It is larger than it was in the previous year.

As a result of what we are doing in the Finance Committee and the cutbacks in Medicare and Medicaid, I envision a substantially increased number of veterans who will not be able to avail themselves, for example, of that assistance to the extent that they could before, and who will, therefore, need to turn to the Department of Veterans Affairs.

To further cut veterans' health care is wrong. Is that emotional? Yes, partly. But mostly it is a promise. It is a commitment. It is a commitment that was made by this Nation and it is a commitment made to no other group in this Nation.

Interestingly, veterans groups are not, as a rule, as caught up in amendments like this as I think they ought to be. I cannot help that. I know what the commitment is. I know what my responsibility is. I know what my 202,200 veterans in West Virginia require. I do not want to let them down.

I hope that the amendment will be looked upon carefully by my colleagues. I yield the floor.

Mr. BOND. Mr. President, I yield myself the remaining time on this side.

The amendment by the Senator from West Virginia purports to deal with cuts in veterans' medical care.

How many times do we have to say it? Veterans' medical care will go up over $200 million from last year and this year's bill. There are reforms needed in the Veterans Administration. I hope that by having brought some light to these, we may encourage the authorizing committee to look at ways in which we can work together to see the quality of that care is increased.

But the amendment by the Senator from West Virginia is very simply a budget buster. There is not an offset. It is a clear-cut attempt to break the agreement, to get us back on the path of spending $200 billion a year in deficits. It is not designed to improve medical care for the veterans. It is designed to break the budget agreement. It cannot at this time amend the budget agreement.

Mr. President, I strongly urge my colleagues not to support the waiver of the Budget Act point of order.

Mr. President, is all time used up on both sides?

The PRESIDING OFFICER. The Senator from Missouri has about a minute

and 45 remaining, the Senator from West Virginia has 17 seconds remaining.

Mr. BOND. Will the Senator care to use his 17 seconds?

Mr. ROCKEFELLER. Mr. President, three veterans organizations do support this amendment by their letters. I ask unanimous-consent letters be printed in the RECORD from the Veterans of Foreign Wars, Paralyzed Veterans of America, and Disabled Veterans.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, September 25, 1995.

Hon. JOHN D. ROCKEFELLER IV
U.S. Senate,
Washington, DC.

DEAR SENATOR ROCKEFELLER: It is my understanding that you intended to offer two amendments to H.R. 2099, the "FISCAL YEAR 1996 VA, HUD, and INDEPENDENT AGENCIES APPROPRIATIONS" bill. One amendment would restore VA medical funding to the level proposed in the Administration's request and the other would strike the provision terminating VA disability compensation to certain mentally incompetent veterans whose estates are greater than $25,000. The VFW strongly supports both amendments.

For years, the VFW has maintained that VA health care has been sorely under funded. The funding level contained in H.R. 2099 will not only contribute to delayed and denied care, but breaks a solemn promise to veterans that a grateful nation will care for those who have borne the battle.

The VFW also commends you for attempting to rectify a potential precedent setting provision that would deny disability compensation to what may be the most vulnerable of all veterans—those deemed incompetent. This is contrary to all sense of fairness.

Again, thank you for offering these two amendments on behalf of our nation's veterans.

Sincerely,

PAUL A. SPERA,
Commander-in-Chief.

PARALYZED VETERANS OF AMERICA,
Washington, DC, September 25, 1995.

Hon. JOHN D. ROCKEFELLER,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROCKEFELLER: I am writing on behalf of the Paralyzed Veterans of America (PVA) to ask for your support for two amendments that Senator John D. (Jay) Rockefeller, IV, Ranking Member of the Senate Committee on Veterans' Affairs, plans to introduce during the floor debate on H.R. 2099, the VA, HUD, & Independent Agencies Fiscal Year 1996 appropriations bill. These two amendments would ameliorate some of the harshest provisions currently found in H.R. 2099.

The first amendment proposed by Senator Rockefeller would restore $511 million to VA Medical Care for Fiscal Year 1996. These monies are urgently needed by the VA in order to enable it to provide the bare minimum of care needed by veterans. PVA has long advocated the need for lasting and fundamental changes to the way the VA currently provides health care; in the absence of real eligibility reform simply providing the VA with fewer dollars would only exacerbate and deepen the critical situation faced by the VA, and all veterans that rely upon the VA to provide them with the medical care they so desperately need, and earned.

Senator Rockefeller's second amendment would reverse a provision in H.R. 2099 that would realize cost savings by limiting compensation to certain mentally incompetent veterans. PVA is shocked that this appropriations bill would seek to realize savings from a class of veterans who are incapable of defending themselves. This is truly a case of taking money from the weak and giving it to the strong. Furthermore, we are alarmed by the precedent that this sets: this provision was not recommended by the Senate Committee on Veterans' Affairs, but was rather added by the Appropriations Committee. PVA firmly believes that policy decisions should be made by the respective authorizing committees. Therefore, PVA strongly seeks your support of this amendment, an amendment that would strip this noxious provision from H.R. 2099.

PVA looks forward to your favorable support of these two amendments that Senator Rockefeller proposes to offer, and your continued support of America's veterans.

Sincerely,

GORDON H. MANSFIELD,
Executive Director.

DISABLED AMERICAN VETERANS,
Washington, DC, September 25, 1995.

Hon. JOHN D. (JAY) ROCKEFELLER IV,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROCKEFELLER: On behalf of the more than one million members of the Disabled American Veterans (DAV), I wish to express DAV's deep appreciation for your efforts to amend H.R. 2099, the Fiscal Year 1996 VA, HUD and Independent Agencies Appropriation bill. As we understand them, your amendments will increase funding for VA health care and remove a provision which would means test the service-connected disability compensation payments made to certain mentally incompetent veterans in order to fund VA health care.

We in the DAV find it perplexing that Congress would divert compensation payments from service-connected disabled veterans to increase VA funding for health care, particularly in view of the fact that the veterans' service organizations (VSOs) had presented Congress with a plan to save taxpayer dollars while at the same time increasing access to VA health care.

As you may know, the DAV filed a class action law suit against a similar provision targeting mentally incompetent service-connected disabled veterans which was contained in the Omnibus Budget Reconciliation Act of 1990. In granting DAV's request for a temporary injunction, U.S. District Judge Shirley Wohl Kram found that withholding compensation payments to certain incompetent veterans was based on "irrational discrimination against the mentally disabled * * * the virtually exclusive, if unattended result, is impermissible discrimination against mentally incompetent disabled veterans." The DAV and the Department of Veterans Affairs (VA) ultimately settled this lawsuit resulting in the return of $100 million in compensation payments to these equally deserving service-connected disabled veterans.

Senator Rockefeller, we commend you for your efforts to ensure that Congress provides adequate funding for VA health care and for recognizing the basic unfairness of means testing the compensation paid to a most helpless category of service-connected disabled veterans—those whose service-connected disabilities render them mentally disabled.

Sincerely,

THOMAS A. MCMASTERS III,
National Commander.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. BOND. Mr. President, again I urge my colleagues not to support the Budget Act waiver. We have provided an increase. We are seeking to improve health care for the veterans. This measure simply is an attempt, on a very appealing case, to break the budget agreement. I trust that everybody in this country as well as in this body will understand what this means.

Mr. President, the adoption of the pending amendment would cause the Appropriations Committee to breach its discretionary allocation as well as breach revenue amounts established in the fiscal year 1996 budget resolution. Pursuant to section 302(f) and 306 of the Congressional Budget Act, I raise a point of order against the amendment.

Mr. ROCKEFELLER. Mr. President, I move to waive the application of the Budget Act to the pending amendment.

Mr. BOND. Mr. President, I ask unanimous consent the amendment be set aside.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. BOND. Mr. President, I now ask unanimous consent the following amendments be the only remaining amendments in order to H.R. 2099, that they be offered in the first degree or second degree to an excepted committee amendment, and that those offered in the first degree be subject to relevant second-degree amendments: Baucus, EPA provision; Daschle, relevant; Bradley, budget process; Feingold, redlining; Feingold, CDBG; Simon-Moseley-Braun, strike transfer of HUD fair housing office to DOJ; Lautenberg, Superfund/CEQ increase; Chafee, Kalamazoo, MI; Bumpers, reactor sale; Harkin, EPA lead sinkers; Faircloth, occupancy standards; Faircloth, fair housing and free speech; Johnston, environmental technology; Feinstein, CDBG; Feinstein earthquake insurance; cleared managers amendments; and a Bingaman amendment dealing with colonias.

I further ask, following disposition of the listed amendments, the managers be recognized to offer their cleared amendments to be followed by adoption of any remaining committee amendments, third reading of H.R. 2099, as amended.

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

Mr. BOND. Now, Mr. President, in light of this agreement, the leader has authorized me to announce that there will be no further votes tonight. However, votes will be stacked to occur at

approximately 9 a.m., Wednesday. Senators who have amendments are urged and begged to remain tonight to debate their amendments.

I now ask unanimous consent it be in order to proceed to the consideration of an amendment to be offered by the Senator from Montana, Senator BAUCUS, regarding EPA provisions, under time limit of 40 minutes equally divided in the usual form and that no second-degree amendments be in order to this amendment.

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

The Senator from Montana.

Mr. BAUCUS. Mr. President I ask unanimous consent Senator MIKULSKI, Senator LAUTENBERG, Senator BOXER and Senator REID be added as cosponsors to the amendment.

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

AMENDMENT NO. 2786

(Purpose: To provide that any provision that limits implementation or enforcement of any environmental law shall not apply if the Administrator of the Environmental Protection Agency determines that application of the prohibition or limitation would diminish the protection of human health or the environment otherwise provided by law)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] for himself, Ms. MIKULSKI, Mr. LAUTENBERG, Mrs. BOXER and Mr. REID, proposes an amendment numbered 2786.

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

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

The amendment is as follows:

At the appropriate place in title III, insert the following:

SEC. 3—. APPLICATION OF LIMITATIONS ON IMPLEMENTATION OR ENFORCEMENT OF CERTAIN LAWS.

Any prohibition or limitation in this Act on the implementation or enforcement of any law administered by the Administrator of the Environmental Protection Agency shall not apply if the Administrator determines that application of the prohibition or limitation would diminish the protection of human health or the environment otherwise provided by law.

Mr. BAUCUS. Mr. President, this amendment is simple. It provides that no environmental rider in the appropriations bill will take effect if the rider would weaken protection of public health or the environment. The amendment sends a strong message: We should not use appropriations bills for back door attacks on environmental protection or the quality of life in America.

To explain why we need this amendment let me put it in perspective. During this Congress there has been a lot of debate about environmental laws. Some of the debate has been pretty heated. But when you strip away the rhetoric, two points become clear. First, the American people want a clean environment. I do not think there is much dispute about that. We want a clean environment because we want to protect the public health. We know that bad environment tends to degrade public health.

Because we want the high quality of life that comes with clean air and clean water and clean neighborhoods, we feel we need environmental protection laws. And because we feel a responsibility to hand America the beautiful down to our children, we also need environmental protection laws. To have a clean environment we need strong, fair environmental laws.

Second, we want environmental laws that are smart. Not only laws that are strong but that are smart, that make sense; laws that are less burdensome for landowners and for business, more capable of addressing the complex and subtle environmental problems we face today than are the laws America passed 25 years ago.

It is not easy to get such laws. If we want to do a good job, strike the right balance, we need to put in the time and the effort to get it right—roll up our sleeves, do the work, find the right balance between laws that on the one hand protect the environment and on the other hand are not too burdensome, do not require too much paperwork.

It takes work, a lot of hard work. And that is precisely what the House has failed to do. The House version of this bill contains 17 environmental riders designed to weaken environmental laws all across the country. These riders would jeopardize public health. They would jeopardize the quality of life for American families. In most cases, they respond to the demands of special interests rather than to the national interests of strong, efficient environmental protection. And they do the opposite of what the public wants. The riders would make our air and our water dirtier—not cleaner, dirtier. And the riders would make our air and water smellier, worsen threats to public health, and degrade the quality of life.

A few of them are relatively innocuous. For example, the House prevents EPA from implementing the centralized vehicle inspection maintenance program, a program which EPA has pretty much decided not to implement anyway. But most of the riders are anything but innocuous. For example, one would block—entirely block—implementation of the Great Lakes water quality initiative, stop it dead in its tracks. That would halt efforts to take a coordinated approach to pollution from dioxin, mercury, PCB's and other bioaccumulative pollutants in the Great Lakes. Another House rider would block new rules regulating toxic air emissions from hazardous waste incinerators or from oil refineries. That means more, not less but more, cancer-causing chemicals in the air. And, for Americans who live near refineries, it means further years of living in a place that just, simply, smells bad.

Another one—these are the House riders—would block EPA enforcement of the wetlands program under section 404 of the Clean Water Act. Though we all know that we need to reform the wetlands program. I do not think there is a Senator here who has not heard of the need to reform the wetlands program. In Montana, for example, my State, farmers are fed up with the confusion and paperwork over the 404 program.

But the House rider is not reform. It is a complete rollback. It stops the wetlands program dead in its tracks, period. Stops it. We lose thousands of acres of wetlands.

Another would prohibit the implementation of the Clean Water Act limitations on industrial and municipal stormwater runoff. Other riders would stop the implementation of rules for combined sewer overflows. And the list goes on and on.

In each case, Mr. President—this is an important point—there may be a legitimate underlying issue. There probably is a legitimate underlying issue in each case. Take combined sewer overflows, for example. What are combined sewer overflows? First of all, it is a pretty unpleasant situation. They are sewer systems that overflow during heavy rains, thereby pouring raw sewage directly into rivers and harbors and sometimes onto the shore. That is what combined sewer overflows are. There are a lot of them in our country.

Over 1,000 communities have combined sewer overflows. They are a very significant cause of pollution and can cause serious public health problems. It is a major problem in many cities in our country. However, they are difficult and they are expensive to control.

So the old command-and-control approach may not work best in dealing with the problem of combined sewer overflows.

A few years ago, cities and environmental groups negotiated a more flexible approach. That is, both sides, on opposite sides of the problem, got together and negotiated a solution. The Environment and Public Works Committee endorsed this approach in the clean water bill that it reported last year, and the full House did the same in the clean water bill that it reported earlier this year.

What does the House appropriations rider do about this? It is very simple. It prevents the EPA from doing anything to control these sewer overflows. It cannot even enforce the negotiated approach that everyone agreed to. Think

of that. It cannot even enforce the negotiated approach that everyone agreed to. As a result, all across the country we will be doing less to reduce the overflow of raw sewage into public beaches.

Clearly, this is the wrong approach to reform. What is the right approach? The Environment and Public Works Committee is working to reauthorize several of the major environmental laws. We are taking fresh approaches. For example, the new version of the Safe Drinking Water Act will dramatically reduce the cost of rules and regulations without weakening the protection of our drinking water. We are doing that. We are reforming the Safe Drinking Water Act in a good, solid, and balanced way.

With some compromises by big business and insurers, we can also get a consensus reform of Superfund, a reform that cuts litigation costs for industry and speeds up cleanup of hazardous wastesites for local families.

Other efforts—some of them even more ambitious—are underway. For example, under the leadership of Senators MIKULSKI and BOND, Congress commissioned a study of EPA by the National Academy of Public Administration. What did that study say? It said essentially that EPA should develop a long-term mission. It said that EPA should delegate more authority to States. And it said we should replace our hodgepodge of environmental laws with an overarching, uniform environmental law.

If we can find consensus on turning these recommendations into law, EPA would be able to focus its efforts on the highest priority threats to public health and the quality of life rather than pursuing this hodgepodge of statutes which currently exists and which, I must say, these riders do not in the remote sense even begin to address. In fact, they go the opposite direction. We could make the environmental protection much more effective if we could adopt these recommendations. Businesses, farmers, and landowners would see paperwork dramatically cut back and compliance with laws made much more simple. The public would see the elimination of needless layers of bureaucracy.

The House riders do none of this. They will simply mean a less healthy, less pleasant life for Americans. It is that simple.

I am pleased to say that this Senate bill takes a much more moderate approach. It does not pursue the draconian riders to the same degree the House does. The Senate bill does contain some restrictions that, to my mind, do not belong. But there are fewer riders in the Senate bill, and several of those reflect previous Senate action and will not undermine environmental protection.

For this reason, it is important for the Senate to make a strong statement against loading this bill up with riders that will gut our environmental laws, degrade the air and water, threaten public health, and worsen the quality of life for hundreds of thousands of Montanans and millions of Americans.

My amendment makes just such a statement. It is very simple. Here is what it says.

> . . . any prohibition or limitation in this Act on the implementation or enforcement, or any law administered by the Administrator of the Environmental Protection Agency, shall not apply if the Administrator determines that the application of the prohibition or limitation would diminish protection of human health and the environment otherwise provided by law.

The amendment would act as kind of a circuit breaker. If the final version of the bill contains environmental riders, the amendment authorizes the EPA Administrator to review the implication of those riders.

If the Administrator finds that the rider threatens public health or the environment, she would invalidate the restriction. In that case, she would continue to apply current law.

As a result, the American people would know that their health, their air, and their rivers and streams are safe.

I ask the Senate to support this amendment, to support the thoughtful environmental reform and to stand up for the quality of life, the public health, and our responsibility to the next generation of Americans.

I reserve the remainder of my time.

Mr. BOND. Mr. President, before I begin, I need to ask unanimous consent to add to the list of amendments that we just adopted the following five amendments due to miscommunication on our side. These were left off.

They are, No. 1, Senator MCCAIN, VA medical care; No. 2, Senator WARNER, EPA contractors; No. 3, Senator SIMPSON, EPA Senior Employment Program; No. 4, Senator CHAFEE, EPA brown fields; No. 5, Senator THURMOND, VA programs.

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

Mr. BOND. I thank the Chair. I thank my colleagues on the other side. I very much appreciate that. I hope we can get all of these amendments together. I believe after we have several of these on which we will have votes—they are very important votes—I believe and hope that we can work out many of these so that they will not require rollcall votes.

Let me address this amendment. Mr. President, maybe I have been on the floor too long today. But this one really amazed me. I listened to a description of the riders, and I soon realized that the riders that my friend from Montana was referring to were riders in the House bill. And we have heard lots of discussion about those riders.

We are talking about the Senate version. The Senate does not have those measures in it. We are not proposing to put those measures in it.

But to remedy those measures, the power that my colleague from Montana would give to the administrator of EPA is totally awesome. The Administrator of EPA under his amendment would be able to have a super veto, would be able to make her own judgment as to whether she wanted to follow a law passed by the House and the Senate and signed by the President. That is truly breathtaking. I do not know when we have ever set up a super-veto power to give the regulator a power to veto what Congress does and the President signs.

I have been around here working on regulatory reform. We have been very careful on regulatory reform to suggest procedures that an agency must go through to make sure they use common sense, to make sure that they have the cost and the benefits considered. If they cannot determine those with exactitude, they need to let us know what they do know. We ask that they use good, sound science. But we were very careful in drafting our regulatory reform bill not to have a supermandate, not to allow the Congress or anyone challenging regulations to go back wholesale and open up a whole series of regulations and overturn regulations.

Here in front of us is a provision giving a supermandate to the Administrator of the Environmental Protection Agency to say, "In my judgment, that particular statute might diminish the protection of human health or the environment. Therefore, it does not apply."

I am absolutely overwhelmed at the breathtaking simplicity, straightforwardness and unconstitutionality of the provision. And I am not going to bother to go into any great length discussing the riders. I would just ask my colleagues when they come in tomorrow to take a look at it and see if we want to set the Administrator up somewhere above the Supreme Court.

I appreciate the kind things the Senator from Montana has said about what we tried to craft in this bill. We do want to work with them. Certainly we have been very careful to try to keep the EPA legislative provisions to what we think are reasonable. We look forward to working with them. But I urge my colleagues not to give the EPA, the Administrator, power to veto laws enacted by Congress and signed by the President.

I reserve the remainder of my time.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Montana controls 8 minutes 40 seconds; the Senator from Missouri has 15 minutes 13 seconds.

Mr. LAUTENBERG. Mr. President, I rise in strong support of Mr. Baucus amendment and in strong opposition to the House riders that would substantially weaken environmental and health protections.

The riders approved by the other body are an example of special interest legislation at its worst.

Lobbyists for corporate polluters had a field day. They included a long list of anti-environmental provisions, with little opportunity for serious analysis, hearings or debate.

Unfortunately, these riders are part of a broad assault on our environment by corporate polluters and their Republican allies. These attacks are attempting to turn back the clock on critical environmental protections that have proven highly successful over the past 25 years.

Mr. President, since 1970, smog has decreased 70 percent. Acid rain has decreased 45 percent. Since 1973, the number of lakes and other water bodies that are swimmable and fishable has increased from 40 percent to 60 percent. Since 1988, toxic emissions have fallen by 42 percent.

In other words, we have been making tremendous progress. But unless we hold the line, that progress will unravel. And the end result will be disappearing wetlands, increasingly polluted air and water, and beaches strewn once again with waste.

There are so many problems with the riders in the House bill that I cannot list them all. But let me just review some of the more offensive provisions.

First, the House bill would punch a variety of special interest loopholes in the Clean Air Act. One rider would provide a special exemption for the oil industry, which no longer would have to comply with the Act's hazardous toxic air pollution standards.

Another rider would specifically lower the toxic air pollution standards for cement kilns. Not for any other type of incinerator, just cement kilns.

Then there is a provision that would exempt the oil and gas industry from risk management requirements. The result of that loophole would be to exclude 45,000 facilities from standards that are designed to protect workers from injuries and deaths resulting from accidental chemical releases.

That is a particularly offensive loophole to me because a recent explosion in a chemical factory in Lodi, NJ, could have been prevented if a risk management plan was in place.

Another rider would essentially make the Clean Air Act voluntary. This rider eliminates EPA's ability to impose sanctions, even if a State fails to submit a permit program or proves unable to implement its own permit program. This would rip the heart out of the Clean Air Act.

I am also concerned about a House rider that would badly weaken the so-called right to know law that sponsored.

The right to know law is arguably one of the most effective environmental laws on the books. It has no prescriptive requirements, yet it has led to more voluntary pollution prevention than any other step we have taken.

It imposes no regulatory controls, requires no permitting, sets no standards and requires no registration, labeling or reductions in emissions. It doesn't even require monitoring. All it requires are estimates of the amount of toxic chemicals the facilities release into our environment. This information is helpful for the city officials, for the fire and emergency personnel, and for those who live near the plants.

Despite its dearth of requirements, the Right to Know law has probably led to more voluntary pollution prevention efforts and environmental clean up than any other environmental law.

The Right to Know law requires companies to list the amount of certain chemicals that leave their facilities through air, water, or shipment to land disposal facilities.

Mr. President, the impact of the Toxic Release Inventory is impressive. Emissions from facilities have decreased 42 percent nationwide since 1989; a reduction of two billion pounds. Let me repeat that—a 42 percent reduction since 1989.

Despite the success, the authors of the House riders try to limit the type of information EPA can collect under that law. That is just wrong. And we should reject it.

These House riders do not limit their target to gutting air pollution programs. One rider would give a green light for destruction of our wetlands. Another would stop EPA from regulating the most significant source of water pollution in our urban areas, storm water and combined sewer overflows.

Yes, the House bill includes provisions allowing the discharge of untreated sewage into the water of the United States as well as our coastal beaches.

Forget about clean drinking water, forget about cleaning up toxic waste sites, forget about lakes you can swim in and streams you can fish in.

Overall, the 17 House riders would gut the national effort to protect the environment. And that was their intent.

I urge my colleagues to support the amendment to allow EPA to ignore those riders which place in jeopardy the health and safety of our citizens.

Let us stand up for ordinary Americans and for the environment. And let us stand up to the lobbyists for corporate polluters. It is the right thing to do. I am convinced that if we do the right thing, the American people will support us.

Mr. BAUCUS. Mr. President, I will be very brief. We do not have much remaining time anyway.

The Senator from Missouri made two points. The first is, gee, why are we doing this? Because of the onerous, objectionable, heinous riders that he by implication agreed are objectionable, heinous, bad provisions in the House bill, not the Senate bill.

That point is irrelevant because what we are saying here is the Administrator would have the discretion to not follow a rider whether it is in the House bill or Senate bill, if it is enacted into law, because obviously when the conference is completed probably in the spirit of compromise the Senate is going to agree to a few of these objectionable, heinous dastardly riders. So we are just saying that in the event the conference, in a spirit of compromise with the Senate, agrees to a certain rider, this provision is available to give the Administrator the authority to protect the public health by not implementing it. So the basic point that the Senator from Missouri made, the first point, is irrelevant.

The second point I think is really misconstrued. He said, gee, there is a supermandate.

Mr. President, when we were dealing with the supermandate issue in regulatory reform, the question was whether an administrator of an agency could override law as a general principle, override law in drafting regulations as a general principle. That is very broad.

This is much different, totally different. We are dealing here with approximately 17 specifically crafted House riders and a few specifically crafted Senate riders. Most of them would meet the test, but a few of them very specifically crafted would not.

In addition, if the Administrator found that this rider would cause harm to the environment or public health, she then would simply have to just follow current law. She would say she would not follow the rider but she would follow current law. If someone did not like her decision, that is reviewable under the Administrative Procedures Act and ultimately reviewable in the Federal courts.

It seems to me that our main goal, the main objective is to be sure that we do not pass laws, particularly riders in this case, which have the effect of causing more harm to public health. So I urge my colleagues to do something pretty reasonable, that is, adopt this amendment because it will better protect human health and the environment.

Mr. President, I yield 2 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in strong support of the Baucus amendment, and I would like to thank the Senator for coming and offering the

amendment this evening. It is enormously appreciated. We know he has had a difficult day in the Finance Committee. We also thank him for his leadership in the authorizing committee.

Like Senator BAUCUS, I wish to compliment the chairman of the subcommittee on the effort that he has made in the area of EPA reform. Yet, at the same time, we also support the Baucus amendment because we believe it will help weed out those riders that have the serious and negative impact on public health or the environment.

Yes, it does give the Administrator flexibility, and it also will allow those who know the science the authority to help make the decisions.

Most importantly, I believe this amendment will act as a safety valve if the House insists on any of its riders when we get to the conference. I believe the Senate bill now has a moderate, clear framework on how to deal with these riders, and I believe the Senate framework should be the prevailing one. This country has entrusted EPA with the health and well-being of its citizens, and this is one Senator who wants to make sure this trust continues.

I urge my colleagues to stand firm on protecting the environment and public health by supporting the Baucus amendment, then supporting the Bond framework as we move through this legislation and into conference.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield myself such time as I may require.

I believe we are about finished with this amendment.

Mr. BAUCUS. I might say to the Senator I know of no other Senators who wish to speak.

Mr. BOND. All right. I know of no other Senators who wish to speak on this side.

I say once again, I very much appreciate the kind words of the Senator from Maryland and the Senator from Montana about our efforts to work on the riders. I assure them we will continue to work with them. We cannot control what the House will do. I do not think that even if we were to adopt this Baucus amendment, the House would accept it. I just believe, while I can appreciate the concern, it is unconstitutional, and I will urge my colleagues not to support it.

I want to speak briefly about the language in the committee report which calls for a report by the Environmental Protection Agency on the need for a second rule to establish emissions limits on small nonroad engines like lawnmowers and chainsaws. In response to questions by the Environmental Protection Agency as to the scope of the report, I want to ensure that it not become an undue burden on EPA, particularly in the event that the regulatory negotiation rule reaches consensus on the rule.

EPA has already issued one rule applicable to this industry pursuant to a schedule dictated by a consent degree, not the Clean Air Act. That schedule also applies to the second rule which is under development, through a negotiation process. The committee supports the continuation of efforts for a negotiated second rule that would achieve a cost effective consensus acceptable to the industry, EPA, and the other participants. If that consensus is reached later this year, we would expect the report to be merely a statement of the agreement, an explanation of the actions to carry out the agreement, and assurances that the rule as proposed will conform to the agreement in all detail.

If, however, the parties to the regulatory negotiation are unable to reach consensus, then the report should explain in reasonable detail the air quality need in ozone and carbon monoxide nonattainment areas for a second rule. The report should also explain what additional air quality benefits would be achieved, and in what time frame, by a nonconsensus second rule regulating these small engines beyond the requirements of the first rule.

Most importantly, we would expect that EPA would work with us and our staff over the next few months in fashioning a report, probably in letter form, that would not be a burden on the EPA staff, but would fully address the oversight needs of the committee. We do not wish to divert EPA from its efforts to reach the consensus or form implementing any consensus agreement.

Mr. President, I yield back the remaining time on my side on this issue.

Mr. BAUCUS addressed the Chair.

Mr. BOND. I believe that the Senator from——

Mr. BAUCUS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

Mr. BOND. I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator from Montana yield back his time?

Mr. BAUCUS. I do.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BOND. Mr. President, I ask that that be laid aside.

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

Mr. BOND. Mr. President, I believe the Senator from Arizona is ready to present an amendment I believe will be found acceptable on both sides.

AMENDMENT NO. 2787

(Purpose: To require the Secretary of Veterans Affairs to develop a plan for the allocation of health care resources of the Department of Veterans Affairs)

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the chairman, the distinguished subcommittee chairman, and the ranking member, Senator MIKULSKI, of Maryland, for allowing me to bring this amendment forward and agreeing with it.

I will not take much time. The hour is late. The amendment is at the desk. And I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2787.

Mr. MCCAIN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert:

SEC. . PLAN FOR ALLOCATION OF HEALTH CARE RESOURCES BY DEPARTMENT OF VETERANS AFFAIRS.

(a) PLAN.—(1) The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources (including personnel and funds) of the Department of Veterans Affairs among the health care facilities of the Department so as to ensure that veterans having similar economic status, eligibility priority and, or, similar medical conditions who are eligible for medical care in such facilities have similar access to such care in such facilities regardless of the region of the United States in which such veterans reside.

(2) The Plan shall reflect, to the maximum extent possible, the Veterans Integrated Service Network, as well as the Resource Planning and Management System developed by the Department of Veterans Affairs to account for forecasts in expected workload and to ensure fairness to facilities that provide cost-efficient health care, and shall include procedures to identify reasons for variations in operating costs among similar facilities and ways to improve the allocation of resources so as to promote efficient use of resources and provision of quality health care.

(3) The Secretary shall prepare the plan in consultation with the Under Secretary of Health of the Department of Veterans Affairs.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall set forth—

(1) milestones for achieving the goal referred to in that subsection; and

(2) a means of evaluating the success of the Secretary in meeting the goals through the plan.

(c) SUBMITTAL TO CONGRESS.—The Secretary shall submit to Congress the plan developed under subsection (a) not later than 180 days after the date of the enactment of this Act.

(d) PLAN IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) within 60 days of submitting such plan to Congress under subsection (b).

unless within such period the Secretary notifies the appropriate Committees of Congress that such plan will not be implemented along with an explanation of why such plan will not be implemented.

Mr. McCAIN. Mr. President, this amendment is a simple one.

This amendment would require the Secretary of Veterans Affairs to develop and implement a plan to remedy serious and ongoing discrepancies in the allocation of funds to Veterans Health Care facilities across the country. The plan would require the Department to allocate funding to ensure that veterans have equal access to quality health care no matter what region they live in or which facility provides them services.

Mr. President, as we know, the pending appropriations bill would provide the Department of Veterans Affairs with approximately $17 billion to maintain and operate 173 hospitals, 376 outpatient clinics, 136 nursing homes, and 39 domiciliaries.

The other thing we know, Mr. President, is that the United States has become a very mobile nation. And there are significant demographic shifts that take place around the country. The Department of Veterans affairs has attempted in the past through a function known as RPM, which is the Resource Planning and Management system, to obtain better allocation of the funds, but they have not done a very good job in doing so.

Congress has a responsibility to ensure that these resources are distributed in a manner that will ensure our nation's veterans, whether they live in Maine or Arizona, have equal access to quality health care.

Unfortunately, the Department of Veterans Affairs has not traditionally allocated funding to provide equal access to or account for increasing workloads at its medical facilities.

Some months ago I asked the General Accounting Office to examine VA medical funding deficiencies. The GAO found that facility costs and their respective budgets vary widely, even after facilities of similar mission and size are grouped and adjustments are made to account for differences such as case mix, locality costs, salaries, training and research.

While, Veterans Hospital Administration officials have acknowledged budget allocation problems, GAO investigations found that the Department has failed to fully implement the new budgeting method known as the "Resource Planning and Management System" which the Department developed to remedy funding inequity.

Let me quote the GAO report:

Because VHA lacked resources to fund all facilities' expected needs, it chose to limit the resources given to facilities with growing workloads. On the other hand, for facilities with decreasing workloads, VHA chose not to reduce their funding in proportion to the expected decreases in workload. These decisions led to only small adjustments in the funding for the projected cost of increased workload, while facilities with decreasing workloads received more resources than they were projected to need.

The GAO goes on to say:

For example, VHA forecast that the Carl T. Hayden Medical Center needed an additional $2.3 million for fiscal year 1995 based on expected increases in workload. However, the Center actually received an additional $400,000 . . . By contrast, the San Juan facility had the greatest decline in workload within Carl T. Hayden's facility group. Its declining workload led to a projected $3 million decrease in budget needs, yet the facility's budget decreased only $500,000.

Mr. President, it's easy to see what's happening here. The Department of Veterans Affairs is reluctant to reallocate resources to meet shifting demand. Facilities which are accustomed to a certain level of funding refuse to do with less even though there case loads are shrinking. And, those with growing caseloads, like Carl T. Hayden, are simply expected to make do with what they have been getting.

This practice may serve the needs of bureaucrats, but it does not serve the veteran.

Mr. President, this problem hit very close to home. I've spent quite a bit of time at the Carl T. Hayden Medical Center. In the winter months and at many other times throughout the year, veterans wait in line for hours to conduct the most perfunctory administrative functions, much less to receive treatment. The facility is simply unundated.

Last year, the Veterans of Foreign Wars conducted a comprehensive study and found that the Carl T. Hayden Medical Center in Phoenix is "grossly underfunded," receiving twenty-five percent less funding than the average urban VA hospital.

In fiscal year 1994, the facility received $52 million less then the New York VA hospital, yet saw 15 percent more patients. This serious shortfall in funding is particularly serious for Phoenix which is one of only three areas in the country where the veteran population is on the rise, and which is inundated every winter with visitors who place even greater demand on the facility and its insufficient resources.

Passage of this amendment will ensure that we develop a plan to allocate resources in a manner that will assure equal access to service by veterans and which will take into account projected changes in the workload of each facility.

Mr. President, what this amendment does—and as I mentioned earlier it is a very simple one—it requires the Secretary of Veterans Affairs to develop a plan for the allocation of health care resources, including personnel and funds of the Department of Veterans Affairs, among the health care facilities of the Department so as to ensure that veterans having similar economic status, eligibility priority and/or similar medical conditions who are eligible for medical care in such facilities have similar access to such care in such facilities regardless of the region of the United States in which such veterans reside.

Mr. President, I will admit to a certain amount of parochialism in this amendment because I come from a State that is growing in population, especially as a retirement area, and there are insufficient funds. But by this amendment I do not mean to be imposing any penalties on any VA facility anywhere in our Nation. But I think we should appreciate the fact that we do have a mobile veterans population. In the summertime they may be visiting Minnesota, and in the wintertime they may be in Arizona, or they may be in Missouri or even in the summertime in the State of Maryland.

We want to make sure that there are facilities available on an equitable basis for all of our veterans. And I am sure that this will not result in a decrease in funding for much-needed facilities, but a better allocation of scarce resources.

I would like to thank and I do believe that the VHA will come up with a fair and equitable formula for the distribution of the all-too-scarce funds. We all know that as we face an aging veterans population, the needs become greater and greater. The medical challenges that we face have changed also significantly over the years. And I think we can, by adoption of this amendment, take a small step towards fulfilling our obligation and commitments that we made to the men and women who serve in our Nation's defense.

I thank my friends, and I will take no more time on the amendment. I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I commend my friend and colleague from Arizona on the very thoughtful amendment. I have had the opportunity to discuss this amendment with my ranking member. It moves the Veterans Administration in the direction which we feel it is vitally important for the VA to move.

We have already addressed here on this floor many of the problems in the way the VA operates. We think it could be far more efficient, far more effective in the service it provides to the veterans. And I believe that my distinguished colleague from Arizona has outlined a plan for implementation of improvements that will be very good operating procedure for the Veterans Administration.

I am ready to accept the amendment on this side, and I ask if there are any other speakers or if my ranking member——

Ms. MIKULSKI. I am going to accept the amendment as well.

Mr. BOND. I do not see any—does the Senator from Arizona wish to add to his remarks?

Mr. McCAIN. I ask unanimous consent that a GAO study, plus a letter from the Veterans of Foreign Wars of the United States be printed in the RECORD.

There being no objection, the material is ordered to be printed in the RECORD, as follows:

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, September 12, 1995.

Hon. JOHN MCCAIN,
U.S. Senate,

DEAR SENATOR MCCAIN: At your request, we are currently reviewing the Veterans Health Administration's (VHA) process for allocating the medical care appropriation to its medical facilities across the nation—the Resource Planning and Management System (RPM).[1] Historically, VHA allocated resources by making incremental changes to each facility's prior year budget. After recognizing the need to better link resources to each facility's actual workload, VHA in 1985 implemented the Resource Allocation Methodology (RAM). VHA officials indicated that because the RAM allocations were generally based upon workload as defined by clinical diagnoses, facilities soon recognized that their allocations would be increased as the number of procedures performed increased. This open-ended expansion of workload led to budgeting problems and concerns about inappropriate care being provided.

RPM—first used to allocate fiscal year 1994 facility budgets—was intended to improve upon past allocation systems. VHA's stated goals for RPM are to (1) improve VA's resource allocation methodology, (2) move from retrospective to prospective workload management, and (3) reform medical care budgeting. Accordingly, RPM was designed to be patient-based, forward-looking, and policy-driven. It defines workload as patients served, rather than procedures performed—hence, VHA's characterization of RPM as "capitation-based"—and it uses projections of future workload to determine what resources are needed. A VHA strategic plan was also intended to be the driving force behind RPM, giving it a set of goals, performance standards, and workload priorities.

You asked us to review VHA's allocation process, expressing a concern about the equity of the process in ensuring that facility funding meets the medical needs of a changing veteran population.[2] As part of our efforts to keep you informed about our ongoing review of RPM, we have regularly briefed your staff on our progress toward issuing a report later this year. As a result of our most recent briefing, you asked us to provide you with preliminary information on the way VHA is using RPM to better link resources to workload by examining the variations that RPM data show in facility operating costs to determine the reasons for those variations, and allocating resources among facilities so that veterans within the same priority categories have the same availability of care, to the extent practical, throughout the VA health care system.

In summary, RPM appears to be an improvement over VA's previous resource allocation systems. Specifically, it creates forecasts of expected workload and provides data, such as differences in operating costs, that VHA could use in better matching resources to anticipated workload. It also reduces the ability of facilities to "game" the system by providing or seeming to provide more or more costly procedures. However, our work to date suggests that VHA has made limited use of RPM in understanding the reasons for those differences and in changing allocations from what facilities received in the past. Furthermore, VHA has not used RPM to allocate resources in a way that considers differences in veterans' access to care throughout the system.

USE OF RPM TO EXPLORE WHY OPERATING COSTS VARY

Although the RPM data show significant differences in facility operating costs, VHA has not, as it originally planned, developed processes to allow a better understanding of potential reasons for those variations. Originally, VHA intended to assess reasons for variations in costs among facilities through a formal review and evaluation process, including structured site surveys of facilities with especially high and low operating costs. VHA had said that such a process would be useful to identify efficiencies that could be applied at other facilities and to identify potential quality problems caused by limited resources.[3] VHA hoped to further explore the impact of resources on quality by linking RPM cost data with quality indicators. Officials told us that without a better understanding of the reasons for the variations or a clear standard against which to measure the costs, they had little basis for determining which, if any, facilities were receiving too few or too many resources. We have had some difficulty finding out why VHA has not analyzed the variations as planned; the main reasons seem to be the generally lower priority attached to that effort and the uncertainty about who would conduct the analyses and how the analyses would be done. We hope to have more information about this matter in our detailed report.

Our initial assessment of RPM data shows that facility costs vary widely, even after facilities of similar mission and size are grouped and adjustments are made to account for differences such as case mix, locality costs, salaries, training, and research. For example, adjusted costs per standardized workload measure in one facility group ranged from $3,024 to $4,141 with the average cost being $3,635; facilities ranged from about 17 percent below average to about 14 percent above average in cost.

Nonetheless, VHA officials appear to have used RPM to change facilities' historical budgets only minimally during the two budget cycles in which RPM has been used. For example, we estimate that the maximum loss to any facility's historical budget in fiscal year 1995 was only about 1 percent and that the average gain was also about 1 percent.

While the optimal amount of resources that should be shifted is unclear, the facilities most disadvantaged by not shifting more resources are those that (1) historically have received less funding for comparable workload and (2) have a faster growing number of patients. For example, because VHA lacked resources to fund all facilities' expected needs, it chose to limit the resources given to facilities with growing workloads. On the other hand, for facilities with decreasing workloads, VHA chose not to reduce their funding in proportion to the expected decreases in workload. These decisions led to only small adjustments in the funding for the projected cost of increased workload, while facilities with decreasing workloads received more resources than they were projected to need. For example, VHA forecasted that the Carl T. Hayden Medical Center needed an additional $2.3 million for fiscal year 1995 based on expeeted increases in workload. However, the center actually received an additional $400,000 as a result of workload adjustments arising from RPM.[4] By contrast, the San Juan facility had the greatest decline in workload within Carl T. Hayden's facility group. Its declining workload led to a projected $3 million decrease in budget needs, yet the facility's budget decreased only $500,000.

USE OF RPM TO REDUCE INCONSISTENCIES IN AVAILABILITY OF CARE

We reported in 1993[5] that veterans' access to outpatient care at VHA facilities varied widely—veterans within the same priority categories received outpatient care at some facilities but not at others.[6] Using a questionnaire to medical centers, we found then that of 158 centers queried, 118 reported they rationed outpatient care for nonservice-connected conditions in fiscal year 1991 and 40 reported no rationing. This rationing generally occurred in fiscal year 1991 because resources did not always match veterans' demands for care. Medical centers rationed care by limiting the categories of veterans served,[7] the medical services offered, and the conditions for which they could receive care.

When we reported on these differences in 1993, VA officials responded that RPM—under development at the time—would help overcome these differences. Specifically, officials indicated that to address wide variations in veterans' access to health care systemwide, VA was designing a new resource planning and management process with several objectives, including the elimination of gaps in service for veterans systemwide. In February 1994 correspondence to the Congress, the Secretary of Veterans Affairs reiterated that RPM would begin to alleviate some of the inconsistencies in veterans' access to care noted in our report.

In our current review, however, we are finding that overcoming these kinds of inconsistencies in availability of care has not been incorporated as a specific goal of RPM.

Perhaps because reducing inconsistency has not been established as an RPM goal, the system does not use data on the eligibility category of veterans served at a facility. RPM predicts costs and workload without regard to facility differences in the provision of discretionary care, that is, without regard to the priority category of the veterans being served.

Although the lack of relevant data prevents us from confirming whether the kind of rationing reported in our 1993 report persists, we see indications that inconsistencies still exist. For example, fiscal year 1995 data showed a difference in the extent to which facilities treated nonservice-connected higher income veterans:[8] at some facilities 13 percent of veterans treated fell into that category, while other facilities provided no care to such veterans.

We discussed the draft of this letter with VA's Deputy Undersecretary for Health and other VA officials who generally agreed with its contents. These officials noted, however, that resource allocation is an inherently complex and difficult process, that VA's implementation of RPM is still evolving, and that they expect to use the process to make substantially increased budget adjustment for facilities in the next fiscal year. They indicated that VHA faces many challenges that make implementation of the process difficult, including complex eligibility requirements, mandates to care for certain

specialized populations of veterans, and the inability of facilities to change personnel levels quickly. They also cited several current initiatives that they expect to help in the implementation of the resource allocation process, including the restructuring the VA health system into Veterans Integrated Service Networks, the implementation of VA's Decision Support System, and the linking of planning, policy and performance measurement responsibilities within one organizational office.

We are sending copies of this correspondence to the Secretary of Veterans Affairs and other interested parties. The information contained in it was developed by Frank Pasquier, Assistant Director; Linda Bade; Katherine Iritani; Douglas Sanner; and Evan Stoll. Please contact me at (202) 512-7101 or Mr. Pasquier at (206) 287-4861 if you or your staff have any questions.

Sincerely yours,

CARLOTTA C. JOYNER,
Associate Director, Health Care Delivery and Quality Issues.

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[1] For fiscal year 1996, the Department of Veterans Affairs (VA) is seeking an appropriation of about $17 billion to maintain and operate 173 hospitals, 376 outpatient clinics, 136 nursing homes, and 39 domiciliaries.

[2] You also raised a specific concern about funding at the Carl T. Hayden Medical Center in Phoenix, which we have explored as part of our work.

[3] The closest VHA has come to conducting such a review was through one of the six Technical Advisory Groups (TAGs) it formed for its RPM patient categories, such as primary care or chronic mental illness. The Chronic Mental Illness TAG has done some limited data analysis (that is, length of stay, discharge cost, and costs/day differences) to develop further explanatory data on facility cost variations in the care of chronic mental illness patients. The directive establishing the TAGs' purpose, role, operation, and management within RPM, including their role in studying cost, practice, and quality variations among facilities, had not been formalized at the time of our review.

[4] Carl T. Hayden and other medical centers also received funds outside the RPM process. Carl T. Hayden received approximately $124 million in fiscal year 1995, of which about $90 million came through the RPM allocation process. In fiscal year 1994, it received approximately $117 million, of which $78 million came through RPM. The percentage of Carl T. Hayden's budget received outside the process was comparable to (within about 3 percent of) the national average.

[5] VA Health Care: Variabilities in Outpatient Care Eligibility and Rationing Decisions (GAO/HRD-93-106, July 16, 1993).

[6] As we reported in VA Health Care: Issues Affecting Eligibility Reform (GAO/T-HEHS-95-213, July 19, 1995), VA uses a complex priority system—based on such factors as the presence and extent of any service-connected disability, the incomes of veterans with nonservice-connected disabilities, and the type and purpose of care needed—to determine which eligible veterans receive care within available resources. (An eligible veteran is any person who served on active duty in the uniformed services for the minimum amount of time specified by law and who was discharged, released, or retired under other than dishonorable conditions.)

[7] When medical centers rationed care by veteran category, they generally followed the priorities set by the Congress: they limited care first to higher income veterans, then to lower income veterans, and finally to veterans with a service-connected disability.

[8] "higher income" veteran is one whose income was above the means test threshold, which as of January 1995 was $20,469 for a single veteran, $24,565 for a veteran with one dependent, plus $1,368 for each additional dependent.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
April 7, 1994.

JOHN T. FARRAR, M.D.,
Acting Under Secretary for Health, Veterans Health Administration, Department of Veterans Affairs, Washington, DC.

DEAR DR. FARRAR: A member of my staff, Robert F. O'Toole, Senior Field Representative, conducted a survey of the Phoenix, Arizona, Department of Veterans Affairs Medical Center, on March 14-15, 1994. During his time at the medical center, he was able to talk with many patients, family members and staff. This enabled him to gather information concerning the quality of care being provided and the most pressing problems facing the facility.

While those receiving treatment in the clinics and wards felt that the quality was good, they almost all commented on the long waits in the clinics and the understaffing throughout the medical center. In discussing their problem with various staff members, it was noted that nurses were under extreme stress. More than one was observed by Mr. O'Toole in tears when completing their tour. The nursing staff on evening shifts must rush continually through their duties in an attempt to cover all their patients needs due to the shortage in staffing in both support and technical personnel.

In attempting to determine the reason for this problem, it became apparent that the station was grossly underfunded. Which means that the staff must either take unwanted shortcuts or continue to work beyond the point expected of staffs at the other medical centers. While it is well understood that the Veterans Health Administration is underfunded throughout the system, it is clear from the comparisons that this facility has not received a fair distribution of the available resources resulting in the deplorable situation now facing the health care team.

Another problem in Phoenix that must be addressed is the serious space deficiency, especially in the clinical areas. The ambulatory care area was designed to handle 60,000 annual visits. In fiscal year 1993, the station provided 218,000 annual visits, almost four times the design level. Many physicians are required to conduct exams and provide treatment from temporary cubicles set up inside the waiting rooms. This bandaid approach has added to the already overcrowding.

The other problem that we feel should be pointed out is that of the staffing ceiling assigned to the Carl T. Hayden Veterans Medical Center. Currently, the medical center has FTEE of 1530 which is over the target staffing level. Based on available reports, the medical center would need an additional 61 registered nurses just to reach the average Resource Program Management (RPM) within their group. This facility operates with the lowest employee level in their group when comparing facility work loads, and 158th overall. To reach the average productivity level of the Veterans Health Administration medical centers, they would need an additional 348 full-time employees. While it is realized that this station will never be permitted to enjoy that level of staffing, it is felt that they, at the least, should have been given some consideration for their staffing problems during the latest White House ordered employee reductions.

To assist the medial center to meet their mandatory work load, and the great influx of winter residents, it is recommended that the $11.4 million which was reported to the Arizona congressional delegation to have been given Phoenix in addition to their FY 94 budget be provided. To enable the station to handle the ever increasing ambulatory work load, the Veterans Health Administration must approve the pending request for leased clinic space in northwest Phoenix and, the implementation plan for the use of the Williams Air Force Base hospital as a satellite outpatient clinic, along with the necessary funding to adequately operate the facility. In addition, VHA should approve and fund, at a minimum, the expansion of the medical centers clinical space onto the Indian School land which was acquired for that purpose.

Approval of the above recommendations would make it much easier for this medical center to meet the needs of the ever increasing veteran population in the Phoenix area. There is no indication that the increasing population trends will change prior to the year 2020. This hospital cannot be allowed to continue the downhill slide. The veterans of Arizona deserve a fair deal and the medical staff should be given the opportunity to provide top quality health care in a much less stressful setting.

I would appreciate receiving your comments on the Phoenix VA Medical Center at your earliest opportunity.

Sincerely,

FREDERICO JUARBE Jr.,
Director, National Veterans Service.

Mr. McCAIN. I want to thank again the distinguished chairman and the ranking member.

I yield the floor.

Mr. BOND. Mr. President, again, I commend the Senator from Arizona. I believe we are ready to proceed to the amendment.

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

So the amendment (No. 2787) 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.

Mr. BOND. Mr. President, now I ask unanimous consent that added to the list of relevant amendments be an amendment by Senator BAUCUS entitled "Relevant."

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

NATIONAL HIGH MAGNETIC FIELD LABORATORY

Mr. MACK. I would like to engage the chairman and ranking member of the VA/HUD Appropriations Subcommittee in a colloquy relative to the National High Magnetic Field Laboratory in Tallahassee. Senators GRAHAM, DOMENICI, and BINGAMAN will also join with me in this. Let me begin by commending the chairman for putting forth a bill that balances the needs for fiscal restraint with necessary investment. An excellent example of necessary and productive investment is the National Science Foundation's decision 5 years ago to establish the principal facility in Florida and a component facility at Los Alamos. The proposal to embark on this important basic research was a vision of Dr. Jack

Crow, the lab's director. The NSF agreed with this vision and made the crucial decision and investment. It was a very wise decision, and I commend them for it.

Mr. BOND. The subcommittee has heard of many of the NHMFL's accomplishments in its short 3-year history. New magnet development, at the cutting edge of technology, has created the finest array of the world's most powerful magnets. It has allowed the United States to reclaim world leadership in magnet science and technology.

Mr. GRAHAM. This laboratory is truly a partnership between Florida State University, the University of Florida and the Los Alamos National Laboratory in New Mexico. It is clearly a Federal/state/industrial partnership that works well and produces tremendous breakthoughs. Furthermore, industrial involvement and support is paving the way for future progress.

Ms. MIKULSKI. Senator GRAHAM, the NSF's interest in partnerships and their decision to locate the facility in Florida were key ingredients for its success. This partnership between two universities, a fine national laboratory, the State of Florida, and several industries has led to outstanding science and new technologies as well. And I'm told the lab has a world-class collection of scientists and engineers that will continue to lead the world for years to come.

Mr. DOMENICI, Mr. Chairman, let me underscore the importance of this partnership which includes Los Alamos National Laboratory working closely with Florida State University and the University of Florida. At last year's dedication in Tallahassee, Erich Bloch said, "Absent any one of the three partners, this important project would not have come to fruition." That is still true today. In these tight budget times, Los Alamos has committed precious resources to this endeavor because it is important to do so. And my friend Gov. Lawton Chiles of Florida has invested heavily and wisely with scarce State resources. I want to encourage the subcommittee to provide NSF the resources necessary to keep this laboratory world-class.

Mr. BINGAMAN. The research, the development, and the educational activities that come from this partnership between NSF and DOE, between universities and a national laboratory, and the facility that is state-of-the-art is truly a unique national resource that should make all who are involved proud of it. I commend the NSF for its efforts, and I commend this subcommittee for its diligence in providing the resources that will maintain world leadership.

Mr. BOND. I appreciate the comments. The subcommittee recognizes the importance of this partnership and the need to keep the United States at the forefront of this important scientific and technological area. We are confident NSF will continue to view this facility as one of its "crown jewels," and support it appropriately. I thank the Senators for their views.

PERMITS PROGRAM

Mr. NICKLES. Title V of the 1990 Amendments to the Clean Air Act requires EPA to issue a rule establishing the minimum elements of a permit program for sources regulated under the act. The act requires that this permit rule be issued within 1 year of enactment. The 1990 amendments further required States within 3 years to develop and submit to EPA for approval their own programs that comply with the Federal minimum elements as defined by the EPA permit rule. Even under the ambitious schedule of the 1990 amendments, Congress clearly provided that States were to have 2 full years to respond to EPA's rule establishing the minimum elements of a permit program.

Although EPA promulgated a final rule in 1992, the controversy that surrounded this rule prompted the agency to revisit many key issues in the rulemaking. Today, 3 years later, I am sorry to report that EPA has still been unable to resolve fundamental elements of the Federal program which States must comply with in establishing their own programs. As recently as this summer, EPA has issued a new proposal, despite having not relieved states of the requirement to comply with the 1992 rule.

The result, predictably, has been an untenable level of confusion and uncertainty. States are spending considerable resources in developing programs that may or may not comply with EPA's final permit program. Similarly, sources across the country are now submitting permit applications, despite the lack of clear Federal guidance.

Mr. BOND. My colleague from Oklahoma is correct in expressing misgivings over EPA's current implementation of the permit program. As the result of similar concerns, the Senate Appropriations Committee included language in the report accompanying this bill urging EPA to delay enforcement of the title V program for 1 year. This would give EPA the opportunity to resolve outstanding issues and reduce the likelihood that States and sources will adopt provisions that may ultimately conflict with EPA's final rule. The one-year delay would also give EPA and states sufficient time to develop more cost-effective approaches to permitting. Given the severity of the problems which have beset EPA's implementation of this program, I believe this provision is critical.

Mr. FAIRCLOTH. I would also like to thank the Senator from Oklahoma for raising this issue, which has been of significant concern to the subcommittee on Clean Air, Wetlands, Private Property and Nuclear Safety, which I chair. Over the course of this past year, our subcommittee has been closely monitoring EPA's implementation of the title V permit program. We conducted a hearing on title V on August 1, 1995. In addition we have raised several questions with the agency over its progress to date. Almost 4 years have passed since the deadline for promulgating a Federal permit rule, yet EPA has still not finalized the part 70 program. Additionally, EPA has been slow to issue long-needed permitting guidance, such as the "white paper" guidance on permit applications, and does not appear to be promoting the rapid implementation of such guidance. The lack of resolution of key elements of the permit program puts States in an enormous quandary in developing and seeking approval of their own programs. We are also concerned over the impact of this confusion on regulated "sources"—that is to say, the employers of this nation—which are required by law to submit permit applications within 12 months of the date that States receive approval for their programs. The application process alone has proven to be unnecessarily costly and time consuming for sources—problems that are clearly linked to EPA's inability to develop Federal minimum elements in a timely manner.

It is important to keep in mind that the title V program is extremely costly; even EPA has estimated that the program will cost taxpayers and businesses more than $2.5 billion in the first 5 years of the program. With this much money at stake, confusion is unacceptable. A 1-year delay could save significant resources and prevent many programmatic missteps.

Mr. NICKLES. I would like to thank my colleague from Missouri for including language in the Senate Committee Appropriations report on this important issue. My involvement with this difficult issue dates back to the debate held in this body over the 1990 amendments when many of us expressed concern over the complexity of the title and its potential for imposing unnecessary costs on sources and States. Given the severity of the problems which have beset this program, I hope the conferees to this bill will reflect on this debate and include statutory language requesting a 1-year delay in order to protect the vital interests of States and sources who are in the unfortunate position of having to comply with a regulatory moving target.

I also want to thank my colleague from North Carolina for his close scrutiny of this issue and his willingness to hold oversight hearings on the agency's implementation of the permit program.

Mr. BOND. Thank you for raising these important issues. Considering the potential for well-meaning States to be punished unfairly, I am sure my colleagues will consider your comments

and those of the Senator from North Carolina most carefully.

REFINERY MACT

Mr. BUMPERS. Mr. President, I rise today to ask the distinguished chairman of the VA-HUD Appropriations Subcommittee, the gentleman from Missouri, to engage in a colloquy with me on an issue of importance to my constituents in Arkansas.

Mr. BOND. I would be pleased to discuss an issue with the Senator from Arkansas, a member of the full Appropriations Committee.

Mr. BUMPERS. I want to compliment the Senator from Missouri for addressing the issue of the Environmental Protection Agency's refinery MACT rule in the Appropriations Committee's report on H.R. 2099. In my opinion, if ever a set of regulations needed to be reformed, it is the refinery MACT rule.

Mr. BOND. The Senator from Arkansas is correct. In its report on the bill under consideration today, the Appropriations Committee expressed its dissatisfaction with the procedures EPA has employed in promulgating all MACT regulations, particularly the refinery MACT rule. The committee directed EPA to reevaluate the refinery MACT rule after applying principles of sound science.

Mr. BUMPERS. I, and many of my colleagues in the Senate, commend the chairman for including that directive in the committee report.

In addition, I would like to specifically address an issue which is of particular importance to both the Senator from Missouri and myself. That issue is the impact of the refinery MACT rule on smaller refiners around the Nation. The Senator from Missouri serves as the chairman of the Small Business Committee, and I am proud to serve as the senior Democrat on that committee.

In its refinery MACT rule, EPA made no provision for lessening the impact of its rule on small businesses. In many cases, these smaller refineries are located in attainment areas—areas in which the need for expensive emissions control devices are questionable at best. In fact, EPA estimated that seven of these refineries would be forced to close under the refinery MACT rule.

EPA's disregard for the impact of the refinery MACT rule on the small businesses of this Nation is disturbing to this Senator, as I am sure it is to the Senator from Missouri.

Mr. BOND. I share the Senator from Arkansas' concerns about the impact of the refinery MACT rule on small business. This is one of the reasons the committee has directed the EPA to reexamine the refinery MACT rule. Placing a disproportionate burden on the Nation's small businesses is not sound regulatory policy. It is my hope that EPA will address this issue, as well as the many other problems inherent in its current refinery MACT rule, when it reassesses the rule as a whole.

Mr. BUMPERS. I thank the Senator. I look forward to working with him on this issue as this bill moves to conference and as EPA carries out the committee's directive.

ENVIRONMENTAL TECHNOLOGY INITIATIVE

Mr. BENNETT. Mr. President, I wish to bring to Chairman BOND's attention a matter regarding the Environmental Technology Initiative [ETI] and the proposed reductions to its budget. The underlying bill will reduce funding for ETI by approximately $100 million. I do not take issue with the committee's actions to reduce this particular budget. I have every confidence that the remaining funds appropriated by the committee will be sufficient to fulfill the mission of this EPA initiative. My concern lies chiefly in a clarification of the objectives ETI should be pursuing with the resources that are being appropriated in this legislation.

On page 88 of the committee report, we state that the remaining funds—approximately $20 million—are to be directed toward technology verification activities and other continued efforts that do not duplicate private sector initiatives. Is it your understanding Mr. Chairman that the funds allocated by the committee to ETI are sufficient for, and ought to be used to complete EPA's multiprogram efforts to streamline the approval process for new analytical methods including the move toward performance-based standards?

Mr. BOND. That is correct. The committee would agree that allocating funds for completing efforts to encourage new performance-based analytical methods and other streamlining methods is entirely consistent with the stated purpose of targeting ETI funding for verification efforts.

Mr. BENNETT. I think the chairman for his clarification. I am sure that we both agree on the importance of analytical methods to ensure compliance with environmental laws. Without them, it would be impossible to determine whether industry was meeting the effluent standards established by law and through the permit process. Efficient analytical methods are also used to characterize hazardous waste and ensure that our drinking water is free of harmful concentrations of contaminants. Unfortunately, while methods to ensure compliance continue to improve and are more accurate, the current EPA process for approving the use of new methods keeps getting slower and more bogged down.

I understand that EPA recognizes this problem, and several program offices have been working to reduce the backlog of analytical method approval requests and to reduce the time it takes to review and approve these methods. Once a streamlined process is in place, these moneys will be needed for a limited time to educate States and supervise implementation. EPA has laid the foundation and the funds appropriated by the committee will be needed to put these procedures into practice.

Overall, this effort will decrease the time and resources that are needed to approve analytical methods, resulting in more and better methods. From the Agency perspective, this effort will provide a way to increase the number of methods that can be used to meet statutory requirements. In addition, EPA's efforts to streamline the approval process for new analytical methods will spur new technologies and create new jobs. The money allocated to this process will significantly lower the cost of environmental measurements, thereby reducing the cost of environmental compliance for industry and municipalities. I thank the chairman for his time and support in this matter.

Mr. BOND. I thank the Senator and agree that EPA's efforts to streamline its approval processes and move toward performance-based standards for analytical methods are a vital part of environmental compliance. Clearly, the completion of EPA's ongoing efforts in this regard is within the scope of funding provided in this bill for ETI.

Mr. BENNETT. I thank the chairman.

EPA ENERGY EFFICIENCY ACTIVITIES

Mr. JEFFORDS. Mr. President, may I engage in a colloquy with the chairman of the appropriations subcommittee and the distinguished Senator from Louisiana regarding programs at the Environmental Protection Agency that result in improved energy efficiency in the economy?

Mr. JOHNSTON. I proposed some report language on this topic that was accepted by the full Committee on Appropriations at its markup and would be happy to discuss it.

Mr. JEFFORDS. The report language states that:

> The Committee notes that these programs overlap and conflict with statutory authority provided to the Department of Energy in the Energy Policy Act of 1992. Therefore, EPA should transfer to DOE those energy efficiency and energy supply programs that DOE, not EPA, is authorized to carry out. Future appropriations for these programs should be requested as part of the DOE budget submission.

What is intended by this language?

Mr. JOHNSTON. The intention is very clear and specific. In the President's budget submission to Congress, funds were requested for EPA for a series of 21 activities, many of which clearly overlapped and duplicated specific statutory authority provided to the Secretary of Energy and others by the Congress through the Energy Policy Act of 1992 and the Energy Policy and Conservation Act. The Committee on Energy and Natural Resources, of which I am the ranking member, has jurisdiction under the Senate's rules for all aspects of energy policy, energy

regulation, and conservation, energy research and development, and oil and gas production and distribution. Yet the committee has never been approached by the administration with a request to authorize any activities for EPA in this area. The committee, rather, has made some fairly clear assignments of responsibility to agencies other than EPA for topics such as product labeling for energy efficiency. I do not believe that it is acceptable for the administration to request funds in a manner that contravenes the clear intent of Congress with respect to statutory assignments of responsibility.

Mr. JEFFORDS. Of course, improving energy efficiency may be one way to prevent pollution, and Congress has authorized EPA to pursue pollution prevention activities in the Clean Air Act and the Pollution Prevention Act of 1990. Do you intend that any activity in the EPA that related to energy efficiency would, by that very fact, be transferred to the Department of Energy?

Mr. JOHNSTON. No; the report language that I proposed is very clear. If EPA lacks statutory authority for a particular activity that the Department of Energy or some other agency possesses, then EPA should not undertake that activity. The report language that I proposed would not preclude EPA from exercising its legitimate statutory authorities. For example, EPA is working with the gas industry in a program called Natural Gas Star to reduce losses of methane to the atmosphere from gas pipelines and other transmission equipment, under the aegis of the Pollution Prevention Act. My report language would not transfer this program to DOE.

Mr. JEFFORDS. Would the Senator be open to requesting a report from the EPA and from the Department of Energy to the Congress addressing how their programs that promote improved energy efficiency or that result in an energy supply that has less of a possibility of contributing to global climate change relate to one another and to the existing statutory authorities in the Energy Policy Act of 1992 and elsewhere?

Mr. JOHNSTON. Yes; I think that such a report would assist the Committee on Energy and Natural Resources in exercising its jurisdiction, under the rules of the Senate, over energy conservation and energy supply issues. As you know, the Committee on Energy and Natural Resources must reauthorize the Energy Policy and Conservation Act in this Congress, and if a majority of members of the committee were to believe that the EPA had a valuable role to exercise in this area that is not duplicative of what DOE or some other Federal agency is contributing or could contribute, such a role might be legitimately created in that context.

Mr. BOND. This has been a helpful and clarifying discussion. I support the suggestion of requiring a joint report to the appropriate congressional committees from the EPA and the Department of Energy on their activities related to improving the energy efficiency of energy supply and use, including a discussion of the statutory authorities under which they are conducted. I will ask that report language to this effect be inserted in the conference report on this bill.

Mr. JOHNSTON. I thank the Senator.

Mr. JEFFORDS. I thank the Senator.

TRAVIS VA HOSPITAL

Mrs. FEINSTEIN. I rise today in strong opposition to the VA, HUD and independent agencies appropriations bill for fiscal year 1996. I would like to focus on just one of the numerous reasons I will oppose this legislation—the lack of any funding for the Travis VA Hospital in northern California.

Let me briefly describe the current situation for northern California veterans seeking inpatient health services. A veteran in this service area must drive an average of 4 to 5 hours, sometimes as many as 8 hours, to get to a VA acute care facility. The veteran's family, because they are so far from home, generally must stay in a hotel for the duration of the veteran's hospital stay. Once the veteran is released from the hospital, he and his family must drive back and forth from home to the VA facility again for check-ups. This story could be repeated as many as 450,000 times. That's right, nearly half a million veterans who used to have complete access to inpatient health services are now without adequate care.

I am appalled that the members of the Senate Appropriations Committee turned their backs on nearly a half a million veterans by not continuing to fund the replacement VA Hospital at Travis Air Force Base. This facility is desperately needed to replace the VA Medical Center in Martinez, CA which was closed in 1991 because of earthquake damage.

While awaiting the replacement facility at Travis, the Veteran's Administration has been forced to piece together a patchwork healthcare system. They have had to borrow bed space at Travis AFB's David Grant Hospital, and have transferred patients to facilities hundreds of miles away. I commend the VA for doing an admirable job in such a bad situation. Unfortunately, since the closure of the Martinez Hospital, only 27 percent of that facility's inpatient services have been continued.

As bad as the situation has been, our veterans have been exceedingly patient. At the ground-breaking ceremony on June 2, 1994, attended by Vice President GORE, we all were optimistic that northern California's veterans would not have much longer to wait for quality healthcare. More than a year later, the plans are nearly complete and the land is ready to begin construction of the replacement hospital early next year. But instead, that land will stay empty, and nearly a half a million veterans will continue to be unserved.

The Travis VA Hospital is not a luxury to these veterans. They must drive between 4 and 8 hours to get inpatient healthcare. Should someone who served this country in war be required to drive from Washington, DC to New York City for healthcare? Now imagine that drive in order to obtain emergency medical care. That is correct. Veterans in northern California have no access to VA emergency services on evenings, weekends, or holidays. Currently, these veterans are forced to go to local health care facilities at either their own cost or at additional cost to the taxpayers. This situation is simply unacceptable, it is unnecessarily costly and is disrespectful of our veterans.

Please consider that this northern California area which would be serviced by Travis VA Hospital is one of the largest, most geographically dispersed, and highly populated veterans areas in the country. More veterans live in northern California than in 27 individual States and the District of Columbia. Would any Senator from those States allow the needs of every veteran in their State be ignored?

It is a sad day when the men and women who have served our country without question—and who have the right to expect their government to fulfill its promises—are now being told "tough luck." It is simply unconscionable.

I appeal to my colleagues to honor the commitment we as a Nation have made to our veterans, and join me in voting against this bill that so fundamentally fails to address the needs of so many veterans. I also hope that the President will veto this legislation which so flagrantly ignores the needs of America's veterans.

WATERTOWN, SD

Mr. DASCHLE. Mr. President, Senate consideration of the fiscal year 1996 VA, HUD, and independent agencies appropriations bill provides an appropriate opportunity to raise an issue involving the Environmental Protection Agency [EPA] and Watertown, SD, that merits our attention.

Fifteen years ago, acting upon the recommendation of the EPA, Watertown installed a infiltration/percolation [I/P] pond for the treatment of its wastewater. At the time, local officials were assured by the EPA that the community would be compensated for any future modification or repair of the system that might be needed for it to remain operational. That EPA pledge was a significant factor in the City's decision to install the I/P technology.

Unfortunately, the I/P system has not functioned as advertised. Since 1982, Watertown has invested more

than $8 million in its wastewater treatment facility in an effort to make it work properly.

Despite these modifications, all of which were endorsed by the EPA, the system has never functioned to EPA's satisfaction. As a result, Watertown has failed to meet EPA regulations since 1988, and community officials continue to work with the EPA and the Justice Department to bring their wastewater treatment plant into compliance with the Clean Water Act and other regulations.

Watertown will need to make major capital investments to reach this end. I am informed that $15 million will be required for treatment plant improvements and an additional $10 million for sewer collection improvements.

While Watertown is one of the largest cities in my state, it has a population of less than 20,000. The scope of this problem greatly exceeds the availability of local resources to resolve it.

Nonetheless, the community is determined to be part of the solution. Watertown Mayor Brenda Barger and other local leaders have already pledged $3 million toward this project and will be exploring revenue bonds and other long-term debt financing mechanisms to secure additional revenues.

While the community's determination to participate in the solution of their wastewater treatment dilemma is commendable, the responsibility should not be theirs alone. The commitment that the federal government made to this community should not be ignored.

It bears emphasis that Watertown's decision to install its I/P system was based on assurances from EPA that the technology would work. Fifteen years ago, EPA provided what amounted to a guarantee of the technology.

Local and Federal officials shared in the genesis of this problem and, therefore, it deserves a joint local/federal solution. Last May, I wrote the Senate Appropriations Committee to request federal funding to help upgrade the Watertown wastewater treatment plant.

While the federal government could be held accountable for full funding of this project, it is worth noting that Watertown recognizes its responsibility in this matter and has worked hard to secure significant local funding sources.

It is a reasonable request that this appropriations bill include funding for the City of Watertown. The Federal government was part of the fateful decision to go the I/P route. Moreover, in past years this bill has included funding for communities that installed I/P systems at the recommendation of the EPA. Complicity and precedent argued for Federal participation in the search for a solution. Absent such assistance, Watertown will be unable to solve its wastewater treatment facility problems.

Mr. President, the final version of the fiscal year 1996 VA, HUD, and independent agencies appropriations bill should include a substantial level of federal funding for the replacement of Watertown, South Dakota's wastewater treatment facility. I will continue to work with the managers of this bill to seek a fair resolution to this issue and hope that before this process is completed, a solution can be worked out.

YELLOW CREEK

Mr. COCHRAN. Mr. President, I rise for the purpose of engaging in a short colloquy with the distinguished Senator from Missouri, the chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee.

Will the Senator assist me in clarifying an issue in the bill under consideration today?

Mr. BOND. I would be pleased to assist my colleague, the senior Senator from Mississippi.

Mr. COCHRAN. I thank the Senator from Missouri. The issue I wish to clarify is the Appropriation Committee's intent on the transfer of the National Aeronautics and Space Administration (NASA) Yellow Creek facility to the State of Mississippi.

As the Senator knows, the Federal Government has a long history of involvement in Yellow Creek, located near Iuka, Mississippi. The site, originally purchased by the Tennessee Valley Authority for use as a nuclear energy plant, was subsequently transferred to NASA after the nuclear energy plant's cancellation. NASA intended to use Yellow Creek to build the Advanced Solid Rocket Motor (ASRM) and, after its cancellation, instead committed to use the site to build nozzles for the Redesigned Solid Rocket Motor (RSRM). On May 2, 1995, due to its current budgetary constraints, NASA terminated the RSRM nozzle production effort at Yellow Creek.

Would the Senator agree that the bill language included by the Appropriations Committee on the transfer of the NASA Yellow Creek facility reflects the most recent commitment made by NASA Administrator Dan Goldin to the Governor of the State of Mississippi. The major investment by the State of Mississippi in facilities and infrastructure to support Yellow Creek, in excess of $100 million, is a key factor in NASA's agreement to turn the site over to the State of Mississippi.

Mr. BOND. I agree with the Senator's assertion.

Mr. COCHRAN. Would the Senator further stipulate that the main elements of the agreement reached between NASA and the State of Mississippi, which the conferees would expect to be adhered to by both parties, are as follows:

First, the Yellow Creek facility will be turned over to the appropriate agency of the State of Mississippi within 30 days of enactment of this legislation. All of the NASA property on Yellow Creek which the State of Mississippi requires to facilitate the transfer of the site transfers with the site to the State, subject to the following exceptions anticipated by the conferees:

Any property assigned to a NASA facility other than Yellow Creek prior to May 2, 1995, but located at Yellow Creek will be returned to its assigned facility;

Only those contracts for the sale of NASA property at Yellow Creek signed by both parties prior to May 2, 1995 shall be executed;

Those items deemed to be in the "national security interest" of the federal government shall be retained by NASA. The national security clause shall be narrowly construed and shall apply only in a limited manner, consistent with established criteria relating to national security interests. This clause shall not be used to circumvent the intent of this legislation, which is to transfer the site and all of its property, except as otherwise noted, to the State of Mississippi.

Other items of interest to NASA may be retained by NASA with the consent of the State of Mississippi.

Further, it is the expectation of the Appropriations Committee conferees that all other NASA personal property will transfer to the State of Mississippi. The Appropriations Committee also expects facilities on the site not subject to the above provisions, such as the environmental lab, to be left as is.

Second, any environmental remediation of Yellow Creek necessary as a result of the activities of governmental agencies, such as NASA, or quasi-governmental agencies, such as the Tennessee Valley Authority, will be the responsibility of the federal agency or quasi-federal agency, including any successors and interests.

Third, within 30 days of enactment of this legislation $10 million will be transferred from NASA to the appropriate agency of the State of Mississippi.

And lastly, the site's environmental permits will become the property of the State of Mississippi. NASA will provide all necessary assistance in transferring these permits to the State of Mississippi.

Mr. BOND. I would agree with the Senator's stipulations.

Mr. COCHRAN. I thank the chairman. I appreciate his willingness to address the Yellow Creek transfer in the committee report.

DRUG ELIMINATION GRANTS

Mr. LAUTENBERG. I would like to engage Senator BOND in a colloquy. It is my understanding that H.R. 2099 contains funding for the Department of Housing and Urban Development's drug elimination program. I would like to know if it is the Senator's understanding that this funding will be available to privately owned, assisted housing?

Mr. BOND. Yes, this funding will be available to public housing and privately owned, federally assisted housing.

Mr. LAUTENBERG. I thank the Senator for clarifying this. Drug elimination grants have been enormously helpful in my state in the battle against drugs and drug-related crimes at public and assisted housing projects. This program is a critically important tool for us to maintain this country's multi-year investment in decent, affordable housing. I would like to thank Senator BOND for his leadership in supporting this successful and worthwhile program.

THE CENTER FOR INTERNATIONAL EARTH SCIENCE INFORMATION NETWORKS

Mr. ABRAHAM. Mr. President, I would like to engage the distinguished chairman of the Senate Appropriations Subcommittee on Veterans Affairs, Housing and Urban Development, and Independent Agencies in a brief discussion regarding the impact of H.R. 2099 on this year and future year's Mission to Plant Earth projects. The Committee Report accompanying H.R. 2099 directs a $6 million deletion in the Mission to Planet Earth program for the Consortium for International Earth Science Information Networks [CIESIN] in Saginaw, Michigan. This center is one of NASA's nine Distributed Active Archive Centers [DAACs] supporting the Earth Observing System Data and Information System. CIESIN is the only one that provides integrated socioeconomic data access for the study of the effect society has upon the environment. Because of this unique capability, I understand CIESIN fielded more requests for data last year than all of the other eight DAACs combined. I also understand NASA officials have stated the product provided by CIESIN is vital to the Earth Observing System program. In light of these considerations, I would ask my distinguished colleague from Missouri why the Committee recommends deleting the CIESIN budget request from the 1996 appropriations?

Mr. BOND. I understand my colleague's concerns regarding the Mission to Planet Earth program, but I wish to assure him the deletion recommendation is not targeted against CIESIN as an institution, but instead towards ensuring the function of CIESIN is integrated within NASA's Earth Observing System program to bring it in line with the structure of the other DAACs. That is why the full Appropriations Committee changed the Subcommittee recommendation on integrating this program into the EOS plan from 1997 to 1996; with that provision, the socioeconomic data function can continue uninterrupted if so desired by NASA.

Mr. ABRAHAM. I thank the Senator for that clarification, and wish to follow-up regarding how that data will be provided. Given NASA itself made the recommendation for CIESIN funding, I believe it is apparent this is a valid program given the Committee's recommendation to continue significant funding for the Mission to Planet Earth program. If NASA wished to bring in an outside contractor to provide this socioeconomic data service, would the Committee report language prevent CIESIN from bidding upon, and potentially winning such a contract?

Mr. BOND. Absolutely not. Nothing in the Committee report would prevent NASA from participating in any funded activities with CIESIN, whether within the Mission to Planet Earth program, or some other federal program.

Mr. ABRAHAM. If the Senator would be so kind, I would just like to wrap up with one more question. Given the House Report on H.R. 2099 also deletes $6 million for CIESIN, would the Senator from Missouri speculate as to whether similar language in a Conference report would also allow for CIESIN to receive a NASA contract for these services?

Mr. BOND. I believe the Conference language likely on this issue, given the close similarity between House and Senate positions, would allow for CIESIN to compete and win a NASA contract to provide this socioeconomic data, or to participate in any other federal program. As my distinguished counterpart in the House of Representatives stated on the House floor July 27th, "* * * there is nothing in the [House NASA] appropriations bill that prejudices competitive success by CIESIN for NASA funding in future requests or for bids of proposal." I will pursue such an interpretation in Committee and oppose any measures to preclude CIESIN from competitively bidding for federal contracts.

Mr. ABRAHAM. Mr. President, I wish to thank the chairman of the Subcommittee for that explanation and for the kind assistance he has provided me and my staff in resolving this issue. Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 2099, the Departments of Veterans Affairs and Housing and Urban Development and independent agencies appropriations bill for 1996.

This bill provides new budget authority of $81 billion and new outlays of $46.3 billion to finance the programs of the Departments of Veterans Affairs and Housing and Urban Development, the Environmental Protection Agency, NASA, and other independent agencies.

I congratulate the Chairman and Ranking Member for producing a bill that is within the Subcommittee's 602(b) allocation. When outlays from prior-year BA and other adjustments are taken into account, the bill totals $80.8 billion in BA and $92.5 billion in outlays. The total bill is under the Senate subcommittee's 602(b) nondefense allocation for budget authority by $36 million and under its allocation for outlays by $18 million. The subcommittee is also under its defense allocation by $18 million in BA and $20 million in outlays.

Although the bill is under the allocation for 1996, I would like to point out the budgetary effect that two of its provisions would have in 1997. The bill includes a demonstration program to start reducing the rental assistance subsidies to multifamily projects that are insured by FHA at above-market value, as well as a preservation grant program with a minimal paperwork process.

Both provisions, however, would not take effect until October 1, 1996—the beginning of fiscal year 1997. Because this provision would increase costs in the mandatory FHA program by $280 million in 1997, the discretionary cap for that year would be reduced by that amount.

In addition, because reducing the paperwork for the preservation grant program in 1997 is designed to increase the outflow of funds, 1997 outlays will be $400 million greater than they would be from that appropriation under the way the program currently works. This has the effect of a delayed obligation that will cost the committee $400 million against its allocation before it even starts marking up next year.

I ask Members of the Senate to refrain from offering amendments which would cause the subcommittee to exceed its budget allocation and urge the speedy adoption of this bill.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

VA–HUD SUBCOMMITTEE—SPENDING TOTALS—SENATE-REPORTED BILL

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Defense discretionary:		
Outlays from prior-year BA and other actions completed		78
H.R. 2099, as reported to the Senate	153	92
Scorekeeping adjustment		
Subtotal defense discretionary	153	169
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed		45,660
H.R. 2999, as reported to the Senate	61,464	28,963
Scorekeeping adjustment		
Subtotal nondefense discretionary	61,464	74,624
Mandatory:		
Outlays from prior-year BA and other actions completed		133
H.R. 2099, as reported to the Senate	19,362	17,213
Adjustment to conform mandatory programs with Budget		
Resolution assumptions	−224	341
Subtotal mandatory	19,138	17,688
Adjusted bill total	80,754	92,481
Senate Subcommittee 602(b) allocation:		
Defense discretionary	171	189
Nondefense discretionary	61,500	74,642
Violent crime reduction trust fund		
Mandatory	19,138	17,688
Total allocation	80,809	92,519
Adjustment bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	−18	−20
Nondefense discretionary	−36	−18
Violent crime reduction trust fund		

VA–HUD SUBCOMMITTEE—SPENDING TOTALS—SENATE-REPORTED BILL—Continued

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Mandatory		
Total allocation	−55	−38

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. SARBANES. Mr. President, the appropriations bill before us today represents a major step backward for the environment. While less extreme than the House-passed measure, it still proposes to cut EPA's budget by $1.7 billion—fully 23 percent below the levels enacted in fiscal 1995—and contains 11 so-called riders which would significantly undermine the Environmental Protection Agency's ability to administer and enforce environmental laws and perform its important mission of protecting public health and the environment.

Maryland alone would lose over $14 million in funding needed to upgrade outdated sewage treatment facilities—projects which have a direct impact on the water quality of the Chesapeake Bay, our coastal beaches and bays, and local waters. Legislative provisions in the underlying measure would prohibit EPA from implementing section 404(c) of the Clean Water Act which gives the agency authority to review U.S. Army Corps of Engineers wetlands permit decisions and provides another system of checks and balances in protecting the quality of our Nation's waters. In addition, the proposed cut of some $20 million in EPA's enforcement and compliance assurance program would severely impact upon the agency's ability to inspect industrial and Federal facilities in Maryland and prosecute violations.

Mr. President, this bill unfairly singles out EPA to bear a disproportionate share of the deficit reduction burden. It will not just decrease the rate of increases, but will severely cut EPA's funding. Its riders would undercut a number of our Nation's environmental statutes, without adequate hearings, public involvement or review. These actions are unjustified and unwarranted and for these and other reasons, I urge my colleagues to join me in rejecting this bill.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

U.S. SENTENCING COMMISSION RECOMMENDATIONS

Mr. HATCH. Mr. President, I rise today in support of S. 1254, a bill to block reductions in penalties for crack dealing proposed by the United States Sentencing Commission. If the Congress does not act, those changes will take effect this November 1.

According to the Department of Justice, which has also asked us to block implementation of the changes, the new penalty structure will make base sentences for crack anywhere from two to six times shorter than they are now.

That is simply irresponsible public policy. It would send a terrible message both to crack dealers and to communities trying to fight back against the crack trade.

No one, not even the Sentencing Commission, denies that the brunt of crack's social consequences have fallen on poor, urban, minority, residents. Given what crack has done to our cities, it frankly amazes me to hear people arguing for lower sentences. Especially from people who wouldn't for one moment tolerate an open-air crack market in their neighborhood in Scarsdale or Chevy Chase.

The Commission's own report, moreover, acknowledges that crack's psychoactive effects are far more intense than powder cocaine, which means that crack is far more addictive.

Members of the Sentencing Commission are concerned that the current sentencing structure creates a perception of unfairness because most convicted crack dealers are African-Americans, whereas a majority of convicted powder dealers are White or Hispanic. I am sensitive to these concerns. This Congress will deal severely and aggressively with any indication that prosecution or sentencing is being driven by racial considerations. We will not tolerate any racial discrimination in our criminal justice system.

But Mr. President, it is also important to remember that the number of people convicted for crack violations each year is just 3,430. I am more concerned, to be blunt, about the millions of people living in our cities whose quality of life is being ruined. These people have equal rights to safe neighborhoods.

To those who say the Federal Government is locking up tens of thousands of nonviolent, low-level offenders, let me say this: We studied that question. What we found was that out of the 3,430 crack defendants convicted in 1994, the number of youthful, small-time crack offenders with no prior criminal history and no weapons involvement, sentenced in Federal courts, was just 51. The median crack defendant was convicted of trafficking 109 grams—more than 2,000 rocks or doses. Only ten percent of crack defendants had trafficked less than 2–3 grams of crack—the equivalent of 40–60 doses.

And finally, on Tuesday, September 12, HHS released alarming figures showing drug use up sharply among our young people. Mr. President, this is not the time to be sending the message that we are weakening social sanctions against the drug trade.

I urge my colleagues to join me in supporting this legislation.

D.C. BOOTH HISTORIC FISH HATCHERY

Mr. PRESSLER. Mr. President, I rise today in honor of the rededication of the D.C. Booth Historic Fish Hatchery in Spearfish after extensive renovations. These developments represent exciting opportunities for learning and historic preservation.

It was Senator Pettigrew, one of South Dakota's earliest and most prominent Senators, who first appropriated funding for the hatchery in the 1890's. Originally called the Spearfish National Fish Hatchery, it was later renamed in honor of the original superintendent, D.C. Booth. The facility is now almost 100 years old and has been listed on the National Register of Historic Places. It is one of the oldest fisheries west of the Mississippi River and now plays a significant role in western South Dakota's tourism industry, bringing in over 200,000 visitors each year.

I worked closely with my colleagues on South Dakota's congressional delegation to authorize the renovation of the D.C. Booth Fish Hatchery. In 1991, Congress recognized the historic importance of this fish hatchery. Funding was subsequently provided to renovate the existing facilities. In addition, an underwater fish viewing area and a new historical fishery records and archive center were constructed. The archive center, which collects and preserves the national public historical fishery records and artifacts, is the only one of its kind in the country.

Over the years, the hatchery has also made strides towards improving fish population and diversity in western South Dakota. Interestingly enough, the trout which are raised at the D.C. Booth Fish Hatchery are not native to the Black Hills area. This hatchery originally was responsible for stocking not only the Black Hills, but also Yellowstone National Park.

One particularly interesting feature which will soon be available to tour is an old Federal Fishcar Service railroad car. At one time, trout eggs were transported to and from Spearfish in refrigerated rail cars. With the advent

of faster transportation, this method has long since been abandoned. When the exhibit is finished, visitors will be able to walk through a renovated rail car, complete with original dishes and trout egg storage trays.

On Sunday, September 24, 1995, a ceremony was held in Spearfish, SD, to rededicate the renovated D.C. Booth Historic Fish Hatchery. This ceremony would not have been possible without the hard work and dedication of Mr. Arden Trandahl, director of the site for the Fish and Wildlife Service. During his tenure in Spearfish, he has been thoroughly committed to preserving the historic significance of the hatchery.

Thanks to the devotion of Arden Trandahl and the Fish and Wildlife Service, the State of South Dakota, and the community of Spearfish, this renovation project is now a reality. I would also like to thank Molly Salcone and the other members of the D.C. Booth Society. As president of this non-profit society, she has fostered a unique private-public partnership which provided valuable assistance in the restoration of the D.C. Booth Fish Hatchery. This project is a great example of how we can all work together to make things happen.

The renovated D.C. Booth Historic Fish Hatchery provides a unique educational experience, combining past and present fish management. I extend my congratulations and best wishes for the future success of the facility.

THE FOUR EAGLES MEMORIAL

Mr. PRESSLER. Mr. President, today I would like to call attention to a monument recently dedicated to the memory of four men who lost their lives in a catastrophic plane crash near Minot, ND. The crash occurred during a blizzard in February 1994, as the pilot and passengers—three Indian Health Service [IHS] doctors—were travelling to several IHS clinics in the area.

The West River Monument Co. of Rapid City, SD, constructed a monument made of Dakota mahogany granite as a tribute to the victims of the crash. This monument, entitled "Four Eagles Memorial," was dedicated on Saturday, September 16, 1995.

For years now, I have been a strong advocate for small aircraft safety. It saddens me each time I learn of aircraft-related fatalities. The men who lost their lives in the crash were dedicated to their work, their families, and their friends. Their loss continues to be felt.

Yet, tributes like the one made to these men are heartfelt. While a year and one-half have passed since this tragedy, we will not forget the victims of the crash. My thoughts continue to be with the families and friends of the men who perished in this unfortunate accident. The Four Eagles Memorial will serve to remind us always of these four admired and well-respected men.

A recent article appeared in the Rapid City Journal of Rapid City, SD, regarding the dedication of the memorial. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Rapid City Journal, Sept. 15, 1995]

MEMORIAL TO DOCTORS DEDICATED SATURDAY

(By Bill Harlan)

Granite monument will honor the three Indian Health Service doctors killed in 1994 plane crash.

Stone cutter Ken Krzyzanowski will etch the doctor's names into the monument. Brandon Zander, a Stevens High School senior who works part-time at West River Monument Co., helped create the design. He is the son of the manager of West River Monument.

John DuBray says many people helped create the monument to three Indian Health Service doctors who died in a plane crash last year.

But DuBray is especially grateful to LeRoy Zander, manager of West River Monument Co. of Rapid City, which is building the memorial.

"He didn't know us from Adam, and he went above and beyond. He really did his best," DuBray said.

The "Four Eagles Memorial" is a granite monument that will stand nearly four feet tall when placed on its round concrete base in front of the main building at Sioux San Hospital.

DuBray and other Sioux San personnel will dedicate the memorial in a ceremony at 11 a.m. Saturday at the hospital, where two of the three doctors worked. The public is invited.

This week, the doctors' names are being etched on three sides of the "Dakota mahogany" granite, along with brief professional and personal descriptions.

An inscription on the fourth side will describe the purpose of the monument, which is "in lasting memory of our courageous physicians."

The four-sided memorial will rest on a round base, and two granite benches will be installed nearby, inscribed with names of the members of the doctors' families.

DuBray is a public health nursing assistant at Sioux San, and he also is coordinating the memorial project. He also worked with two of the doctors.

The doctors' plane went down in a blizzard near Minot, N.D., on Feb. 24, 1994. IHS were visiting IHS clinics in the region.

DuBray said four eagles on the monument and four juniper trees that will be planted at the site will memorialize the three doctors and the pilot, who also was killed.

The memorial cost $6,500, all of it donated.

Funds came from Sen. Tom Daschle, D-S.D., Sen. Larry Pressler, R-S.D., doctors of the Black Hills Regional Eye Institute, families of the doctors who were killed and other donors.

The doctors killed were Arvo Oopik, 37, a cardiologist based in North Carolina; Christopher Krogh, 45, a maternity and infant-care specialist based at Sioux San, and Ruggles Stahn, 46, a diabetes specialist also based at Sioux San.

The pilot of the plane was Ed Mellen, 53, who also died in the crash, and flew for B&L Aviation.

U.S.-SINO RELATIONS

Mr. THOMAS. Mr. President, last Friday I had the opportunity to speak before the Washington chapter of the Asia Society on the subject of U.S.-Sino relations. I would like to share that speech with my colleagues, and ask unanimous consent that the text be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TOWARDS A NEW CHINA POLICY

I'm very pleased to be here this morning to inaugurate the Asia Society's new forum series featuring members of Congress with responsibility for Asian policy issues. I'm also pleased to see Ambassador Nathan of Singapore, the new Sri Lankan ambassador, and Minister Zhang Keyuan from the Chinese embassy are here with us today.

The Subcommittee on East Asian and Pacific Affairs of the Senate Foreign Relations Committee, which I chair, has jurisdiction over Asia from Burma and Mongolia east to the shores of California. As you are all well aware, this area is probably the most dynamic in the world right now. With China, Taiwan, Japan, Hong Kong, Singapore and Vietnam, it is the economic engine that will drive the world economy into the 21st Century and beyond.

Among all these established and developing economies, with 1.2 billion people, a GDP equivalent around $2.73 trillion, a national product real growth rate last year of 13.4 percent, it is clear that the chief economic and political "tiger" that will dominate Asia in the years to come is the People's Republic of China. As such, the dynamics of our bilateral relationship will become even more important—both for us and the other countries in the region—in the years ahead. The U.S.-Sino relationship is a major focus of the work of the subcommittee. Of the six substantive hearings the subcommittee has held this year, four have concerned the PRC; we are planning at least three more before the close of the year. It is that relationship which I have been asked to address this morning.

It will come as no surprise to those of you here this morning that the US-Sino relationship is not presently at its best. Since the administration's decision to admit Taiwan's President Lee for a private visit, we have seen the most serious deterioration of relations since the Tiananmen Massacre. I won't engage in a step-by-step analysis of each of the incidents which have afflicted our relationship in the past year for two main reasons. First, I believe that you are all intimately familiar with them and their recitation would be redundant. More importantly, however, I believe that the problem is much more fundamental than those issues.

The core problem in U.S.-Sino relations is that we lack a coherent and clearly articulated foreign policy. Unfortunately, the phrase "Clinton foreign policy" is an oxymoron. Instead, of having clear proactive policy goals, and making them and our strong commitment to them known to the countries concerned, this administration drifts from reaction to reaction. The pitfalls of this kind of reactive policy are clearly apparent in what's been going on in Bosnia; and they are clearly apparent in our relationship with the PRC.

In my view, for there to be a viable foreign policy between, say, country A and country B, you should be able to ask officials from A

what its policy towards B is, ask B what A's policy towards B is, and get pretty close to the same answer from each. According to the Chinese, however, our policy towards them is one of containment. According to our State Department, it is one of "constructive engagement." You can see the problem here—there is a very large conceptual gap between these two.

"Constructive engagement" seems to me, and others I have spoken with, to be a bit vague. The administration describes it this way. Say there are 1,000 different individual issue strands that make up our over-all bilateral relationship. On some of the issues we're in complete agreement, others in partial agreement, and others in complete disagreement. So, we'll work on those areas where we might expect some progress, and not press those where we conflict. The administration calls this a policy. In my view, though, this is no policy at all, but 1,000 separate conflicting little policies. From what I hear from the Chinese, both officially and unofficially, they find it rather confusing as well.

This confusion is made worse by the domestic climate in each respective country. First, in the United States, there are the complications caused by the fact that nature, and the Congress, abhor a vacuum. When Congress perceives a lack of leadership on the foreign policy stage, it has traditionally been quick to step in and supply its own. This often leads to conflicting policies between the two branches and sends confusing signals abroad. A clear example is the visit of President Lee. The administration stated categorically that it would not issue a visa for Lee to pay a private visit to the United States. Both houses of Congress, on the other hand, made clear by overwhelming votes that he should be admitted.

In the P.R.C., the ongoing jockeying for power in the soon-to-be-post-Deng-Xiaoping era has also accentuated the problems in the bilateral relationship. In times of political flux in China, one of the tried and true ways of establishing one's conservative communist bona fides is to be stridently xenophobic. To be seen as coddling the United States, or giving in to its "demands," can thus be the functional equivalent of political suicide. As a result, during periods of transition such as this Chinese reaction to incidents it considers provocations is often overblown for domestic consumption. I hate to keep coming back to Taiwan as an example, but I strongly believe the PRC's overreaction to our admitting President Lee—for an unofficial visit well within the parameters of the three joint communiques—is a direct result of its leadership courting the political support of the conservatives in the PLA.

So, ladies and gentlemen, given all these problems I believe that the time has come to reevaluate and restructure our China policy, and that reevaluation needs to start with the very core premise upon which it is built. I'm sure if you've ever listened to administration or PRC officials, read the Congressional RECORD or the People's Daily, or spoken with a variety of public policy figures, you have heard the oft-repeated statement that our two countries need to be good friends, or need to return to being good friends, or shouldn't let present frictions stand in the way of what should be our close friendship.

I would love for the U.S. to be close friends with China, but expecting us to be close friends at this point in history overlooks a fundamental problem: the PRC is a totalitarian state, a communist dictatorship; the United States is a democracy. Almost by definition, a close friendship between two such diametrically opposed systems is impossible. Friendships are based on shared aspirations, shared goals, shared dreams; but our most fundamental views of politics and human freedoms are poles apart. This is not a pessimistic view, or the view based on some anti-China bias, or a Republican view, or a conservative view; it is a reality. The Chinese are rightly fond of their proverbs, and I would invoke one here to illustrate my point: "Hu lu bu tóng xóng"—"Tigers and deer do not walk together." To delude ourselves into thinking that as countries we will be anything near close friends is just that, a delusion.

I think both we and the Chinese government have to recognize that there are certain fundamental issues upon which, under our present political systems, we will never agree and which realistically preclude the kind of relationship we have with other countries in the region such as Japan. Having said that, however, I would note it does not mean that we can't establish a constructive working relationship with them based on areas where we have shared interests. I think that it's the difference between the friendship among close personal friends and a friendship based on, say, a business relationship. For example, it's the difference between my friendship with fellow Wyoming Senator Al SIMPSON and my friendship with Chinese Ambassador Li Daoyu. I grew up in Wyoming with Al, went to the same high school; the two of us have shared experiences and ideals that have made us the best of friends. Ambassador Li and I have a different friendship. I enjoy our meetings, I find our contacts helpful and informative, but our friendship is primarily business-based; there is not that closeness, nor would we either of us expect that there would be.

What our two countries need to do, then, is start over from that point, and work to reshape the very nature of our bilateral relationship. We need to build that relationship around a core of mutual respect and our shared goals. We need to state what the parameters of the policy are, and then we need to stick to them. In that way there are no surprises, no unmet expectations, no confusion on either side.

The most obvious area where we share interests is in the economic sphere. It is a symbiotic relationship; we have the technological know-how and the products, they have the desire to expand their economy and the almost unlimited market. This is probably our most stable and dependable commonality, problems with the rule of law and intellectual property rights aside. This stability is illustrated by the fact that during the recent downturn in our relationship, our economic ties remain relatively unscathed. Consequently, trade would probably be a good place to start to restructure the basis of the relationship. Secondly, we both have a general interest in maintaining a stable Asia. Instability endangers markets, endangers both our national security interests, and alienates and endangers our relationships with other countries in the region. This provides another base from which to build.

There will continue to be areas of real disagreement between us. But I believe that by mutually redefining our relationship (and I do not mean here, for the benefit of the Chinese government, in any way redefining our commitment to the three communiqués or the "one China" policy) we can perhaps minimize the effect those disagreements have on our bilateral relationship. I think that by being a bit more realistic about what kind of friendship we can have, we will somewhat lower our mutual expectations. When expectations in a relationship are lowered, blows to that relationship tend to have less of a disruptive impact.

Let me note in closing that I am not an Asia expert. Many of you in this room this morning have been pursuing Asian affairs for decades. I do not pretend to know all the nuances and eddies and currents of this part of the world. But let me quote once again a Chinese proverb: "Dang ju zhe mi, pang guan zhe qing"— "Observers can see a chess game more clearly than the players." Perhaps it is time for a fresh approach.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, before discussing today's bad news about the Federal debt, how about "another go," as the British put it, with our pop quiz. Remember? One question, one answer.

The question: How many millions of dollars does it take to add up a trillion dollars? While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the Federal debt that now exceeds $4.9 trillion.

To be exact, as of the close of business yesterday, September 25, the total Federal debt—down to the penny—stood at $4,949,968,824,497.45, of which, on a per capita basis, every man, woman and child in America owes $18,790.17.

Mr. President, back to our pop quiz, how many million in a trillion: There are a million million in a trillion.

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

A message from the House of Representatives announced that the Speaker has signed the following enrolled bills:

H.R. 1817. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

H.R. 1854. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

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-1471. A communication from the Director of the United States Arms Control and Disarmament Agency, transmitting, pursuant to law, a report entitled, "Arms Control, Nonproliferation and Disarmament Studies Completed in 1994"; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-305. A resolution adopted by the Senate of the Legislature of the State of Alaska; to the Committee on Armed Services.

"SENATE RESOLVE NO. 3

"Whereas the closure of the Naval Air Facility in Adak, Alaska, is anticipated to occur is 1995; and

"Whereas the land and existing infrastructure of the facility could be used after the closure to benefit people and businesses in the state, as well as to serve the long-term interests of the state and the federal government; and

"Whereas the closure of the facility presents a unique opportunity to develop a new community for the western Aleutians, to promote commercial ventures, and to use the existing land and infrastructure for community purposes; and

"Whereas, unless appropriate steps are taken immediately to preserve the buildings and other infrastructure from damage by wind and moisture, the future use of the existing infrastructure and the development of the Adak community will be jeopardized; be it

"*Resolved*, That the Senate supports the conversion of the Naval Air Facility in Adak, Alaska, into a facility that can be used beneficially by the citizens of the western Aleutians; and be it further

Resolved, That the Senate respectfully requests the United States Department of Defense to

(1) take effective and timely measures to preserve the infrastructure that constitutes the Naval Air Facility in Adak, Alaska;

(2) work closely with all federal and state agencies, the Department of the Navy, and the Aleut Corporation regarding the future use of the facility after its closure;

(3) designate in a timely manner an authority, preferably the Aleut Corporation, for developing the future use of the property constituting the facility; and

(4) arrange for the transfer of the property that constitutes the facility to the Aleut Corporation as part of the corporation's entitlement under 43 U.S.C. 1601-1641 (Alaska Native Claims Settlement Act)."

POM-306. A resolution adopted by the Cable Television Board of Campbell County, Kentucky relative to telecommunications; to the Committee on Commerce, Science, and Transportation.

POM-307. A resolution adopted by the Senate of the Legislature of the State of California to the Committee on Commerce, Science, and Transportation.

"SENATE RESOLUTION NO. 21

"Whereas, rail passenger service provided by the National Rail Passenger Corporation (Amtrak) is energy-efficient and environmentally beneficial, consuming less energy per passenger-mile than airlines and causing less air pollution; and

"Whereas, Amtrak provides mobility to citizens of many smaller communities poorly served by air and bus services, as well as to senior citizens, disabled people, students, and persons with medical conditions that prevent them from flying, who need trains as a travel option; and

"Whereas, travel by Amtrak is safer than driving, on a passenger-mile basis, and Amtrak operates even in severe weather conditions; and

"Whereas, Amtrak travel rose 48 percent from 1982 to 1993, and Amtrak dramatically increased the amount of its operating cost paid from revenues; and

"Whereas, the expansion of Amtrak service by using existing rail rights-of-way would cost less and use less land than the construction of new highways and airports, and would further Amtrak's energy-efficiency advantage; and

"Whereas, Federal investment in Amtrak has fallen in the last decade while it has risen for airports and highways; and

"Whereas, while states may use higheay trust fund mcney as an 80-percent federal match for a variety of nonhighway programs, they are prohibited from using those moneys for Amtrak projects; and

Whereas, Amtrak pays a fuel tax that airlines do not pay; Now, therefore, be it

"*Resolved by the Senate of the State of California*, That the President and the Congress of the United States are respectfully memorialized to do all of the following:

"(1) Maintain or increase federal funding for Amtrak.

"(2) Extend to Amtrak the same exemption from fuel taxes that is afforded airlines.

"(3) Allow states to use federal highway trust fund moneys for Amtrak projects if they so choose.

"(4) Include a strong Amtrak system in any plans for a National Transportation System; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-308. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

"ASSEMBLY JOINT RESOLUTION NO. 28

"Whereas, the future success of California's economy and the future welfare of its citizens rests upon its ability to increase the employment skills and competitiveness of its people and to stimulate economic growth; and

"Whereas, the improvement of California's employment capabilities and competitiveness of its people requires high quality education supported by an advanced telecommunications and information infrastructure; and

"Whereas, increases in the productivity and competitiveness of California's education and public library system are essential to upgrading the quality of the existing education system; and

"Whereas, the development of an advanced state-of-the-art telecommunications and information infrastructure, utilizing modern information processing technology in California's education and library system, linked locally, nationally, and internationally to businesses, residences, and other public and private services, is essential for achieving a quality educational system in a cost-effective manner; and

"Whereas, the development of an advanced state-of-the-art telecommunications infrastructure in California is essential to promoting the economic competitiveness of the state, improving the literacy and employment skill level of its citizens, and ensuring the future vitality of its educational and library systems; and

"Whereas, California must ensure that the state benefits from telecommunications infrastructure advances and ensure universal access to information and education resources for all residents of the state; and

"Whereas, California must assume a position of economic leadership and national prominence in the information age by funding school and library information infrastructure in a manner which is technology and provider neutral; and

"Whereas, California will attain a superior technology and provider neutral school and public library information and telecommunications infrastructure by utilizing and integrating, on a nondiscriminatory basis, the technology and services of numerous state-of-the-art providers; and

"Whereas, current funding mechanisms may not provide California's schools and public libraries with the funds needed to construct the infrastructure necessary to take advantage of telecommunications technologies and services, to purchase those services, or to provide the education, training, and information needs they are intended to serve; and

"Whereas, the current Congress has expressed its belief in the concept that the individual states are better able to determine their individual needs and are better positioned to determine how moneys should be spent to address those needs; and

"Whereas, the Federal Communications Commission is charged with the responsibility of administering the radio frequency spectrum as a national asset for the benefit of the American public; and

"Whereas, the Federal Communications Commission is currently conducting an auction of radio spectrum that will be used by winners of that auction to provide personal communications services; and

"Whereas, the Federal Communications Commission auction has generated moneys in excess of seven billion dollars which is approximately three billion dollars more than the approximately four billion dollars that has been earmarked for budget deficit reduction, and that this approximately three billion dollars should be shared with the individual states so that they may accelerate development of their telecommunications infrastructure by using public institutions such as schools and public libraries as catalysts: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Congress of the United States enact whatever laws are necessary to allow each state to share in the proceeds of the current Federal Communications Commission auction of radio spectrum for purposes of funding their schools' and public libraries' telecommunications and information infrastructure; and be it further

"*Resolved*, That revenues received as a result of this resolution be efficiently expended in a technology and provider neutral manner using California's schools and public libraries as catalysts to accelerate the development of the state's telecommunications and information infrastructure; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-309. A resolution adopted by the City Council of Puyallup, Washington relative to spent nuclear fuel; to the Committee on Environment and Public Works.

POM-310. A resolution adopted by the Assembly of Fairbanks North Star Borough,

Alaska relative to the Arctic National Wildlife Refuge; to the Committee on Energy and Natural Resources.

POM-311. A resolution adopted by the Chamber of Commerce of Lake City, Minnesota relative to nuclear waste; to the Committee on Energy and Natural Resources.

POM-312. A resolution adopted by the California-Pacific Annual Conference of the United Methodist Church relative to the Ward Valley Dump Site; to the Committee on Energy and Natural Resources.

POM-313. A resolution adopted by the Midwestern Legislative Conference of the Council of State Governments relative to spent-fuel shipping casks; to the Committee on Energy and Natural Resources.

POM-314. A resolution adopted by the Midwestern Legislative Conference of the Council of State Governments relative to spent nuclear fuel shipments; to the Committee on Energy and Natural Resources.

POM-315. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

"ASSEMBLY JOINT RESOLUTION NO. 3

"Whereas, the internationally respected United States Geological Survey has been proposed for possible elimination; and

"Whereas, the United States Geological Survey traces its history back to 1879 when Congress created an agency to identify natural hazards and locate natural resources; and

"Whereas, the United States Geological Survey counts among its former directors John Wesley Powell, the explorer who made the first boat trip down the Colorado River through the Grand Canyon; and

"Whereas, the loss of the United States Geological Survey would seriously damage the nation's efforts to improve water quality, prevent landslides, locate minerals, and identify unsafe construction sites and suitable toxic waste disposal sites; and

"Whereas, geologists with the United States Geological Survey have contributed to efforts by engineers and urban planners to revise building codes to improve earthquake preparedness; and

"Whereas, the National Weather Service issues flood advisory warnings based on information from the United States Geological Survey; and

"Whereas, the volcanic activity monitoring of the United States Geological Survey resulted in, for example, the early warning of the impending eruption of Mount Pinatubo in the Philippines which caused the evacuation of Clark Air Force Base and saved thousands of lives; and

"Whereas, the United States Geological Survey provides approximately 1,500 jobs in California, primarily in Menlo Park, Pasadena, and Sacramento; and

"Whereas, the state's flood, earthquake, and volcanic monitoring programs all depend on information from the automated instrument networks maintained by the United States Geological Survey to protect the public's safety; and

"Whereas, the state's water agencies rely on the United States Geological Survey's water resources division—the agency's largest single program—to compile data that serve as the basis for flood forecasting and water distribution statewide; and

"Whereas, the budget of the United States Geological Survey has remained static for years and, was cut by $13.2 million this year, and the agency has already been ordered to cut its staff by 12 percent by 1999: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and Congress to not eliminate the United States Geological Survey; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representatives from California in the Congress of the United States."

POM-316. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

"ASSEMBLY JOINT RESOLUTION NO. 33

"Whereas, Fredonyer Mountain and Fredonyer Pass are located 15 miles west of Susanville in the Lassen National Forest, and are named after an early resident of the area, Atlas Fredonyer, who is credited with discovery of the pass in 1850; and

"Whereas, in May 1862, Atlas Fredonyer was tried and convicted in Quincy for incestuous and criminal assault upon his 15-year old daughter Sally for which crime he was incarcerated in the State Prison at San Quentin; and

"Whereas, naming the mountain and pass after Atlas Fredonyer, given his crimes and subsequent conviction, seems improper, unacceptable, and undeserving to the residents of Lassen County and the state; and

"Whereas, on March 2, 1995, Lassen County Deputy Sheriff Larry Griffith became the first peace officer in the county to be killed in the line of duty in the last 25 years; and

"Whereas, Deputy Griffith was responding to a domestic dispute that day when he was mortally wounded while providing cover for fellow officers at the scene, which action saved the lives of two officers: Now, therefore be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the United States Board on Geographic Names, United States Geological Survey, to rename Fredonyer Mountain and Fredonyer Pass to Griffith Mountain and Griffith Pass in honor and recognition of the sacrifice made by Deputy Sheriff Larry Griffith on behalf of the residents of Lassen County; and be it further

"*Resolved*, That upon renaming the mountain and pass, a memorial plaque be erected, in a suitable location on the pass, to memorialize Deputy Sheriff Griffith and the courageous event that led to renaming the sites after him, and be it further

"*Resolved*, That the design, construction, and erection of the plaque be a cooperative effort of the federal government and the residents of the community; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Interior, to the Director of the United States Geological Survey, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-317. A concurrent resolution adopted by the Legislature of the State of Oregon; to the Committee on Energy and Natural Resources.

"HOUSE CONCURRENT RESOLUTION 14

"Whereas the Oregon and California Railroad Grant lands ("O & C Lands") were originally conveyed into private ownership the Act of July 25, 1866 (as amended by the Acts of June 25, 1868, and April 10, 1869), and the Act of May 4, 1870, to aid, in conjunction with construction of a railway, in the economic development of the State of Oregon and its communities; and

"Whereas the railway was built but the intent of the original grants to facilitate community development was not carried out and on February 14, 1907, the State of Oregon petitioned the Congress of the United States by legislative memorial to take steps necessary to compel action in furtherance of the original intent of the land grants; and

"Whereas the O & C Lands were revested to the United States by the Act of June 9, 1916, for the purpose of management and redisposition to achieve the original goal of economic development of local communities, particularly in the 18 Oregon counties within which the O & C Lands are situated ("O & C Counties"); and

"Whereas the United States ceased reconveying the grant lands back into private ownership and, instead, Congress placed them by the Act of August 28, 1937, into management for the sustained yield of timber with minimum harvest levels to provide for long-term community stability in the O & C Counties, conservation of watersheds and provision of recreational opportunities; and

"Whereas the State of Oregon by legislative memorial on April 27, 1951, petitioned Congress to transfer title to the lands to the State of Oregon to help achieve the efficient management of the lands for the benefit of the people of the State of Oregon; and

"Whereas approximately $1 billion in revenues that would, under the law, have gone to the O & C Counties since 1952 were instead retained by the Federal Government with the understanding that the revenue would be used to improve the sustained yield capacity of the O & C Lands and would increase the annual harvests and revenues from the O & C Lands; and

"Whereas the Federal Government is not now complying with its obligations under the Act of August 28, 1937, and has reduced the annual harvest below required minimum levels, thereby endangering the economic stability of the O & C Counties, their timber-dependent communities and the families dependent on timber jobs: Now, therefore, be it

"*Resolved by the Legislative Assembly of the State of Oregon:* That the Congress of the United States be and hereby is urged to pass such legislation as will result in the transfer of title to the O & C Lands to the State of Oregon, subject to such terms and conditions as are necessary to assure management in perpetuity for the sustained yield of timber to stabilize and support the O & C Counties, conserve watersheds and provide recreational opportunities to all citizens, as set forth in the Act of August 28, 1937, and to provide sound wildlife management and protect cultural resources; and be it further

"*Resolved*, That copies of this resolution shall be sent to the President, the Speaker of the House of Representatives and the President of the Senate of the United States and to each member of the Oregon Congressional Delegation."

POM-318. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Energy and Natural Resources.

"SENATE CONCURRENT RESOLUTION NO. 8

"Whereas, the United States Department of Interior, Bureau of Reclamation, in times past has assisted the people of the State of Texas by cooperating with state and local

governments in development of the state's water resources for municipal and industrial purposes; and

"Whereas, the projects developed by the Bureau of Reclamation in Texas are complete and have been turned over to local sponsors of the projects for operation; and

"Whereas, the water made available by such projects is water of the State of Texas, managed under the laws of Texas by the Texas Natural Resource Conservation Commission and local governmental entities; and

"Whereas, Bureau of Reclamation projects in Texas were authorized by congress and constructed under contracts that require repayment of the local share of costs to the Bureau of Reclamation; and

"Whereas, the Bureau of Reclamation's current actual function is largely limited to supervision or repayment of the local share of costs; and

"Whereas, in recent years the Bureau of Reclamation's mission has shifted from water resource conservation and development to oversight and management of existing projects; and

"Whereas, the Bureau of Reclamation, in an effort to support extended oversight and management activities, has imposed fees and charges on local sponsors for services that are neither necessary nor desired; and

"Whereas, State and local governments can manage local water resource projects more economically and efficiently for the benefit of all citizens and the environment of the State of Texas without assistance from the Bureau of Reclamation; and

"Whereas, the Legislature of the State of Texas favors elimination of unfunded federal mandates, unnecessary federal bureaucracy, and elimination of federal debt; and

"Whereas, elimination of operational expenses for the Bureau of Reclamation and immediate repayment of project indebtedness due would assist in balancing the federal budget: Now, therefore, be it

Resolved, That the 74th Legislature of the State of Texas hereby endorse management of state water resource projects by state and local governmental entities created for that purpose without restraint, interference, or unsolicited assistance from the Bureau of Reclamation; and, be it further

"*Resolved*, That the Texas Water Development Board, as requested by those entities, is directed to assist local and regional entities in acquiring, either for the local entities or the state, the Bureau of Reclamation ownership interest in existing projects in Texas; and, be it further

"*Resolved*, That the Texas Legislature hereby encourage and urge congress to adopt legislation facilitating acquisition of the Bureau of Reclamation interests in existing projects in Texas by the state and local governments; and, be it further

"*Resolved*, That the Texas Secretary of State forward official copies of this resolution to the United States Department of Interior, Bureau of Reclamation, the President of the United States, the president of the senate and the speaker of the house of representatives of the United States, and all members of the Texas delegation to the congress with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

Ernest W. DuBester, of New Jersey, to be a Member of the National Mediation Board for a term expiring July 1, 1998.

Daniel A. Mica, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 1997.

Hughey Walker, of South Carolina, to be a Member of the National Council on Disability for a term expiring September 17, 1996.

Thomas R. Bloom, of Virginia, to be Inspector General, Department of Education.

Harris Wofford, of Pennsylvania, to be Chief Executive Officer of the Corporation for National and Community Service.

The following candidates for personnel action in the regular corps of the Public Health Service subject to qualifications therefore as provided by law and regulations:

To be assistant surgeon

Patricia A. Berry
Christine Casey
Stephanie E. Markman
Michael E. Toedt
Catherine L. Woodhouse

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. THURMOND, from the Committee on Armed Services:

The following named officer under the provisions of title 10, United States Code, section 152, for reappointment as Chairman of the Joint Chiefs of Staff and reappointment to the grade of general while serving in that position under the provisions of title 10, United States Code, section 601(a):

CHAIRMAN OF THE JOINT CHIEFS OF STAFF

To be general

Gen. John M. Shalikashvili, 331-30-8495, U.S. Army.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Ms. MOSELEY-BRAUN):

S. 1273. A bill to amend the Internal Revenue Code of 1986 to allow a credit for interest paid on education loans; to the Committee on Finance.

By Mr. LOTT (for himself, Mr. SIMPSON, Mr. NICKLES, and Mr. INHOFE):

S. 1274. A bill to amend the Solid Waste Disposal Act to improve management of remediation waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. SPECTER, Mr. KYL, and Mrs. HUTCHISON):

S. 1275. A bill to provide for appropriate remedies for prison condition lawsuits, to discourage frivolous and abusive prison lawsuits, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Ms. MOSELEY-BRAUN):

S. 1273. A bill to amend the Internal Revenue Code of 1986 to allow a credit for interest paid on education loans; to the Committee on Finance.

THE HIGHER EDUCATION INVESTMENT ACT OF 1995

• Mr. GRASSLEY. Mr. President, today I am introducing legislation on behalf of myself and my able colleague from Illinois, Senator MOSELEY-BRAUN. We call it the Higher Education Investment Act of 1995. We hope that this bill will launch an individual income tax credit for interest paid by young people on their student loans.

Our own young people are the ones who truly must balance the Federal budget for the long run. I believe that if we on Capitol Hill want to do our part to balance the Federal budget for the long run, then we must aid human investment in one of its highest forms: knowledge gained through education. As the U.S. Senate, with an obligation toward the national economy, we must underwrite higher education as an economic investment toward future Federal tax revenues. This bill is the workable legislative vehicle.

As a practical matter of income tax credits, the Higher Education Investment Act of 1995 provides targeted taxpayers with a credit for up to 20 percent of the interest paid during the first 5 years in which payments are required on qualified educational loans. A student taxpayer may utilize both this credit and the standard deduction. Thus, a young person, or young married couple, can utilize this credit regardless of whether they are fortunate enough to have the money to begin buying a home and enjoying its related tax benefits. In fact, we intend this bill to aid young people, who are just starting out in life, in their effort to retain enough cash so that they too can have a chance at beginning the good life that many of us from older generations have enjoyed.

As a Congress, we have been decades in saddling the next generation with the burden of paying off our national debt. At a minimum, we should allow its members a mechanism to leverage themselves to accomplish their enormous task. To earn the necessary cash flow to succeed, and to not slip into a lower standard of living that we currently enjoy, the members of the next generation must arm themselves both with knowledge and income potential. During the past decade, tuition and fees at both public and private colleges and universities have increased at rates far exceeding inflation. During the same decade we in Congress eliminated the interest deduction for student loans. Thus, we require the next generation to not only borrow more than we borrowed, we force them pay more than we paid. All of us must find

it ironic that, in their efforts to settle up on our open account, which is full of our excesses, we have denied them the same tax benefitted education that we enjoyed.

The social cost is enormous. Large volumes of student loan debt steer students away from socially useful though low paying careers such as teaching, research, or public service. It curbs entrepreneurial action because entrepreneurial ventures involve risk, and large, fixed, monthly student loan repayment obligations do not lend themselves to a young person's appetite for risk. Without this student loan interest credit, which is consistent with a progressive tax code, we will fail to invest in our most long lived and productive assets: the minds of our electorate.

Therefore, Mr. President, we challenge our colleagues to once again underwrite knowledge by first underwriting and co-sponsoring this bill.

Mr. President, I ask unanimous consent to include the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher Education Investment Act of 1995".

SEC. 2. CREDIT FOR INTEREST ON EDUCATION LOANS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 22 the following new section:

"SEC. 23. INTEREST ON EDUCATION LOANS.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 20 percent of the interest paid by the taxpayer during the taxable year on any qualified education loan.

"(b) MAXIMUM CREDIT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowed by subsection (a) for the taxable year shall not exceed $500 ($1,000 in the case of 2 or more individuals with qualified higher education expenses paid by any qualified education loan).

"(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—If the modified adjusted gross income of the taxpayer for the taxable year exceeds $40,000 ($60,000 in the case of a joint return), the amount which would (but for this paragraph) be allowable as a credit under this section shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so allowable as such excess bears to $15,000.

"(B) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means adjusted gross income determined—

"(i) without regard to sections 135, 911, 931, and 933, and

"(ii) after application of sections 86, 219, and 469.

"(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 1996, the $40,000 and $60,000 amounts referred to in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, except that subparagraph (B) of subsection (1)(f)(3) shall be applied by substituting '1995' for '1992'.

"(D) ROUNDING.—If any amount as adjusted under subparagraph (C) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50 (or, if such amount is a multiple of $25, such amount shall be rounded to the next highest multiple of $50).

"(c) LIMITATION ON TAXPAYERS ELIGIBLE FOR CREDIT.—No credit shall be allowed by this section to an individual for the taxable year if a deduction under section 151 with respect to such individual is allowed to another taxpayer for the taxable year beginning in the calendar year in which such individual's taxable year begins.

"(d) LIMIT ON PERIOD CREDIT ALLOWED.—

"(1) TAXPAYER AND TAXPAYER'S SPOUSE.—Except as provided in paragraph (2), a credit shall be allowed under this section only with respect to interest paid on any qualified education loan during the first 60 months (whether or not consecutive) in which interest payments are required. For purposes of this paragraph, any loan and all refinancings of such loan shall be treated as 1 loan.

"(2) DEPENDENT.—If the qualified education loan was used to pay education expenses of an individual other than the taxpayer or the taxpayer's spouse, a credit shall be allowed under this section for any taxable year with respect to such loan only if—

"(A) a deduction under section 151 with respect to such individual is allowed to the taxpayer for such taxable year, and

"(B) such individual is at least a half-time student with respect to such taxable year.

"(e) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED EDUCATION LOAN.—The term 'qualified education loan' means any indebtedness incurred to pay qualified higher education expenses—

"(A) which are incurred on behalf of the taxpayer, the taxpayer's spouse, or a dependent of the taxpayer,

"(B) which are paid or incurred within a reasonable period of time before or after the indebtedness is incurred, and

"(C) which are attributable to education furnished during a period during which the recipient was at least a half-time student.

Such term includes indebtedness used to refinance indebtedness which qualifies as a qualified education loan. The term 'qualified education loan' shall not include any indebtedness owed to a person who is related (within the meaning of section 267(b) or 707(b)(1)) to the taxpayer.

"(2) QUALIFIED HIGHER EDUCATION EXPENSES.—The term 'qualified higher education expenses' means the cost of attendance (as defined in section 472 of the Higher Education Act of 1965, 20 U.S.C. 1087*ll*, as in effect on the day before the date of the enactment of this Act) of the taxpayer, the taxpayer's spouse, or a dependent of the taxpayer at an eligible educational institution. For purposes of the preceding sentence, the term 'eligible educational institution' has the same meaning given such term by section 135(c)(3), except that such term shall also include an institution conducting an internship or residency program leading to a degree or certificate awarded by an institution of higher education, a hospital, or a health care facility which offers postgraduate training.

"(3) HALF-TIME STUDENT.—The term 'half-time student' means any individual who would be a student as defined in section 151(c)(4) if 'half-time' were substituted for 'full-time' each place it appears in such section.

"(4) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152.

"(f) SPECIAL RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any amount for which a deduction is allowable under any other provision of this chapter.

"(2) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

"(3) MARITAL STATUS.—Marital status shall be determined in accordance with section 7703."

(b) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to information concerning transactions with other persons) is amended by inserting after section 6050P the following new section:

"SEC. 6050Q. RETURNS RELATING TO EDUCATION LOAN INTEREST RECEIVED IN TRADE OR BUSINESS FROM INDIVIDUALS.

"(a) EDUCATION LOAN INTEREST OF $600 OR MORE.—Any person—

"(1) who is engaged in a trade or business, and

"(2) who, in the course of such trade or business, receives from any individual interest aggregating $600 or more for any calendar year on any qualified education loan,

shall make the return described in subsection (b) with respect to each individual from whom such interest was received at such time as the Secretary may by regulations prescribe.

"(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe,

"(2) contains—

"(A) the name and address of the individual from whom the interest described in subsection (a)(2) was received,

"(B) the amount of such interest received for the calendar year, and

"(C) such other information as the Secretary may prescribe.

"(c) APPLICATION TO GOVERNMENTAL UNITS.—For purposes of subsection (a):

"(1) TREATED AS PERSONS.—The term 'person' includes any governmental unit (and any agency or instrumentality thereof).

"(2) SPECIAL RULES.—In the case of a governmental unit or any agency or instrumentality thereof—

"(A) subsection (a) shall be applied without regard to the trade or business requirement contained therein, and

"(B) any return required under subsection (a) shall be made by the officer or employee appropriately designated for the purpose of making such return.

"(d) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return, and

"(2) the aggregate amount of interest described in subsection (a)(2) received by the

person required to make such return from the individual to whom the statement is required to be furnished.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) was required to be made.

"(e) QUALIFIED EDUCATION LOAN DEFINED.—For purposes of this section, except as provided in regulations prescribed by the Secretary, the term 'qualified education loan' has the meaning given such term by section 23(e)(1).

"(f) RETURNS WHICH WOULD BE REQUIRED TO BE MADE BY 2 OR MORE PERSONS.—Except to the extent provided in regulations prescribed by the Secretary, in the case of interest received by any person on behalf of another person, only the person first receiving such interest shall be required to make the return under subsection (a)."

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 22 the following new item:

"Sec. 23. Interest on education loans."

(2) The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050P the following new item:

"Sec. 6050Q. Returns relating to education loan interest received in trade or business from individuals."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any qualified education loan (as defined in section 23(e)(1) of the Internal Revenue Code of 1986, as added by this section) incurred on, before, or after the date of the enactment of this Act, but only with respect to any loan interest payment due after December 31, 1995, and before the termination of the period described in section 23(d)(1) of such Code.●

By Mr. LOTT (for himself, Mr. SIMPSON, Mr. NICKLES, and Mr. INHOFE):

S. 1274. A bill to amend the Solid Waste Disposal Act to improve management of remediation waste, and for other purposes; to the Committee on Environment and Public Works.

THE REMEDIATION WASTE MANAGEMENT IMPROVEMENT ACT OF 1995

Mr. LOTT. Mr. President, since the beginning of this year, administration officials have said they both need and want more regulatory flexibility to continue achieving environmental clean up goals through the Resource Conservation and Recovery Act [RCRA].

I want to share with my colleagues several quotes. They are useful to set the stage for my legislation.

President Clinton, this past January in his State of the Union Address, said that: "* * * we need common sense and fairness * * * and we [can] still clean up toxic waste dumps. And we ought to do it."

President Clinton even declared on March 16th that he needs legislative reforms to: "* * * fix provisions of RCRA * * * [to avoid] high costs and marginal environmental benefit."

Vice-President GORE, this spring, promised that: "* * * environmental protection * * * will protect more and cost less * * *" in his Reinventing Government brochure.

EPA Administrator Browner, this spring, testified to our Senate's Environment and Public Works Committee that: "* * * reform efforts are so crucial; we must meet these challenges with commonsense cost-effective measures."

EPA's Head of the Office of Solid Waste, Mr. Shapiro, this summer, testified to the House's Commerce Subcommittee that: "* * * we have learned [to] rely on * * * our State partners, and we have learned that flexibility is vital to our success."

EPA, this spring, reaffirmed its commitment to permanently implement the regulatory status of petroleum contaminated media under the Underground Storage Tank Program to avoid " * * * delays in remediation action and increases in remediation costs."

EPA's briefing document, this summer, reported that DOD wanted cost to be factored into level of cleanups, and even OMB advocated a one-regulator cleanup approach.

The Reinventing Government brochure went on to assure that by July 15 of this year a package of rifle shot reforms would be delivered to Congress.

The administration was sending out a loud and consistent theme:

First, RCRA reforms are desired;

Second, RCRA reforms are needed this year; and

Third, RCRA reforms must be legislative.

I heard the administration's message.

Let's also recognize that Americans clearly are fed up with ineffective environmental programs that do little for clean-up, but lots for lawyers. They do not want their hard-earned tax dollars being wasted.

Thoughtful citizens are exhausted by excessive, prescriptive regulations that exaggerate risks which too often are based upon emotion rather than scientific evidence. Buzzword phrases like "rational rules," "reasonably expected scenarios," "stop Federal mandates," and "one-size does not fit-all" are typical and part of everyday, commonplace dialogue from Hernando to Excatawpa, MS.

I heard the Public's message too.

Before I go any further, I want to be up-front about my goals for this legislation: First, make RCRA work faster and cheaper; Second, remove regulations that are counterproductive to cleanups; Third, streamline agency decisionmaking; and Fourth, give states authority to make decisions.

Now, I want to explain why my environmental policy reform bill just concentrates on RCRA:

True, it is a program that does not have an attention getting name, like Superfund. Some would even say it is a program with an unpronounceable name.

True, it is a program which perhaps many Americans are not aware of. But it is far more widespread then Superfund.

My colleagues need to hear a few numbers to understand why Congress needs to deal with RCRA:

There are five times as many RCRA sites as there are Superfund sites. In Mississippi there are just two Superfund sites, but there are over 40 RCRA Corrective Action Sites.

And, a respected study conducted 4 years ago reported that roughly $240 billion will be spent on RCRA remediation. As a reference point that is nearly $100 billion more than will be spent on the notorious Superfund.

RCRA is a big, albeit invisible, and expensive program that the administration wants to reform.

Well, so do I.

I have responded with a sensible, responsive and responsible legislative solution. It is not a comprehensive across-the-board reform, rather it is surgical approach which targets just a few specific problem areas. The administration calls it rifle-shot legislative fixes.

My legislative solution has two basic straight-forward features which will save billions and remediate quicker all without inhibiting or lessening environmental protection:

First, it replaces inappropriate RCRA requirements originally designed to minimize the amount of routinely generated hazardous waste with a remediation action plan concept which will maximize site cleanup by empowering state regulators to make common sense cleanup decisions, and to give them authority to enforce these decisions.

Second, it codifies the regulatory status of cleanup materials ensuring the continuation of the highly successful Underground Storage Tank Corrective Action Program.

I believe it makes sense to focus this environmental reform effort to an incremental method. We need to go step-by-step making directed changes and then pausing to examine the consequences before returning with additional legislation.

That is why my bill deals with only two issues. It avoids Washington's Christmas tree mentality of loading up on numerous disconnected changes. It also sidesteps policy matters which are more appropriately handled through the upcoming Superfund reauthorization.

My legislative solution will merely tailor RCRA's regulatory process to site-specific remediation to ensure common sense, enforceable cleanup occur. I urge my colleagues to examine my proposal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMEDIATION WASTE MANAGEMENT IMPROVEMENT.

(a) DEFINITIONS.—Section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903) is amended by adding at the end the following:

"(42) COMPLIANCE AUTHORITY.—The term 'compliance authority' means the authority to issue, enter into, approve, enforce, and ensure compliance with a remedial action plan.

"(43) NONPROGRAM STATE.—The term 'nonprogram State' means a State other than a program State.

"(44) ORIGINATING STATE.—The term 'originating State' means a State in which remediation waste is generated under a remedial action plan.

"(45) PROGRAM STATE.—The term 'program State' means a State that has a State remediation waste management program authorized under section 3006(i).

"(46) REMEDIAL ACTION PLAN.—The term 'remedial action plan' means a document or portion of a document (including but not limited to, an order, permit, or agreement) that—

"(A) is issued, entered into, or approved by the Administrator or a program State;

"(B) ensures that the management of the remediation waste is performed in a manner that is protective of human health and the environment by specifying—

"(i) the remediation waste that is the subject of the document;

"(ii) the manner in which the remediation waste will be managed;

"(iii) the methods of remediation; and

"(iv) the schedule for implementation; and

"(C) has been the subject of appropriate public notice and comment; and

"(D) provides for the exercise of compliance authority in accordance with section 3001(j)(1) and, in the case of a plan over any portion of which any other entity (a State or the Administrator) other than the entity that issued or entered into the plan is to exercise compliance authority, has the concurrence of the other entity for the portion of the plan for which the other entity has compliance authority, except that nothing in this subparagraph applies to remediation waste that is managed in accordance with subtitle C.

"(47) REMEDIATION WASTE.—The term 'remediation waste' means a solid waste or any medium (including ground water, surface water, soil, and sediment) generated during implementation of a remedial action plan that—

"(A) is, or is derived from, a listed hazardous waste;

"(B) contains or is mixed with a listed hazardous waste; or

"(C) exhibits a characteristic of a hazardous waste.".

(b) IDENTIFICATION AND LISTING.—Section 3001 of the Solid Waste Disposal Act (42 U.S.C. 6921) is amended by adding at the end the following:

"(j) REMEDIATION WASTE.—

"(1) COMPLIANCE AUTHORITY.—

"(A) PROGRAM STATES.—Except as provided in section 3008, a program State shall exercise compliance authority with respect to a remedial action plan insofar as the remedial action plan describes the management of remediation waste in the program State.

"(B) NONPROGRAM STATES.—The Administrator shall exercise compliance authority with respect to a remedial action plan insofar as the remedial action plan describes the management of remediation waste in a nonprogram State.

"(C) REMEDIATION WASTE MANAGED INTERSTATE.—With respect to the management of remediation waste under a remedial action plan that provides that part of the management will be performed in another State other than the originating State—

"(i) if the other State is a program State, the program State shall exercise compliance authority with respect to the portions of the remedial action plan describing the management of remediation waste in the other State; or

"(ii) if the other State is a nonprogram State, the Administrator shall exercise compliance authority with respect to the portions of the remedial action plan describing the management of remediation waste in the other State.

"(2) CONDITIONAL EXCLUSION.—Notwithstanding any other provision of this subtitle, remediation waste that is managed under a remedial action plan shall not to be a hazardous waste for purposes of this subtitle.".

(c) AUTHORIZED STATE HAZARDOUS WASTE REMEDIATION PROGRAMS.—Section 3006 of the Solid Waste Disposal Act (42 U.S.C. 6926) is amended by adding at the end the following:

"(i) AUTHORIZED STATE REMEDIATION WASTE MANAGEMENT PROGRAMS.—

"(1) STATES WITH AUTHORIZED HAZARDOUS WASTE PROGRAMS.—

"(A) CERTIFICATION.—A State that has a hazardous waste program authorized under subsection (b) may submit to the Administrator a certification, supported by such documentation as the State considers to be appropriate, demonstrating that the State has—

"(i) statutory and regulatory authority (including appropriate enforcement authority) to control the management of remediation waste from generation to final disposal in a manner that is protective of human health and the environment;

"(ii) resources in place to administer and enforce the authorities; and

"(iii) procedures to ensure public notice and opportunity for comment on remedial action plans submitted to the State.

"(B) INTERIM AUTHORIZATION.—Subject to subparagraph (C)(iii), beginning 60 days after submission of a certification under subparagraph (A), the State may proceed to carry out the remediation waste management program of the State until the Administrator issues a final determination under subparagraph (C).

"(C) DETERMINATION.—

"(i) IN GENERAL.—Not later than 18 months after the date on which a State submits to the Administrator a certification under subparagraph (A), after public notice and opportunity for comment, the Administrator shall issue to the State and publish in the Federal Register a determination that—

"(I) the certification meets all of the criteria stated in subparagraph (A), and the State has final authorization to carry out the remediation waste management program of the State; or

"(II) the certification fails to meet 1 or more of the criteria stated in subparagraph (A), stating with particularity the elements of the State program that are considered to be deficient, and that the deficiency would be likely to result in a State remediation waste management program that is not protective of human health and the environment.

"(ii) DEFAULT.—

"(I) IN GENERAL.—Except as provided in subclause (II), if the Administrator does not issue a determination under clause (i) within 18 months after the date on which a State submits to the Administrator a certification under subparagraph (A), the certification shall be considered to meet all of the criteria stated in subparagraph (A), and the State shall have final authorization to carry out the remediation waste management program of the State.

"(II) WITHDRAWAL OF AUTHORIZATION.—If the Administrator subsequently withdraws authorization for a State remediation waste program in accordance with subsection (e), the Administrator shall ensure completion of any ongoing remedial action plan.

"(iii) PRELIMINARY DETERMINATION.—If the Administrator determines that—

"(I) on preliminary review, it appears that it will likely be determined after notice and comment that a certification fails to meet 1 or more of the criteria stated in subparagraph (A); and

"(II) injury to human health or the environment would likely result from interim implementation of the State remediation waste management program under subparagraph (B),

the Administrator may issue a preliminary determination to the State, and the State shall not have interim authorization under subparagraph (B).

"(2) STATES WITHOUT AUTHORIZED HAZARDOUS WASTE PROGRAMS.—

"(A) CERTIFICATION.—A State that does not have a hazardous waste program authorized under subsection (b) may submit to the Administrator a certification, supported by such documentation as the State considers to be appropriate, demonstrating that the State has—

"(i) statutory and regulatory authority (including appropriate enforcement authority) to control the management of remediation waste from generation to final disposal in a manner that is protective of human health and the environment;

"(ii) resources in place to administer and enforce the authorities; and

"(iii) procedures to ensure public notice and opportunity for comment on remedial action plans submitted to the State.

"(B) INTERIM AUTHORIZATION.—Beginning 1 year after a certification under subparagraph (A), the State may proceed to carry out the remediation waste management program of the State until the Administrator issues a determination under subparagraph (C).

"(C) DETERMINATION.—

"(i) IN GENERAL.—Not later than 2 years after the date on which a State submits to the Administrator a certification under subparagraph (A), after public notice and opportunity for comment, the Administrator shall issue to the State and publish in the Federal Register a determination that—

"(I) the certification meets all of the criteria stated in subparagraph (A), and the State has final authorization to carry out the remediation waste management program of the State; or

"(II) the certification fails to meet 1 or more of the criteria stated in subparagraph (A), stating with particularity the elements of the State program that are considered to be deficient.

"(ii) DEFAULT.—

"(I) IN GENERAL.—Except as provided in subclause (II), if the Administrator does not issue a determination under clause (i) within 2 years after the date on which a State submits to the Administrator a certification

under subparagraph (A), the certification shall be considered to meet all of the criteria stated in subparagraph (A), and the State shall have final authorization to carry out the remediation waste management program of the State.

"(II) WITHDRAWAL OF AUTHORITY.—If the Administrator subsequently withdraws authorization for a State remediation waste management program in accordance with subsection (e), the Administrator shall ensure completion of any ongoing remedial action plan.".

(d) ENFORCEMENT.—Section 3008(a) of the Solid Waste Disposal Act (42 U.S.C. 6928(a))) is amended—

(1) in paragraph (1)—

(A) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(B) by inserting after "subtitle" the following: "or any requirement contained in a remedial action plan issued or entered into by the Administrator or with respect to which the Administrator exercises compliance authority under section 3001(j)";

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

"(3) REMEDIATION WASTE.—

"(A) NOTICE OF VIOLATION.—Notwithstanding any other provision of this section, if, on the basis of any information, the Administrator determines that a person has violated or is in violation of any requirement for the management of remediation waste contained in a remedial action plan implemented under a State remediation waste management program authorized under section 3006(i), the Administrator shall provide notice to the State in which the violation occurred or is occurring prior to commencing any action to require compliance with the requirements of the remedial action plan.

"(B) COMPLIANCE ORDER.—If, after the 30th day after the Administrator issues a notice of violation under subparagraph (A), a State has not taken appropriate action to require compliance with requirements of the remedial action plan, the Administrator may issue an order or commence an action under paragraph (1) to enforce the remediation waste management requirements of the remedial action plan.".

(e) RELEASE, DETECTION, PREVENTION, AND CORRECTION.—Section 9003 of the Solid Waste Disposal Act (42 U.S.C. 6991b) is amended by adding at the end the following:

"(i) PETROLEUM-CONTAMINATED MEDIA AND DEBRIS.—Petroleum-contaminated media and debris that fail the test for toxicity characteristics due to organics issued by the Administrator under section 3001, and are subject to corrective action under this section, shall not be considered to be hazardous waste for purposes of subtitle C.".

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. SPECTER, Mr. KYL, and Mrs. HUTCHISON):

S. 1275. A bill to provide for appropriate remedies for prison condition lawsuits, to discourage frivolous and abusive prison lawsuits, and for other purposes; to the Committee on the Judiciary.

THE PRISON CONDITIONS LITIGATION REFORM ACT

• Mr. ABRAHAM. Mr. President, I introduce legislation that I believe is essential if we are to restore public confidence in government's ability to protect the public safety. Moreover, it will accomplish this purpose not by spending more taxpayer money but by saving it.

This legislation removes enormous obstacles the Federal Government has placed in the path of States' and localities' ability to protect their residents. I would like to highlight three of these obstacles and explain what we are going to do to remove them.

First, in many jurisdictions including my own State of Michigan, judicial orders entered under Federal law raise the costs of running prisons far beyond what is necessary. These orders also thereby undermine the legitimacy and punitive and deterrent effect of prison sentences.

Second, in other jurisdictions, judicial orders entered under Federal law actually result in the release of dangerous criminals from prisons.

Third, these orders are complemented by a veritable torrent of prisoner lawsuits. Although these suits are found non-meritorious the vast majority of the time (over 99 percent, for example, in the ninth circuit), they occupy an enormous amount of State and local time and resources; time and resources that would be better spent incarcerating more dangerous offenders.

Let me start with the problems in my own State of Michigan.

Under a series of judicial decrees resulting from Justice Department suits against the Michigan Department of Corrections, the Federal courts now monitor our State prisons to determine:

1. How warm the food is.
2. How bright the lights are.
3. Whether there are electrical outlets in each cell.
4. Whether windows are inspected and up to code.
5. Whether prisoners' hair is cut only by licensed barbers.
6. And whether air and water temperatures are comfortable.

Elsewhere, American citizens are put at risk every day by court decrees. I have in mind particularly decrees that cure prison crowding by declaring that we must free dangerous criminals before they have served their time, or not incarcerate certain criminals at all because prisons are too crowded.

The most egregious example is the city of Philadelphia. For the past 8 years, a Federal judge has been overseeing what has become a program of wholesale releases of up to 600 criminal defendants per week to keep the prison population down to what she considers an appropriate level.

Under this order, there are no individualized bail hearings on a defendant's criminal history before deciding whether to release the defendant before trial. Instead, the only consideration is what the defendant is charged with the day of his or her arrest.

No matter what the defendant has done before, even, for example, if he or she was previously convicted of murder, if the charge giving rise to the arrest is a non-violent crime, the defendant may not be held pretrial. Moreover, the so-called non-violent crimes include stalking, carjacking, robbery with a baseball bat, burglary, drug dealing, vehicular homicide, manslaughter, terroristic threats, and gun charges.

As a result Philadelphia, which before the cap had about 18,000 outstanding bench warrants, now has almost 50,000. In reality, though, no one is out looking for these fugitives. Why look? If they were found, they would just be released back onto the streets under the prison cap.

In the meantime thousands of defendants who were out on the streets because of the cap have been rearrested for new crimes, including 79 murders, 959 robberies, 2,215 drug dealing charges, 701 burglaries, 2,748 thefts, 90 rapes, and 1113 assaults.

Looking at the same material from another vantage point: In 1993 and 1994, over 27,000 new bench warrants for misdemeanor and felony charges were issued for defendants released under the cap. That's 63 percent of all new bench warrants in 1993 and 74 percent of all new bench warrants for the first 6 months of 1994.

Failure to appear rates for crimes covered by the cap are all around 70 percent, as opposed to, for example, non-covered crimes like aggravated assault, where the rate is just 3 percent. The Philadelphia fugitive rate for defendants charged with drug dealing is 76 percent, three times the national rate.

Over 100 persons in Philadelphia have been killed by criminals set free under the prison cap. Moreover, the citizenry has understandably lost confidence in the criminal justice system's ability to protect them. And the criminals, on the other hand, have every reason to believe that the system can't do anything about them.

All of this would be bad enough if it were the result of a court order to correct serious constitutional violations committed by the Philadelphia corrections system. But it is not.

Indeed, a different Federal judge recently found that conditions in Philadelphia's oldest and most decrepit facility—Holmesburg Prison—met constitutional standards.

These murderous early releases are the result of a consent decree entered into by the prior mayoral administration from which the current administration has been unable to extricate itself.

Finally, in addition to massive judicial interventions in State prison systems, we also have frivolous inmate litigation brought under Federal law; this litigation also ties up enormous resources. Thirty-three States have estimated that Federal inmate suits cost

them at least $54.5 million annually. The National Association of Attorneys General have extrapolated that number to conclude that nationwide the costs are at least $81.3 million. Since, according to their information, more than 95 percent of these suits are dismissed without the inmate receiving anything, the vast majority of the $81.3 million being spent is attributable to non-meritorious cases.

Mr. President, in my opinion this is all wrong. People deserve to keep their tax dollars or have them spent on projects they approve. They deserve better than to have their money spent, on keeping prisoners in conditions some Federal judge feels are desirable (although not required by any provision of the Constitution or any law). And they certainly don't need it spent on defending against frivolous prisoner lawsuits.

And convicted criminals, while they must be accorded their constitution rights, deserve to be punished. I think virtually everybody believes that while these people are in jail they should not be tortured, but they also should not have all the rights and privileges the rest of us enjoy, and that their lives should, on the whole, be describable by the old concept known as hard time.

The legislation I am introducing today will return sanity and State control to our prison systems. It will do so by limiting judicial remedies in prison cases and by limiting frivolous prisoner litigation.

First, we must curtail interference by the Federal courts themselves in the orderly administration of our prisons. This is not to say that we will have no court relief available for prisoner suits, only that we will try to retain it for cases where it is needed while curtailing its destructive use.

Most fundamentally, the proposed bill forbids courts from entering orders for prospective relief (such as regulating food temperatures) unless the order is necessary to correct violations of individual plaintiffs' Federal rights.

It also requires that the relief be narrowly drawn and be the least intrusive means of protecting the federal rights. And it directs courts to give substantial weight to any adverse impact on public safety or the operation of the criminal justice system caused by the relief.

No longer will prison administration be turned over to Federal judges for the slightest reason. Instead, the States will be able to run prisons as they see fit unless there is a constitutional violation, in which case a narrowly tailored order to correct the violation may be entered.

The bill also will make it more difficult for judges to release dangerous criminals back into the population, or to prevent the authorities from incarcerating them in the first place.

To accomplish this, the legislation forbids courts from entering release orders except under very limited circumstances. The court first must have entered an order for less intrusive relief, which must be shown to have failed to cure the violation of Federal rights. If a Federal court reaches this conclusion, it must refer the question of whether or not to issue a release order to a three judge district court.

This court must find by clear and convincing evidence that crowding is the primary cause of the violation of a Federal right and that no other relief will remedy the violation of the Federal right. Then the court must find, by a preponderance of the evidence, that the crowding had deprived particular plaintiffs of at least one essential, identifiable human need, and that prison officials have either deliberately subjected the plaintiffs to this deprivation or have been deliberately indifferent to it.

As important, this legislation provides that any prospective relief order may be terminated on the motion of either party 2 years after the later of the grant of relief or the enactment of the bill. The court shall grant the termination unless it finds that the original prerequisites for granting it are present at that time.

No longer, then, will we have consent decrees, such as those in Michigan under which judges control the prisons literally for decades.

Finally, the bill contains several measures to reduce frivolous inmate litigation. The bill limits attorney's fee awards. In addition, prisoners no longer will be reimbursed for attorney's fees unless they prove an actual statutory violation.

No longer will courts award attorney's fees simply because the prison has changed pre-existing conditions. Only if those conditions violated a prisoner's rights will fees be awarded.

Prisoners who succeed in proving a statutory violation will be reimbursed only for fees directly and reasonably incurred in proving that violation.

In addition, attorney's fees must be proportionally related to the court ordered relief. No longer will attorneys be allowed to charge massive amounts to the State for the service of correcting minimal violations.

And no longer will attorneys be allowed to charge very high fees for their time. The fee must be calculated at an hourly rate no higher than that set for court appointed counsel. And up to 25 percent of any monetary award the court orders the plaintiff wins will go toward payment of the prisoner's attorney's fees.

The bill also prohibits prisoners who have filed three frivolous or obviously nonmeritorious in forma pauperis civil actions from filing any more unless they are in imminent danger of severe bodily harm.

Also, to keep prisoners from using lawsuits as an excuse to get out of jail for a time, pretrial hearings generally will be conducted by telephone, so that the prisoner stays in prison.

Mr. President, these reforms will decrease the number of frivolous claims filed by prisoners. They will decrease prisoners' incentives to file suits over how bright their lights are. At the same time, they will discourage judges from seeking to take control over our prison systems, and to micromanage them, right down to the brightness of their lights.

This is a far-reaching bill, Mr. President. One aimed at solving a complex, costly, and dangerous problem. Its several provisions will discourage frivolous lawsuits and promote State control over State prison systems. At the same time, this legislation will help protect convicted criminals' constitutional rights without releasing them to prey on an innocent public or keeping them in conditions so comfortable that they lose their deterrent effect.

I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prison Conditions Litigation Reform Act".

SEC. 2. APPROPRIATE REMEDIES FOR PRISON CONDITIONS.

(a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended to read as follows:

"§ 3626. Appropriate remedies with respect to prison conditions

"(a) REQUIREMENTS FOR RELIEF.—

"(1) PROSPECTIVE RELIEF.—Prospective relief in any civil action with respect to prison conditions shall extend no further than necessary to correct the violation of the Federal right of a particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation. In determining the intrusiveness of the relief, the court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

"(2) PRELIMINARY INJUNCTIVE RELIEF.—In any civil action with respect to prison conditions, to the extent otherwise authorized by law, the court may enter a temporary restraining order or an order for preliminary injunctive relief. Preliminary injunctive relief shall automatically expire on the date that is 90 days after its entry, unless the court makes the order final before the expiration of the 90-day period.

"(3) PRISONER RELEASE ORDER.—(A) In any civil action with respect to prison conditions, no prisoner release order shall be entered unless—

"(i) a court has previously entered an order for less intrusive relief that has failed to

remedy the deprivation of the Federal right sought to be remedied through the prisoner release order; and

"(ii) the defendant has had a reasonable amount of time to comply with the previous court orders.

"(B) In any civil action in Federal court with respect to prison conditions, a prisoner release order shall be entered only by a three-judge court in accordance with section 2284 of title 28, if the requirements of subparagraph (E) have been met.

"(C) A party seeking a prisoner release order in Federal court shall file with any request for such relief, a request for a three-judge court and materials sufficient to demonstrate that the requirements of subparagraph (A) have been met.

"(D) If the requirements under subparagraph (A) have been met, a Federal judge before whom a civil action with respect to prison conditions is pending who believes that a prison release order should be considered may sua sponte request the convening of a three-judge court to determine whether a prisoner release order should be entered.

"(E) The court shall enter a prisoner release order only if the court finds—

"(i) by clear and convincing evidence—

"(I) that crowding is the primary cause of the violation of a Federal right; and

"(II) that no other relief will remedy the violation of the Federal right; and

"(ii) by a preponderance of the evidence—

"(I) that crowding has deprived a particular plaintiff or plaintiffs of at least one essential, identifiable human need; and

"(II) that prison officials have acted with obduracy and wantonness in depriving a particular plaintiff or plaintiffs of at least one essential, identifiable human need.

"(F) Any State or local official or unit of government whose jurisdiction or function includes the prosecution or custody of persons who may be released from, or not admitted to, a prison as a result of a prisoner release order shall have standing to oppose the imposition or continuation in effect of such relief, and shall have the right to intervene in any proceeding relating to such relief.

"(b) TERMINATION OF RELIEF.—

"(1) TERMINATION OF PROSPECTIVE RELIEF.—(A) In any civil action with respect to prison conditions in which prospective relief is ordered, such relief shall be terminable upon the motion of any party—

"(i) 2 years after the date the court granted or approved the prospective relief;

"(ii) 1 year after the date the court has entered an order denying termination of prospective relief under this paragraph; or

"(iii) in the case of an order issued on or before the date of enactment of the Prison Litigation Reform Act, 2 years after such date of enactment.

"(B) Nothing in this section shall prevent the parties from agreeing to terminate or modify relief before the relief is terminated under subparagraph (A).

"(2) IMMEDIATE TERMINATION OF PROSPECTIVE RELIEF.—In any civil action with respect to prison conditions, a defendant or intervener shall be entitled to the immediate termination of any prospective relief if the relief was approved or granted in the absence of a finding by the court that the relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation.

"(3) LIMITATION.—Prospective relief shall not terminate if the court makes written findings based on the record that prospective relief remains necessary to correct the violation of the Federal right, extends no further than necessary to correct the violation of the Federal right, and that the prospective relief is the least intrusive means to correct the violation.

"(4) TERMINATION OR MODIFICATION.—Nothing in this section shall prevent any party from seeking modification or termination before the relief is terminable under paragraph (1) or (2), to the extent that modification or termination would otherwise be legally permissible.

"(c) SETTLEMENTS.—

"(1) CONSENT DECREES.—In any civil action with respect to prison conditions, the court shall not enter or approve a consent decree unless it complies with the limitations on relief set forth in subsection (a).

"(2) PRIVATE SETTLEMENT AGREEMENTS.—(A) Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with the limitations on relief set forth in subsection (a), if the terms of that agreement are not subject to court enforcement other than the reinstatement of the civil proceeding that the agreement settled.

"(B) Nothing in this section shall preclude any party claiming that a private settlement agreement has been breached from seeking in State court any remedy for breach of contract available under State law.

"(d) STATE LAW REMEDIES.—The limitations on remedies in this section shall not apply to relief entered by a State court based solely upon claims arising under State law.

"(e) PROCEDURE FOR MOTIONS AFFECTING PROSPECTIVE RELIEF.—

"(1) GENERALLY.—The court shall promptly rule on any motion to modify or terminate prospective relief in a civil action with respect to prison conditions.

"(2) AUTOMATIC STAY.—Any prospective relief subject to a pending motion shall be automatically stayed during the period—

"(A)(i) beginning on the 30th day after such motion is filed, in the case of a motion made under paragraph (1) or (2) of subsection (b); or

"(ii) beginning on the 180th day after such motion is filed, in the case of a motion made under subsection (b)(3); and

"(B) ending on the date the court enters a final order ruling on the motion.

"(f) DEFINITIONS.—As used in this section—

"(1) the term 'consent decree' means any relief entered by the court that is based in whole or in part upon the consent or acquiescence of the parties;

"(2) the term 'civil action with respect to prison conditions' means any civil proceeding arising under Federal law with respect to the conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison, but does not include habeas corpus proceedings challenging the fact or duration of confinement in prison;

"(3) the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program;

"(4) the term 'prisoner release order' includes any order, including a temporary restraining order or preliminary injunctive relief, that has the purpose or effect of reducing or limiting the prison population, or that directs the release from or nonadmission of prisoners to a prison;

"(5) the term 'prison' means any Federal, State, or local facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law;

"(6) the term 'prospective relief' means all relief other than monetary damages; and

"(7) the term 'relief' means all relief in any form that may be granted or approved by the court, and includes consent decrees and settlement agreements (except a settlement agreement the breach of which is not subject to any court enforcement other than reinstatement of the civil proceeding that such agreement settled).".

(b) APPLICATION OF AMENDMENT.—

(1) IN GENERAL.—Section 3626 of title 18, United States Code, as amended by this section, shall apply with respect to all relief (as defined in such section) whether such relief was originally granted or approved before, on, or after the date of the enactment of this Act.

(2) TECHNICAL AMENDMENT.—Subsections (b) and (d) of section 20409 of the Violent Crime Control and Law Enforcement Act of 1994 are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter C of chapter 229 of title 18, United States Code, is amended to read as follows:

"3626. Appropriate remedies with respect to prison conditions.".

SEC. 3. AMENDMENTS TO CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

Section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended by adding at the end the following new subsections:

"(f) ATTORNEY'S FEES.—(1) In any action brought by a prisoner who is confined to any jail, prison, or other correctional facility, in which attorney's fees are authorized under section 2 of the Revised Statutes of the United States (42 U.S.C. 1988), such fees shall be awarded only if—

"(A) the fee was directly and reasonably incurred in proving an actual violation of the plaintiff's rights protected by a statute pursuant to which a fee may be awarded under section 2 of the Revised Statutes; and

"(B) the amount of the fee is proportionately related to the court ordered relief for the violation.

"(2) Whenever a monetary judgment is awarded in an action described in paragraph (1), a portion of the judgment (not to exceed 25 percent) shall be applied to satisfy the amount of attorney's fees awarded against the defendant. If the award of attorney's fees is greater than 25 percent of the judgment, the excess shall be paid by the defendant.

"(3) No award of attorney's fees in an action described in paragraph (1) shall be based on an hourly rate greater than the hourly rate established under section 3006A of title 18, United States Code, for payment of court-appointed counsel.

"(4) Nothing in this subsection shall prohibit a prisoner from entering into an agreement to pay an attorney's fee in an amount greater than the amount authorized under this subsection, if the fee is paid by the individual rather than by the defendant pursuant to section 2 of the Revised Statutes of the United States (42 U.S.C. 1988).

"(g) TELEPHONE HEARINGS.—To the extent practicable, in any action brought in Federal court pursuant to section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) by a prisoner crime confined in any jail, prison, or other correctional facility, pretrial proceedings in which the prisoner's participation is required or permitted shall be conducted by telephone without removing the prisoner from the facility in which the prisoner is confined. Any State may adopt a

similar requirement regarding hearings in such actions in that State's courts.

"(h) DEFINITION.—As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.".

SEC. 4. SUCCESSIVE CLAIMS IN PROCEEDINGS IN FORMA PAUPERIS.

Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) In no event shall a prisoner in any prison bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious bodily harm.

"(2) As used in this subsection, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.".●

ADDITIONAL COSPONSORS

S. 581

At the request of Mr. FAIRCLOTH, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 949

At the request of Mr. GRAHAM, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1093

At the request of Mr. REID, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 1093, a bill to prohibit the application of the Religious Freedom Restoration Act of 1993, or any amendment made by such Act, to an individual who is incarcerated in a Federal, State, or local correctional, detention, or penal facility, and for other purposes.

S. 1108

At the request of Mr. SMITH, the names of the Senator from Texas (Mr. GRAMM) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 1108, a bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

S. 1181

At the request of Mr. STEVENS, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1181, a bill to provide cost savings in the medicare program through cost-effective coverage of positron emission tomography (PET).

S. 1219

At the request of Mr. MCCAIN, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 1219, a bill to reform the financing of Federal elections, and for other purposes.

S. 1228

At the request of Mr. D'AMATO, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1237

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 1237, a bill to amend certain provisions of law relating to child pornography, and for other purposes.

S. 1253

At the request of Mr. ABRAHAM, the name of the Senator from Colorado (Mr. BROWN) was added as a cosponsor of S. 1253, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 1254

At the request of Mr. ABRAHAM, the names of the Senator from Colorado (Mr. BROWN) and the Senator from Wyoming (Mr. SIMPSON) were added as cosponsors of S. 1254, a bill to disapprove of amendments to the Federal Sentencing Guidelines relating to lowering of crack sentences and sentences for money laundering and transactions in property derived from unlawful activity.

S. 1266

At the request of Mr. MACK, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1266, a bill to require the Board of Governors of the Federal Reserve System to focus on price stability in establishing monetary policy to ensure the stable, long-term purchasing power of the currency, to repeal the Full Employment and Balanced Growth Act of 1978, and for other purposes.

AMENDMENT NO. 2776

At the request of Mr. BUMPERS the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 2776 proposed to H.R. 2099, a bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and office for fiscal year ending September 30, 1996, and for other purposes.

AMENDMENTS SUBMITTED

VA-HUD APPROPRIATIONS FOR FISCAL YEAR 1996

INOUYE AMENDMENT NO. 2777

Mr. INOUYE proposed an amendment to the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes, as follows:

On page 22, between lines 4 and 5, insert the following:

SEC. 111. (a) Notwithstanding any other provision of this title, the amount appropriated by this title under the heading "DEPARTMENTAL ADMINISTRATION" under the paragraph "CONSTRUCTION, MAJOR PROJECTS" is hereby increased by $38,000,000.

(b) Of the amount available under the paragraph referred to in subsection (a), as increased by such subsection, $38,000,000 shall be available for construction at the Spark M. Matsunaga Department of Veterans Affairs Medical Center, Honolulu, Hawaii.

(c) Notwithstanding any other provision of this title, the amount appropriated by this title under the heading "DEPARTMENTAL ADMINISTRATION" under the paragraph "GENERAL OPERATING EXPENSES" is hereby reduced by $38,000,000.

BOND (AND OTHERS) AMENDMENT NO. 2778

Mr. BOND (for himself, Ms. MIKULSKI, Mr. INOUYE, and Mr. AKAKA) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 22, line 5, insert: "SEC. 111. The Department of Veterans Affairs shall provide hospital care and medical services to eligible veterans in the State of Hawaii at levels commensurate with levels of care provided in the forty-eight contiguous states. The Secretary shall utilize the contract authority prescribed in 38 U.S.C. Sec. 1703 to treat eligible veterans residing in the State of Hawaii wherever appropriate."

STEVENS (AND MURKOWSKI) AMENDMENT NO. 2779

Mr. STEVENS (for himself and Mr. MURKOWSKI) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 151, after line 10, insert the following new section:

SEC. 308. None of the funds appropriated under this Act may be used to implement the requirement of section 186(b)(2), section 187(b) or section 211(m) of the Clean Air Act (42 U.S.C. 7512(b)(2), 7512a(b), or 7545(m)) with respect to any moderate nonattainment area in which the average daily winter temperature is below 0 degrees Fahrenheit. The preceding sentence shall not be interpreted to preclude assistance from the Environmental

Protection Agency to the State of Alaska to make progress toward meeting the carbon monoxide standard in such areas and to resolve remaining issues regarding the use of oxygenated fuels in such areas.

CHAFEE AMENDMENT NO. 2780

Mr. CHAFEE proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 149, line 18, insert "(for is carcinogenic effects)" after "arsenic".

MIKULSKI (AND OTHERS) AMENDMENT NO. 2781

Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. DASCHLE, Mr. BREAUX, Mr. ROCKEFELLER, Mr. ROBB, and Mr. WELLSTONE) proposed an amendment to the bill HR 2099, supra; as follows:

On page 27, line 5, strike "$5,594,358,000" and insert "$5,211,358,000".

On page 27, line 6, insert the following after "That": "in addition to the appropriation of $5,211,358,000 made available under this heading, in order to achieve an effective program level of $5,594,358,000 for the 'Annual Contributions for Assisted Housing' account for fiscal year 1996, in carrying out the programs and activities specified under this heading, the Secretary of Housing and Urban Development shall use $383,000,000 from any combination of unobligated balances or recaptures from prior year appropriations in the 'Annual Contributions for Assisted Housing' account, and from any reduction in amounts provided during fiscal year 1996 from the 'Annual Contributions for Assisted Housing' account (or from the 'Renewal of Expiring Section 8 Subsidies' account) to any public housing agency whose project reserve account is determined by the Secretary of Housing and Urban Development to contain funds in excess of the needs of that public housing agency: *Provided further*, That".

On page 30, line 5, strike "and".

On page 30, line 7, insert before the colon the following: "; and (3) shall give priority to projects designated for purchase by nonprofit organizations in allocating any funds for the sale of any projects in the preservation pipeline".

On page 128, after line 20, insert the following new section:

SEC. 225. INSURANCE OF MORTGAGES UNDER THE NATIONAL HOUSING ACT.

Section 203(b)(2)(A) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) is amended—

(1) in clause (ii), by striking "75 percent" and inserting "86 percent"; and

(2) by striking "38 percent" and inserting "50 percent".

Beginning on page 130, strike line 19 and all that follows through page 131, line 2, and insert the following:

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the "Act") (42 U.S.C. 12501 et seq.), $425,000,000, of which $335,000,000 shall be available for obligation from September 1, 1996, through August 21, 1997: *Provided*, That not more than $26,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12681(a)(4)), of which not more than $12,000,000 shall be for administrative expenses for State commissions pursuant to section 126(a) of the Act (42 U.S.C. 12576(a)): *Provided further*, That not more than $2,500 shall be for official reception and representation expenses: *Provided further*, That not more than $93,000,000, to remain available without fiscal year limitation, shall be transferred to the national Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.): *Provided further*, That not more than $209,000,000 shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the Americorps program): *Provided further*, That not more than $5,000,000 shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): *Provided further*, That none of the funds made available under this heading may be used to administer, reimburse, or support any national service programs run by Federal agencies authorized under section 121(b) of the Act (42 U.S.C. 12571(b)): *Provided further*, That not more than $19,000,000 shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further*, That not more than $25,000,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12653 et seq.): *Provided further*, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): *Provided further*, That no funds from any other appropriation, or from funds otherwise made available to the Corporation, shall be used to pay for personnel compensation and benefits, travel, or any other administrative expense for the Board of Directors, the Office of the Chief Executive Officer, the Office of the Managing Director, the Office of the Chief Financial Officer, the Office of National and Community Service Programs, the Civilian Community Corps, or any field office or staff of the Corporation working on the National and Community Service or Civilian Community Corps programs: *Provided further*, That none of the funds made available under this heading may be obligated until the earlier of the date on which the Chief Executive Officer of the Corporation submits a plan to Congress to restructure the National Service Trust program authorized under subtitle C of title I of the Act (relating to activities including the Americorps program) in accordance with a budget smaller than the budget requested for the program in the President's fiscal year 1996 budget, or the date of enactment of an Act that reauthorizes the National and Community Service Act of 1990.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $1,500,000.

SARBANES (AND OTHERS) AMENDMENT NO. 2782

Mr. SARBANES (for himself, Mr. SIMON, and Mr. DODD) proposed an amendment to the bill H.R. 2099, supra; as follows:

At the appropriate place in title II of the bill, insert the following new section:

SEC. . HOMELESS ASSISTANCE FUNDING.

(a) ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS.—

(1) REDUCED APPROPRIATION.—Notwithstanding any other provision of this Act, the amount made available under title II of this Act under the heading "HOUSING PROGRAMS" under the subheading "ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS", is reduced from $4,350,862,000 to $3,990,862,000.

(2) USE OF ASSISTANCE.—Notwithstanding any other provision of this Act, in using amounts made available under title II of this Act under the heading "HOUSING PROGRAMS" under the subheading "ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS" to renew an annual contributions contract with a public housing agency administering the tenant-based existing housing certificate program under section 8(d) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)) or the housing voucher program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), the Secretary of Housing and Urban Development shall take into account the amount in the project reserve under the contract being renewed in determining the amount of budget authority to obligate under the renewed contract.

(b) HOMELESS ASSISTANCE.—

(1) INCREASED APPROPRIATION.—Notwithstanding any other provision of this Act, the amount made available under title II of this Act under the heading "HOMELESS ASSISTANCE" under the subheading "HOMELESS ASSISTANCE GRANTS" is increased from $760,000,000 to $1,120,000,000.

(2) RESTRICTION.—Notwithstanding section 504 or any other provision of this Act, of the funds made available under title II of this Act under the heading "HOMELESS ASSISTANCE" UNDER THE SUBHEADING "HOMELESS ASSISTANCE GRANTS", $360,000,000 shall not become available for obligation until September 30, 1996, and shall remain available until expended.

JEFFORDS (AND OTHERS) AMENDMENT NO. 2783

Mr. JEFFORDS (for himself, Mr. BINGAMAN, Mr. CHAFEE, Ms. SNOWE, Mr. DASCHLE, Mr. SIMON, Mr. BIDEN, Mr. LIEBERMAN, Mr. KOHL, Mr. KERRY, Mr. BUMPERS, Mr. LEAHY, Mr. COHEN, Mr. LUGAR, Mr. WELLSTONE, and Mr. ROBB) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 151, line 11, insert:

SEC. . ENERGY EFFICIENCY AND ENERGY SUPPLY PROGRAMS.

(a) PRIORITY FOR SMALL BUSINESSES.—During fiscal year 1996 the Administrator of the Environmental Protection Agency shall give priority in providing assistance in its Energy Efficiency and Energy Supply programs to organizations that are recognized as small business concerns under section 3(a) of the Small Business Act (15 U.S.C. 632 (a)).

(b) STUDY.—The Administrator shall perform a study to determine the feasibility of establishing fees to recover all reasonable costs incurred by EPA for assistance rendered businesses in its Energy Efficiency and Energy Supply program. The study shall include, among other things, an evaluation of making the Energy Efficiency and Energy Supply program self-sustaining, the value of the assistance rendered to businesses, providing exemptions for small businesses, and

making the fees payable directly to a fund that would be available for use by EPA as needed for this program. The Administrator shall report to Congress by March 15, 1996 on the results of this study and EPA's plan for implementation.

(c) FUNDING.—For fiscal year 1996, up to $100 million of the funds appropriated to the Environmental Protection Agency may be used by the Administrator to support global participation in the Montreal Protocol facilitation fund and for the climate change action plan programs including the green programs.

ROCKEFELLER AMENDMENT NO. 2784

Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, Mr. LEAHY, Mr. WELLSTONE, Mr. DASCHLE, and Mr. DORGAN) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 16, beginning with line 20, strike all through page 17, line 5, and insert the following:

SEC. 107. Section 105(b) of House Concurrent Resolution 67 (104th Congress, 1st Session) is amended to read as follows:

"(b) RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.—

"(1) CERTIFICATION.—(A) In the Senate, upon the certification pursuant to section 205(a) of this resolution, the Senate Committee on Finance shall submit its recommendations, the Committee on the Budget shall add such recommendations to the recommendations submitted pursuant to subsection (a) and report a reconciliation bill carrying out all such recommendations without any substantive revision.

"(B) The Chair of the Committee on the budget shall file with the Senate revised allocations, aggregates, and discretionary spending limits under section 201(a)(1)(B) increasing budget authority by $17,000,000,000 and outlays by $150,000,000.

"(2) COMMITTEE ON FINANCE.—Funding for this section shall be provided by limiting any tax cut provided in the reconciliation bill to families with incomes less than $100,000.".

ROCKEFELLER AMENDMENT NO. 2785

Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, Mr. LEAHY, Mr. DASCHLE, and Mr. WELLSTONE) proposed an amendment to the bill H.R. 2099, supra; as follows:

On page 8, line 10, strike "$16,450,000,000" and insert "$16,961,487,000".

On page 22, between lines 4 and 5, insert the following:

SEC. 111. Section 105(b) of House Concurrent Resolution 67 (104th Congress, 1st Session) is amended to read as follows:

"(b) RECONCILIATION OF REVENUE REDUCTIONS IN THE SENATE.—

"(1) CERTIFICATION.—(A) In the Senate, upon the certification pursuant to section 205(a) of this resolution, the Senate Committee on Finance shall submit its recommendations pursuant to paragraph (2) to the Senate Committee on the Budget. After receiving the recommendations, the Committee on the Budget shall add such recommendations to the recommendations submitted pursuant to subsection (a) and report a reconciliation bill carrying out all such recommendations without any substantive revision.

"(B) The Chair of the Committee on the Budget shall file with the Senate revised allocations, aggregates, and discretionary spending limits under section 201(a)(1)(B) increasing budget authority by $511,487,000 and outlays by $511,487,000.

"(2) COMMITTEE ON FINANCE.—Funding for this section shall be provided by limiting any tax cut provided in the reconciliation bill to families with incomes less than $100,000.".

BAUCUS (AND OTHERS) AMENDMENT NO. 2786

Mr. BAUCUS (for himself, Ms. MIKULSKI, Mr. LAUTENBERG, Mrs. BOXER, Mr. LIEBERMAN, and Mr. REID) proposed an amendment to the bill H.R. 2099, supra; as follows:

At the appropriate place in title III, insert the following:

SEC. 3 . APPLICATION OF LIMITATIONS ON IMPLEMENTATION OR ENFORCEMENT OF CERTAIN LAWS.

Any prohibition or limitation in this Act on the implementation or enforcement of any law administered by the Administrator of the Environmental Protection Agency shall not apply if the Administrator determines that application of the prohibition or limitation would diminish the protection of human health or the environment otherwise provided by law.

McCAIN AMENDMENT NO. 2787

Mr. McCAIN proposed an amendment to the bill H.R. 2099, supra; as follows:

At the appropriate place; insert:

SEC. . PLAN FOR ALLOCATION OF HEALTH CARE RESOURCES BY DEPARTMENT OF VETERANS AFFAIRS.

(a) PLAN.—(1) The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources (including personnel and funds) of the Department of Veterans Affairs among the health care facilities of the Department so as to ensure that veterans having similar economic status, eligibility priority and, or, similar medical conditions who are eligible for medical care in such facilities have similar access to such care in such facilities regardless of the region of the United States in which such veterans reside.

(2) The Plan shall reflect, to the maximum extent possible, the Veterans integrated Service Network, as well as the Resource Planning and Management System developed by the Department of Veterans Affairs to account for forecasts in expected workload and to ensure fairness to facilities that provide cost-efficient health care, and shall include procedures to identify reasons for variations in operating costs among similar facilities and ways to improve the allocation of resources so as to promote efficient use of resources and provision of quality health care.

(3) The Secretary shall prepare the plan in consultation with the Under Secretary of Health of the Department of Veterans Affairs.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall set forth—

(1) milestones for achieving the goal referred to in that subsection; and

(2) a means of evaluating the success of the Secretary in meeting the goals through the plan.

(c) SUBMITTAL TO CONGRESS.—The Secretary shall submit to Congress the plan developed under subsection (a) not later than 180 days after the date of the enactment of this Act.

(d) PLAN IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) within 60 days of submitting such plan to Congress under subsection (b), unless within such period the Secretary notifies the appropriate Committees of Congress that such plan will not be implemented along with an explanation of why such plan will not be implemented.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, September 26, 1995, beginning at 9 a.m. in room SH-216, to conduct a mark up of spending recommendations for the budget reconciliation legislation.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 26, 1995, at 2 p.m.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session, during the session of the Senate on Tuesday, September 26, 1995, at 9 a.m.

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

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND GOVERNMENT INFORMATION

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology, and Government Information of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Tuesday, September 26, 1995, at 10 a.m., in Senate Dirksen room 106, on "Ruby Ridge Incident".

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

ADDITIONAL STATEMENTS

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. McCONNELL. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign

country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Walter Lohman, a member of the staff of Senator MCCAIN, to participate in a program in India sponsored by the Confederation of Indian Industry from August 26 to September 3, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Lohman in this program.

The select committee received notification under rule 35 for Sean O'Donnell, a member of the staff of Senator GORTON, to participate in a program in Hong Kong sponsored by the Hong Kong Chamber of Commerce from August 28 to September 4, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. O'Donnell in this program.

The select committee received notification under rule 35 for Steve Phillips, a member of the staff of Senator HELMS, to participate in a program in Korea sponsored by the Korean Government from August 19–25, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Philips in this program.

The select committee received notification under rule 35 for Russell Rockwell, a member of the staff of Senator SANTORUM, to participate in a program in Taiwan sponsored by the Tamkang University from August 16–23, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Rockwell in this program.

The select committee received notification under rule 35 for Holidae Hayes, a member of the staff of Senator D'AMATO, to participate in a program in Mexico sponsored by the Mexican Business Coordinating Council from August 22–25, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Hayes in this program.

The select committee received notification under rule 35 for Corbin Stone, a member of the staff of Senator SIMON, to participate in a program in Taiwan sponsored by the Chinese Culture University from August 17–24, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Stone in this program.

The select committee received notification under rule 35 for Mark Ashby, a member of the staff of Senator BREAUX, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from August 14–27, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mark Ashby in this program.

The select committee received notification under rule 35 for Brent Franzel, a member of the staff of Senator D'AMATO, to participate in a program in Mexico sponsored by the Mexican Business Coordinating Council from August 22–25, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Franzel in this program.

The select committee received notification under rule 35 for Amy Dunathan, a member of the staff of Senator CHAFEE, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from August 15–27, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Dunathan in this program.

The select committee received notification under rule 35 for Derek Schmidt, a member of the staff of Senator KASSEBAUM to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from August 15–27, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Schmidt in this program.

The select committee received notification under rule 35 for William Triplett, a member of the staff of Senator BENNETT, to participate in a program in Taiwan sponsored by the Tamkang University from August 16–23, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Triplett in this program.

The select committee received notification under rule 35 for Eric Silagy, a member of the staff of Senator JOHNSTON, to participate in a program in China sponsored by the Chinese People's Institute for Foreign Affairs from August 19–27, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Silagy in this program.

The select committee received notification under rule 35 for Randy Rydell, a member of the staff of Senator GLENN, to participate in a program in India sponsored by the Confederation of Indian Industry from August 26 to September 3, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Rydell in this program.

The select committee received notification under rule 35 for T. Scott Bunton, a member of the staff of Senator KERRY, to participate in a program in China sponsored by the Chinese Culture University from August 17–24, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Bunton in this program.

The select committee received notification under rule 35 for Chad Calvert, a member of the staff of Senator SIMPSON, to participate in a program in Hong Kong sponsored by the Hong Kong General Chamber of Commerce from August 28 to September 4, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Calvert in this program.

The select committee received notification under rule 35 for Daniel Bob, a member of the staff of Senator ROTH, to participate in a program in Japan sponsored by the Japanese Ministry of Foreign Affairs from September 11–17, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Bob in this program.

The select committee received notification under rule 35 for Andrew Brack, a member of the staff of Senator HOLLINGS, to participate in a program in Taiwan sponsored by Tamkang University from August 16–23, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Brack in this program.

The select committee received notification under rule 35 for Senators MURKOWSKI, SIMPSON, HEFLIN, LOTT, BRYAN, BURNS, and AKAKA, and their respective spouses; and Gregg Renkes, David Garman, Karen Hunsicker, David Fish, Bob Simon, members of the staff of Senator MURKOWSKI; and Jan Paulk, member of the staff of Senator DOLE, to participate in a program in Sweden sponsored by the United States and Swedish Governments from April 17–24, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Senators and staff in this program.

The select committee received notification under rule 35 for William Triplett, a member of the staff of Senator BENNETT, to participate in a program in India sponsored by the Confederation of Indian Industry from August 27 to September 3, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Triplett in this program.

The select committee received notification under rule 35 for Sharon Soderstrom, a member of the staff of Senator COATS, to participate in a program in China sponsored by the Chinese People's Institute for Foreign Affairs from August 15–29, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Soderstrom in this program.

The select committee received notification under rule 35 for Tamera Santon, a member of the staff of Senator ROCKEFELLER, to participate in a program in Taiwan sponsored by the Chinese Culture University from August 17–24, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Stanton in this program.

The select committee received notification under rule 35 for Lori Staley, a member of the staff of Senator BURNS, to participate in a program in China sponsored by the Chinese People's Institute for Foreign Affairs from August 13–19, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Staley in this program.

The select committee received notification under rule 35 for Paul Matulic, a member of the staff of Senator HATCH, to participate in a program in Taiwan sponsored by the Chinese Cultural University from August 17–24, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Matulic in this program.

The select committee received notification under rule 35 for Kraig Siracuse, a member of the staff of Senator D'AMATO, to participate in a program in Korean sponsored by the Ministry of Foreign Affairs from August 19–26, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Siracuse in this program.

The select committee received notification under rule 35 for Ellen Cahill, a member of the staff of Senator MCCAIN, to participate in a program in Taiwan sponsored by the Soochow University from August 20–26, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Cahill in this program.

The select committee received notification under rule 35 for William Rosenau, a member of the staff of Senator SPECTER, to participate in a program in Taiwan sponsored by Tamkang University from August 20–26, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Rosenau in this program.

The select committee received notification under rule 35 for Robert Carey, a member of the staff of Senator ABRAHAM, to participate in a program in Taiwan sponsored by Tamkang University from August 23–30, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Carey in this program.

The select committee received notification under rule 35 for Kristin Peck, a member of the staff of Senator HELMS, to participate in a program in Taiwan sponsored by the Chinese Culture University from August 17–24, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Peck in this program.

The select committee received notification under rule 35 for John Mashburn, a member of the staff of Senator ASHCROFT to participate in a program in Mexico sponsored by the Mexican Business Coordinating Council from August 22–25, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Mashburn in this program.

The select committee received notification under rule 35 for Molly Dye, a member of the staff of Senator COVERDELL, to participate in a program in Taiwan sponsored by the Tamkang University from August 16–23, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Dye in this program.

The select committee received notification under rule 35 for Daniel Bob, a member of the staff of Senator ROTH, to participate in a program in Japan sponsored by the Japanese Ministry of Foreign Affairs from September 11–17, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Bob in this program.

The select committee received notification under rule 35 for Elizabeth Wilson, a member of the staff of Senator HELMS, to participate in a program in Germany sponsored by Friendship in Freedom from September 2–9, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Wilson in this program.

The select committee received notification under rule 35 for Senator and Mrs. BRADLEY to participate in a program in Italy sponsored by the Ambrosetti Group from September 1–5, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Senator and Mrs. Bradley in this program.

The select committee received notification under rule 35 for Elizabeth Lambird, a member of the staff of Senator HELMS, to participate in a program in Hong Kong sponsored by the Hong Kong General Chamber of Commerce from August 28 to September 4, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Lambird in this program.

The select committee received notification under rule 35 for Marc Thiessen, a member of the staff of Senator HELMS, to participate in a program in Hong Kong sponsored by the Hong Kong Chamber of Commerce from August 28 to September 4, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Thiessen in this program.

The select committee received notification under rule 35 for Gregory McGinity, a member of the staff of Senator COCHRAN, to participate in a program in China sponsored by the Chinese Culture University from August 22–29, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. McGinity in this program.

The select committee received notification under rule 35 for Sean O'Donnell, a member of the staff of Senator GORTON, to participate in a program in Taiwan sponsored by the Soochow University from August 6–12, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. O'Donnell in this program.●

JASON REESE—YOUTH OF THE YEAR

● Mr. THOMPSON. Mr. President, Jason Reese is a remarkable young man who is attending the University of Tennessee as a national merit scholar. He was named last week as the Boys and Girls Clubs of America "Youth of the Year." I join all my fellow Tennesseans in saluting Jason, and wishing him well as he enters college.

I ask that an article that appeared in the October 2, 1995, edition of U.S. News & World Report be printed in the RECORD.

The article follows:

[From the U.S. News & World Report, Oct. 2, 1995]

BOOTSTRAPS—TRYING IN TENNESSEE

(By Dorian Friedman)

As an introverted child from a troubled family, Jason Reese never imagined himself as a role model. So when a young neighbor saw him recently on TV and told him "he wanted to grow up to be like me, it just about made me cry." Jason wasn't alone: There were more than a few teary-eyed admirers in a Capitol Hill audience last week when the Boys & Girls Clubs of America named the 18-year-old its National Youth of the Year.

Abandoned by his father as an infant and shuttled between grandparents and a struggling single mother, Jason was raised in "the projects" of Morristown, Tenn, a neighborhood where drug dealing and gunfire were not uncommon. A haven where Jason found surrogate fathers and friends was the local Boys & Girls Club. There, he tutored the younger school kids, helped run park cleanups and food drives and pitched in at a nursing home. He also worked at a local autoparts company, tended to his two little brothers so there mother could finish college and maintained nearly perfect grades in school. He graduated from Morristown High West this year as a National Merit scholar and drew a full scholarship to the University of Tennessee, where he will study biology and chemistry in hopes of becoming a doctor.

As Youth of the Year, he voiced a message to other teenagers: "Stay determined, pursue your dreams and never let anybody tell you that you can't get there." That approach was taken long ago by another Boys Club product—originally from a place called Hope—who told Jason and the other finalists how proud he was of them in the Oval Office.●

PROVISIONS OF THE FOREIGN OPERATIONS APPROPRIATIONS BILL PERTAINING TO TURKEY

● Mr. KERRY. Mr. President, the Senate recently adopted two amendments to the foreign operations appropriations bill which I think deserve further comment.

The first of these, an amendment offered by Senator DOLE, will prohibit U.S. assistance from going to any country that impedes the delivery of U.S. humanitarian assistance. I am a cosponsor of this amendment, as well as of the original legislation on the subject, the Humanitarian Aid Corridors Act, and I believe strongly in the principle which it reflects. Countries that block our humanitarian efforts should not be receiving our foreign aid. I wish that such legislation were not necessary, but unfortunately the third largest recipient of United States foreign aid, Turkey, continues to prevent the delivery of most humanitarian assistance to neighboring Armenia. We can no longer ignore this situation.

After enduring mass slaughter at the hands of the Ottoman Empire, and more than 60 years under the repressive rule of the Soviet Union, Armenia has been embroiled since achieving independence 4 years ago in a bloody dispute with Azerbaijan to its east and has been subjected to an economic blockade by Turkey on the west. The United States and the rest of the Western community have provided humanitarian aid to help reduce the severe shortages of fuel, food, and other essential supplies. Unfortunately, Turkey has maintained a blockade on the most efficient land routes, thereby greatly complicating this relief effort.

I had hoped that diplomacy alone could ensure the delivery of the much-needed assistance to Armenia. However, the lack of progress on the diplomatic front and my commitment to ensuring the unrestricted delivery of humanitarian assistance to Armenia—and my commitment to the important principle of permitting unrestricted humanitarian assistance to the civilian casualties of any nation—have convinced me that Senator DOLE's legislation is necessary. I believe it is the most effective avenue to bring pressure to bear on those hindering the delivery of humanitarian assistance to Armenia.

The second amendment I wish to discuss also affected Turkey and, had it been adopted, would have capped United States economic assistance to Turkey at $21 million. I also cosponsored this amendment, offered by Senator D'AMATO as a way of expressing to our Turkish allies our extreme disappointment with their continued intransigence in Cyprus, their deplorable human rights record in dealing with the Kurdish insurgency in southeastern Turkey, and their continuing land blockade of Armenia.

I am well aware of the important strategic role that Turkey played during the cold war and of its role in the international coalition during the Persian Gulf war. I appreciate the significant contributions Turkey has made to reasonable action and discourse in the Moslem world. I would like for Turkey and the United States to be close cooperating friendly allies. I do not relish the idea of taking punitive measures against a valued NATO ally, but we must look at the relationship across a spectrum of issues and in many areas Turkey comes up short. The Turkish occupation in Cyprus just entered its third decade and there seems to be little movement toward a settlement.

The United States State Department reported that, despite constant urgings from the Western community, human rights abuses in Turkey worsened last year. This behavior is incompatible with Turkey's drive for inclusion in the European Union. Because all other means of delivering the message and securing altered behavior have failed, I agree that we are reduced to using the few remaining vehicles available to deliver our message, a reduction of our assistance.

Like many of my colleagues, I want Turkey to continue as a trusted ally, but we cannot let our desire for good relations blind us to Turkey's flaws. I am pleased that Senator DOLE's amendment was adopted and I hope that the Turkish leadership receives the message sent by both amendments—our relationship since the cold war has changed and Turkey's strategic location is no longer enough to shield them from the bright light of international scrutiny. I also hope that Turkey's response will not be intransigence and obstinacy, but instead will be recognition that this message comes from a nation and a people that values our friendship and wants our future relations to be friendly and cooperative and will ensure they are friendly and cooperative if Turkey will comport itself in accord with established standards of behavior for sovereign states.•

MEMORIAL TO M. SGT. CARL BILLIG

• Mr. KEMPTHORNE. Mr. President, this morning, the family of retired M. Sgt. Carl Billig said their final farewells to this devoted husband, father, and war veteran who passed away on Friday, September 22, 1995.

Sergeant Billig's dying wish was to receive his long-sought military awards and medals. After more than a year of trying to track down those medals, they finally arrived 2 days before his death. In a touching ceremony, Sergeant Billig's family gathered at the home around his bed where he lie terminally ill with cancer. The family looked on as Maj. Martin Harris presented Sergeant Billig with 14 military medals and badges—including the Purple Heart and the Award of Meritorious Service in recognition of his 23 years of service spanning World War II through the Vietnam conflict.

In a final act of patriotism, Sergeant Billig mustered all of his strength to return Major Harris' salute. His eyes brightened as he recognized the great honors being paid to him by those gathered about him. Following that salute, his hand dropped to his side, still holding it in the salute position and soon his eyes closed, never to open again.

Sergeant Billig was discharged from the Army 25 years ago. He had been actively working to obtain his medals for the last 17 months, but to no avail. Letters were answered with form responses that they were working on it. Carl's body wasted and weakened with lung cancer and knowing his time was short, he chose to stay at home during his final days. But Carl continued to express his great desire to receive his military medals before his death. He told friends and family he wished to be buried in full military uniform, complete with all medals and ribbons.

Hospice nurse Lori Olsen Marks overheard him express this dying wish and on September 14 contacted my office to see if I could help in any way. She sensed the urgency of Carl's wish and said his physicians felt there might only be 3 to 4 weeks left to obtain his honors. My office immediately contacted the U.S. Army. In her typical, caring style, Margaret Tyler, Congressional Liaison for the Army, began work on the request. On September 19, Carl's son Tom called to say it appeared to be only a matter of hours. His father was in great pain and was having increasing difficulty breathing.

Another call was made to the Army. Margaret Tyler contacted Gail Goers-Wurmb and Vicki Ramoni in Philadelphia and St. Louis. Within the hour, these women had obtained all authorizations and worked into the night to locate all of the awards and thoughtfully had Carl Billig's name engraved on each medal. An overnight carrier was located, and almost in miracle fashion, the package arrived the next morning in Idaho Falls.

An awards ceremony was quickly scheduled. Major Harris of the Idaho National Guard, hospice administrator, Keith Hale, Ina Gillies of Veterans Affairs, and Dixie Richardson of my office prepared the presentation.

Carl Billig's family says he lived by his motto, "You do whatever must be done, in order to accomplish a task * * * especially when you have been given an assignment to do something for your country." Carl Billig lived doing whatever needed to be done, and in his final hours, many people pulled together to honor this fine man.

Carl Billig's family have expressed their deepest appreciation many times for the kindness and concern shown by all who answered a man's dying wish with such expediency. They say their faith in people, and in their government have been renewed.•

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1996

The text of the bill (S. 1244) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, as passed by the Senate on September 22, 1995, is as follows:

S. 1244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I

FISCAL YEAR 1996 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1996, $660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), $52,000,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $150,721,000 and 1,465 full-time equivalent positions (end of year): *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That $29,500,000 is used for a pay-as-you-go capital project of which $28,000,000 is available to develop and implement a new financial management information system and $1,500,000 is available for a needs assessment study: *Provided further*, That the District of Columbia Financial Responsibility and Management Assistance Authority shall have given prior approval to the work plan and procurement documents for necessary hardware and software before work on phase 3, as described in the Authority's August 15, 1995 report, is begun.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $142,711,000 and 1,692 full-time equivalent positions (end-of-year): *Provided*, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of

the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further*, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further*, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $960,747,000 and 11,544 full-time equivalent positions (end-of-year): *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That $250,000 is used for the Georgetown Summer Detail; $200,000 is used for East of the River Detail; $100,000 is used for Adams Morgan Detail; and $100,000 is used for the Capitol Hill Summer Detail: *Provided further*, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996: *Provided further*, That the District of Columbia shall house no more than 1,000 inmates in its community correctional centers, District operated or contracted, on any given date: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6-204; D. C. Code, sec. 21-2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1996, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $800,080,000 and 11,670 full-time equivalent positions (end-of-year), to be allocated as follows: $585,956,000 and 10,167 full-time equivalent positions for the public schools of the District of Columbia; $109,175,000 shall be allocated for the District of Columbia Teachers' Retirement Fund; $81,940,000 and 1,079 full-time equivalent positions for the University of the District of Columbia; $20,742,000 and 415 full-time equivalent positions for the Public Library; $2,267,000 and 9 full-time equivalent positions for the Commission on the Arts and Humanities: *Provided*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1996, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $1,859,622,000 and 6,469 full-time equivalent positions (end-of-year): *Provided*, That $26,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100-77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $297,568,000 and 1,914 full-time equivalent positions (end-of-year): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER TRANSFER PAYMENT

For the Washington Convention Center Fund, $5,400,000.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with an Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648); section 1 of an Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, sec. 9-219); section 4 of an Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, note; 91 Stat. 1156; Public Law 95-131; D.C. Code, sec. 9-219,

note), including interest as required thereby, $257,787,000.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,678,000, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102-106; D.C. Code, sec. 47-321(a)).

REPAYMENT OF INTEREST ON SHORT-TERM BORROWING

For repayment of interest on short-term borrowing, $9,698,000.

PAY RENEGOTIATION OR REDUCTION IN COMPENSATION

The Mayor shall reduce appropriations and expenditures for personal services in the amount of $46,409,000, by decreasing rates of compensation for District government employees; such decreased rates are to be realized for employees who are subject to collective bargaining agreements to the extent possible through the renegotiation of existing collective bargaining agreements.

RAINY DAY FUND

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-363), $4,563,000: *Provided*, That the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports by the 15th day of the month following the end of the quarter showing how monies provided under this fund are expended with a final report providing a full accounting of the fund due October 15, 1995 or not later than 15 days after the last amount remaining in the fund is disbursed.

INCENTIVE BUYOUT PROGRAM

For the purpose of funding costs associated with the incentive buyout program, to be apportioned by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable, $19,000,000.

BOARDS AND COMMISSIONS

The Mayor shall reduce appropriations and expenditures for boards and commissions under the various headings in this Act in the amount of $500,000.

GOVERNMENT RE-ENGINEERING PROGRAM

If a sufficient reduction from employees who are subject to collective bargaining agreements is not realized through renegotiating existing agreements, the Mayor shall decrease the rates of compensation for such employees, notwithstanding the provisions of any collective bargaining agreements: *Provided*, That the Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of $16,000,000 within one or several of the various appropriation headings in this Act.

OUTPLACEMENT

For outplacement $1,500,000.

CAPITAL OUTLAY

For construction projects, $82,850,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs. 43-1512 through 43-1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83-364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That $105,660,000 appropriated under this heading in prior fiscal years is rescinded.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $243,853,000 and 1,024 full-time equivalent positions (end of year), of which $41,036,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the Fiscal Year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), $229,950,000 and 88 full-time equivalent positions (end of year), to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), $2,351,000 and 8 full-time equivalent positions (end of year), of which $572,000 shall be transferred to the General Fund of the District of Columbia.

STARPLEX FUND

For the Starplex Fund, $6,580,000 for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D. C. Code, sec. 2-321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by the Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, $115,034,000, of which $56,735,000 shall be derived by transfer from the general fund.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Comprehensive Retirement Reform Act of 1989, approved November 17, 1989 (93 Stat. 866; D.C. Code, sec. 1-711), $13,440,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board and 11 full-time equivalent positions (end of year): *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), $10,516,000 and 66 full-time equivalent positions (end of year).

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), $3,500,000.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $37,957,000, of which $5,400,000 shall be derived by transfer from the general fund.

PERSONAL SERVICES ADJUSTMENT

The Mayor, in consultation with the Council and the District of Columbia Financial Responsibility and Management Assistance Authority, shall reduce appropriations and expenditures for personal services costs in the amount of $11,264,000 within one or several of the various appropriations headings in this Act.

GENERAL PROVISIONS

Sec. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

Sec. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

Sec. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified,

shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1997, shall be transmitted to the Congress no later than April 15, 1996.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform and Oversight, District of Columbia Subcommittee, the Subcommittee on General Services, Federalism, and the District of Columbia, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.): *Provided*, That for the fiscal year ending September 30, 1996 the above shall apply except as modified by Public Law 104-8.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1995 shall be deemed to be the rate of pay payable for that position for September 30, 1995.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1996, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1996 revenue estimates as of the end of the first quarter of fiscal year 1996. These estimates shall be used in the budget request for the fiscal year ending September 30, 1997. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), as amended, is amended by striking "sold before October 1, 1995" and inserting "sold before October 1, 1996".

SEC. 125. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 126. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in

this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 127. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 128. For the fiscal year ending September 30, 1996, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 129. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, secs. 1-299.1 to 1-299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1995, of the required reorganization plans.

SEC 130. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1996 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 131. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representatives under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 132. None of the Federal funds appropriated under this Act shall be expended for any abortion except when it is made known to the entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

COMPENSATION FOR THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE AND FOR THE JUDICIAL NOMINATION COMMISSION

SEC. 133. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; Public Law 93-198; D.C. Code, secs. 11-1524 and title II, App. 433), are amended to read as follows:

(a) Section 431(f) (D.C. Code, sec. 11-1524) is amended to read as follows:

"(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.".

(b) Section 433(b)(5) (title 11, App. 433) is amended to read as follows:

"(5) Member of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.".

MULTIYEAR CONTRACTS

SEC. 134. Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 803; Public Law 93-198; D.C. Code, sec. 1-1130), is amended by adding a new subsection (c) to read as follows:

"(c)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

"(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from—

"(A) appropriations originally available for the performance of the contract concerned;

"(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

"(C) funds appropriated for those payments.

"(3) No contract entered into under this section shall be valid unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council). The Council shall be required to take affirmative action to approve the contract within 45 calendar days. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved.".

CALCULATED REAL PROPERTY TAX RATE RESCISSION AND REAL PROPERTY TAX FREEZE

SEC. 135. The District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1051; D.C. Code, sec. 47-801 et seq.), is amended as follows:

(1) Section 412 (D.C. Code, sec. 47-812) is amended as follows:

(A) Subsection (a) is amended by striking the third and fourth sentences and inserting the following sentences in their place: "If the Council does extend the time for establishing the rates of taxation on real property, it must establish those rates for the tax year by permanent legislation. If the Council does not establish the rates of taxation of real property by October 15, and does not extend the time for establishing rates, the rates of taxation applied for the prior year shall be the rates of taxation applied during the tax year.".

(B) A new subsection (a-2) is added to read as follows:

"(a-2) Notwithstanding the provisions of subsection (a) of this section, the real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 1995, and ending September 30, 1996, shall be the same rates in effect for the tax year beginning October 1, 1993, and ending September 30, 1994.".

(2) Section 413(c) (D.C. Code, sec. 47-815(c)) is repealed.

PRISONS INDUSTRIES

SEC. 136. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and inserting the phrase "or not for-profit organizations" in its place.

REPORTS ON REDUCTIONS

SEC. 137. Within 120 days of the effective date of this Act, the Mayor shall submit to the Council a report delineating the actions taken by the executive to effect the directives of the Council in this Act, including—

(1) negotiations with representatives of collective bargaining units to reduce employee compensation;

(2) actions to restructure existing long-term city debt;

(3) actions to apportion the spending reductions anticipated by the directives of this Act to the executive for unallocated reductions; and

(4) a list of any position that is backfilled including description, title, and salary of the position.

MONTHLY REPORTING REQUIREMENTS—BOARD OF EDUCATION

SEC. 138. The Board of Education shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, ARC, and object class, and for appropriated funds, nonappropriated funds, and capital financing;

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and ARC within each responsibility center, for appropriated funds, nonappropriated funds, and capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and ARC, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains; the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and ARC; and contract identifying codes used by the District of Columbia Public Schools; payments made in the last month and year-to-date, the total amount of the contract

and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(6) changes made in the last month to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

MONTHLY REPORTING REQUIREMENT—UNIVERSITY OF THE DISTRICT OF COLUMBIA

SEC. 139. The University of the District of Columbia shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for appropriated funds, nonappropriated funds, and capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center and responsibility center, for appropriated funds, nonappropriated funds, and capital funds.

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains: the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 140. None of the Federal funds appropriated under this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9-188, signed by the Mayor of the District of Columbia on April 15, 1992.

ANNUAL REPORTING REQUIREMENTS

SEC. 141. (a) The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1995, fiscal year 1996, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor and Council of the District of Columbia, by not later than February 8 of each year.

ANNUAL BUDGETS AND BUDGET REVISIONS

SEC. 142. (a) Not later than October 1, 1995, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1996, whichever occurs first, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the Congress, the Mayor, and Council of the District of Columbia, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other than personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301).

BUDGET APPROVAL

SEC. 143. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

PUBLIC SCHOOL EMPLOYEE EVALUATIONS

SEC. 144. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

POSITION VACANCIES

SEC. 145. (a) No agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant on October 1, 1995, or becomes vacant between October 1, 1995, and September 30, 1996, unless the Mayor or independent agency submits a proposed resolution of intent to fill the vacant position to the Council. The Council shall be required to take affirmative action on the Mayor's resolution within 30 legislative days. If the Council does not affirmatively approve the resolution within 30 legislative days, the resolution shall be deemed disapproved.

(b) No reduction in the number of full-time equivalent positions or reduction-in-force due to privatization or contracting out shall occur if the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), disallows the full-time equivalent position reduction provided in this Act in meeting the maximum ceiling of 39,778 for the fiscal year ending September 30, 1996.

(c) This section shall not prohibit the appropriate personnel authority from filling a vacant position with a District government employee currently occupying a position that is funded with appropriated funds.

(d) This section shall not apply to local school-based teachers, school-based officers, or school-based teachers' aides.

CAPITAL PROJECT EMPLOYEES

SEC. 146. (a) Not later than 15 days after the end of every fiscal quarter (beginning October 1, 1995), the Mayor shall submit to the Council and the Committees on Appropriations of the Senate and House of Representatives a report with respect to the employees on the capital project budget for the previous quarter.

(b) Each report submitted pursuant to subsection (a) of this section shall include the following information—

(1) a list of all employees by position, title, grade and step;

(2) a job description, including the capital project for which each employee is working;

(3) the date that each employee began working on the capital project and the ending date that each employee completed or is projected to complete work on the capital project; and

(4) a detailed explanation justifying why each employee is being paid with capital funds.

MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-FORCE PROCEDURES

SEC. 147. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), is amended as follows:

(a) Section 301 (D.C. Code, sec. 1.603.1) is amended as follows:

(1) A new paragraph (13A) is added to read as follows:

"(13A) 'Nonschool-based personnel' means any employee of the District of Columbia Public Schools who is not based at a local school or who does not provide direct services to individual students.".

(2) A new paragraph (15A) is added to read as follows:

"(15A) 'School administrators' means principals, assistant principals, school program

directors, coordinators, instructional supervisors, and support personnel of the District of Columbia Public Schools.".

(b) Section 801A(b)(2) (D.C. Code, sec. 1-609.1(b) (2)) is amended as follows:

(1) By striking the semicolon at the end of subparagraph (L).

(2) By adding a new subparagraph (L-i) to read as follows:

"(L-i) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;"

(c) Section 2402 (D.C. Code, sec. 1-625.2) is amended by adding a new subsection (f) to read as follows:

"(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit non-school based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.".

SEC. 148. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from non-school based personnel who shall not compete with school-based personnel for retention purposes.

MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES

SEC. 149. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), is amended as follows:

(a) Section 2401 (D.C. Code, sec. 1-625.1) is amended by amending the third sentence to read as follows: "A personnel authority may establish lesser competitive areas within an agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency.".

(b) A new section 2406 is added to read as follows:

"SEC. 2406. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR 1996.

"(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1996, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

"(b) Prior to February 1, 1996, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

"(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee effected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to one round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

"(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the U.S. Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

"(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

"(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows:

"(1) An employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2543); and

"(2) An employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

"(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section:

"(1) Four years for an employee who qualified for veteran's preference under this Act, and

"(2) Three years for an employee who qualified for residency preference under this Act.

"(i) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

"(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1996, or upon the delivery of termination notices to individual employees.

"(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this act shall not be deemed negotiable.

"(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1996, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section".

DELAY IN CONVEYANCE OF PROPERTY TO COLUMBIA HOSPITAL FOR WOMEN FOR NATIONAL WOMEN'S HEALTH RESOURCE CENTER

SEC. 150. Effective as if included in the enactment of Public Law 103-67, section 1(c)(1) of Public Law 103-67 (107 Stat. 687) is amended by striking "1 year" and inserting "3 years".

This title may be cited as the "District of Columbia Appropriations Act, 1996".

TITLE II—DISTRICT OF COLUMBIA SCHOOLS IMPROVEMENT ACT

Subtitle A—Establishment and Organization of Commission on Consensus Reform in the District of Columbia Public Schools

SEC. 201. DEFINITIONS.

For purposes of this subtitle—

(1) COMMISSION.—The term "Commission" means the Commission on Consensus Reform in the District of Columbia Public Schools.

(2) BOARD OF EDUCATION OR BOARD.—The term "Board of Education" or "Board" means the Board of Education of the District of Columbia.

(3) AUTHORITY.—The term "Authority" means the District of Columbia Financial Responsibility and Management Assistance Authority.

(4) EDUCATIONAL PLAN.—The term "Educational Plan" means the System-Wide Educational Reform Goals and Objectives Plan developed and implemented under this Act.

(5) MAYOR.—The term "Mayor" means the Mayor of the District of Columbia.

(6) COUNCIL.—The term "Council" means the Council of the District of Columbia.

SEC. 202. COMMISSION ON CONSENSUS REFORM IN THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is hereby established the Commission on Consensus Reform in the District of Columbia Public Schools, consisting of 7 members to be appointed in accordance with paragraph (2).

(2) MEMBERSHIP.—The Commission shall consist of the following members:

(A) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Majority Leader of the Senate;

(B) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Speaker of the House of Representatives;

(C) 2 members to be appointed by the President, 1 who shall represent the local business community and 1 who is a teacher in the District of Columbia public schools.

(D) The President of the District of Columbia Congress of Parents and Teachers.

(E) The President of the District of Columbia Board of Education.

(F) The Superintendent of Public Schools of the District of Columbia.

(G) The Mayor and Council Chairman shall each name one non-voting ex-officio member.

(H) The Chief of the National Guard Bureau who shall be an ex officio member.

(3) TERMS OF SERVICE.—The members of the Commission appointed under subparagraphs (A), (B), and (C) of paragraph (2) shall appointed for a term of 3 years.

(4) VACANCIES.—Any vacancy in the membership of the Commission shall be filled by the appointment of a new member in the same manner as provided for the vacated membership. A member appointed under this paragraph shall serve the remaining term of the vacated membership.

(5) QUALIFICATIONS.—Members of the Commission appointed under subparagraphs (A), (B), and (C) of paragraph (2) shall be city residents with a knowledge of education.

(6) CHAIR.—The chair of the Commission shall be chosen by the Commission from among its members, except that the President of the Board of Education and the Superintendent of Public Schools shall not be eligible to serve as chair.

(7) NO COMPENSATION FOR SERVICE.—Members of the Commission shall serve without pay, but may receive reimbursement for any

reasonable and necessary expenses incurred by reason of service on the Commission.

(b) EXECUTIVE DIRECTOR.—The Commission shall have an Executive Director who shall be appointed by the Chair with the consent of the Commission. The Executive Director shall be paid at a rate determined by the Commission, except that such rate may not exceed the highest rate of pay payable for level EG16 of the Educational Service.

(c) STAFF.—With the approval of the Chair, the Executive Director may appoint and fix the pay of additional personnel as the Executive Director considers appropriate, except that no individual appointed by the Executive Director may be paid at a rate greater than the rate of pay for the Executive Director.

(d) The Board shall reprogram such funds, as the chairman of the Commission shall in writing request, from amounts available to the Board.

SEC. 203. GENERAL POWERS.

(a) IN GENERAL.—The Commission shall have the following powers:

(1) Financial control over the District of Columbia public schools exercised through the Authority.

(2) To approve and monitor the development and implementation of the Board's Educational Plan.

(3) To exercise its authority, as provided in this subtitle, as necessary to facilitate implementation of the Board's Educational Plan.

(4) To promulgate rules concerning the management and direction of the Board, as deemed necessary, to address obstacles to the development or implementation of the Educational Plan.

(b) LIMITATION.—Except as otherwise provided in this subtitle, the Commission shall have no powers to involve itself in the management or operation of the Board in the implementation of the Educational Plan.

SEC. 204. SYSTEM-WIDE EDUCATIONAL REFORM GOALS AND OBJECTIVES PLAN.

(a) BOARD PLAN.—The Board shall develop, adopt, and submit to the Commission on or before March 1, 1996, a System-Wide Educational Reform Goals and Objectives Plan with respect to the 1996–1997 school year. Thereafter, the Board shall develop, adopt and submit to the Commission on or before March 1 of each year an Educational Plan for the coming school year. The Board shall have an Educational Plan for every year.

(b) COMMISSION APPROVAL.—The Commission shall approve or reject, in whole or in part, the Educational Plan submitted to it by the Board within 30 days of its receipt. No Educational Plan shall have force or effect without approval of the Commission.

(c) DEVELOPMENT AND CENTERS FOR APPROVAL PLAN.—Each Educational Plan shall be developed, submitted, approved, and monitored in accordance with the following procedures:

(1) Each Educational Plan shall include specific provisions designed to accomplish the following objectives and reflect the cumulative effect of the Local School Restructuring Team (LSRT) in terms of student needs, financial requirements, and timeliness for implementation:

(A) To ensure, to the extent possible with available categorical funds designated for this purpose, the provision of education services to all eligible children for the 1997–1998 school year and thereafter.

(B) To increase the level of parental involvement in the education of their children.

(C) To enhance the range of authority, responsibility, and accountability of principals.

(D) To restructure the relationship of the Board and its administrative staff to local schools so that the relationship is characterized by less centralized control.

(E) To ensure that all personnel have access to appropriate training opportunities.

(F) To ensure the provision of sufficient staff and facility resources for compliance with court orders.

(G) To ensure the equitable distribution among the schools and programs of funds budgeted by the Board in accordance with applicable laws, rules and regulations.

(H) To ensure that more schools are given the opportunity to operate with more autonomy.

(I) To ensure a new, fair, demanding evaluation process and more and better opportunities for teacher preparation.

(J) To generate a sense of urgency in the business and philanthropic community and enlist them in targeted support for very particular, concrete school reform goals.

(K) To address the school governance issue, and to recommend, within 1 year from the date of the appointment of the members of the Commission constituting a quorum, to the Council, the Mayor, and the relevant committees of the Congress an alternative to the current structure that will eliminate the division of responsibility and accountability among the Board of Education, the District Council and the Mayor.

(2) Each Educational Plan shall include specific provisions to ensure the best possible utilization of public school space, including provisions—

(A) to prepare a plan for adaptive reuse of schools and consolidation;

(B) to develop a five-year capital improvement plan to carry out an approved facilities master plan which provides for a system-wide modernization of public schools;

(C) to institute management systems to support the implementation of the capital plan, in consultation and cooperation with the Mayor and Authority; and

(D) to identify and develop revenue sources for the approved capital improvement plan.

SEC. 205. ELEMENTS OF THE SYSTEM-WIDE EDUCATIONAL REFORM GOALS AND OBJECTIVES PLAN.

(a) PLAN GOALS.—Each Educational Plan shall contain a detailed description, including estimates of financial costs and expected dates of completion, of—

(1) the Board's school reform goals and objectives;

(2) the Board's strategy for implementing its school reform goals and objectives;

(3) the Board's plans and strategy for implementing applicable District laws enacted to affect school reform;

(4) the Board's strategy for developing and implementing district-wide guidelines, rules, and procedures with respect to local school decision making as provided by applicable District law enacted as part of any school reform legislation;

(5) the Board's goals and objectives for the 2-year period subsequent to the school year for which the Educational Plan applies, as prescribed by the Commission; and

(6) such other information and detail as may be prescribed by the Commission.

(b) STANDARDS AND PROCEDURES.—The Commission may prescribe any reasonable time, standards, procedures, or forms for preparation and submission of the Educational Plan.

(c) APPROVAL CRITERIA.—The Commission shall approve an Educational Plan submitted by the Board if, in the Commission's judgment, the Educational Plan is—

(1) complete;

(2) reasonably capable of being achieved;

(3) supported by demonstrably sufficient and available funding;

(4) responsive to any Commission directives or requirements;

(5) consistent with applicable District laws enacted to affect school reform; and

(6) reasonably capable of achieving substantial progress toward improving the educational achievement of the students and is consistent with the Bringing Educational Services to Students (BESST) agenda, the District of Columbia Reform Agenda, and the District of Columbia Public Schools Goals 2000 Plan.

(d) REJECTION AND REVISION.—If the Commission rejects an Educational Plan submitted by the Board, the Commission may prescribe a procedure and standards for revision and resubmission of the Educational Plan by the Board. If, within 60 days after the Commission notifies the Board of the Commission's rejection of the Board's Educational Plan and of the procedures and standards for revision and resubmission, the Board fails to approve and resubmit a revised plan acceptable to the Commission, the Commission may make revisions and adopt a final Educational Plan and direct the Superintendent to implement.

(e) REPORTING REQUIREMENTS.—The Board shall report to the Commission, at such times and in such manner as the Commission may direct, concerning the Board's implementation of each approved Educational Plan. The Commission may review the Board's operations, obtain educational and financial data, require the Board to produce reports, and have access to any other information in the possession of the Board that it deems relevant. The Commission may issue recommendations or directives within its powers to the Board for the implementation of the approved Educational Plan. The Board shall produce such reports and other information and comply with such directives.

(f) NOTICE OF MODIFICATION.—After approval of each Educational Plan, the Board shall promptly notify the Commission of any material change in any matter contained in the approved Educational Plan. The Board may submit to the Commission or the Commission may require the Board to submit, a modified Educational Plan based upon revised information. The Commission shall approve or reject each modified Educational Plan pursuant to subsection (c).

SEC. 206. CONSISTENCY WITH SYSTEM-WIDE EDUCATIONAL REFORM GOALS AND OBJECTIVES PLAN.

(a) LIMITS ON CONTRACTING.—The Board shall not enter into any contract, agreement, or other obligation unless it is consistent with the Educational Plan in effect.

(b) COMMISSION AUTHORITY OVER CONTRACTING.—The Commission shall have no power to impair any existing contract or obligation of the Board; except, however, that the Commission may direct the Board to modify or amend the Board rules or policies that the Commission deems necessary to facilitate development or implementation of the Educational Plan.

(c) REVIEW OF CONTRACTS.—The Commission may request that the Authority review proposed or existing contracts or leases pursuant to section 203(b) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 109 Stat. 118).

SEC. 207. EDUCATIONAL PERFORMANCE AUDITS.

The Commission may examine and audit records of the Board or require the Board to

examine and audit its records at such time and in such manner as the Commission may prescribe to assure, monitor, and evaluate the performance of the Board with respect to compliance with an approved Educational Plan and its overall educational achievement. The Commission shall conduct an annual audit of the educational performance of the Board with respect to meeting the goals of the Educational Plan for such year. The audit technique, content, and procedures shall be determined by the Commission. The Board shall cooperate and assist in the audit as requested by the Commission.

SEC. 208. INVESTIGATIVE POWERS.

The Commission may investigate any action or activity which may hinder the progress of any part of an approved Educational Plan. The Board shall cooperate and assist the Commission in any investigation. Reports of the findings of any such investigation shall be provided to the Board, Superintendent of the District of Columbia Public Schools, the Mayor, the Council, the Authority, the Committees on Appropriations of the Senate and House of Representatives.

SEC. 209. RECOMMENDATIONS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may at any time submit recommendations to the Board, Mayor, the Council, and the Congress on actions the District government or the Federal Government should take to ensure implementation of the approved Educational Plan.

(b) RESPONSE TO RECOMMENDATIONS FOR ACTIONS WITHIN AUTHORITY OF THE BOARD OF EDUCATION.—

(1) IN GENERAL.—In the case of any recommendations submitted under subsection (a) which are within the authority of the District of Columbia government to adopt, not later than 90 days after receiving the recommendations, the Board, shall submit a statement to the Commission which provides notice as to whether the Board will adopt the recommendations.

(2) IMPLEMENTATION PLAN REQUIRED FOR ADOPTED RECOMMENDATIONS.—If the Board notifies the Commission under paragraph (1) that the Board will adopt any of the recommendations submitted under subsection (a), the Board shall include in the statement a written plan to implement the recommendation which includes—

(A) specific performance measures to determine the extent to which the Board has adopted the recommendation; and

(B) a schedule for auditing the Board's compliance with the plan.

(3) EXPLANATIONS REQUIRED FOR RECOMMENDATIONS NOT ADOPTED.—If the Board notifies the Commission under paragraph (1) that the Board will not adopt any recommendation submitted under subsection (a) which the Board has authority to adopt, the Board shall include in the statement explanations for the rejection of the recommendations.

(4) COMMISSION REACTION TO NONRESPONSE FROM BOARD OR REJECTION OF RECOMMENDATION.—(A) In the instance where there is no response from the Board at the end of 90 days the Commission shall immediately notify, including the written recommendation submitted under subsection (a) to the Board, the other elements of the District of Columbia government and the Committee on Governmental Affairs of the Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives.

(B) The Commission may then direct the Superintendent to carry out such recommendation.

SEC. 210. VACANCY IN SUPERINTENDENT OF PUBLIC SCHOOLS.

(a) Notwithstanding any other provision of law, the Board shall notify the Commission within 10 days of the occurrence of a vacancy in the Superintendent of Public Schools.

(b) Upon receipt of the notice described in (a) the Commission shall, as soon as is practicable, conduct a search for candidates for the office of Superintendent of Public Schools and submit the names of 3 candidates to the Board.

(c) Within 30 days of the receipt of the names described in (b) the Board shall choose one to be the Superintendent of the District of Columbia Public Schools.

SEC. 211. IMPROVING ORDER AND DISCIPLINE.

(a) DRESS CODE.—

(1) IN GENERAL.—Not later than the first day of the 1996-1997 school year, the Commission shall develop and implement, through the Board of Education and the Superintendent of Schools, a uniform dress code for the District of Columbia Public Schools.

(2) CONSIDERATIONS.—The dress code—

(A) shall include a prohibition of gang membership symbols;

(B) shall take into account the relative costs of any policy for each student; and

(C) may include a requirement that students wear uniforms.

(b) COMMUNITY SERVICE REQUIREMENT FOR SUSPENDED STUDENTS.—

(1) IN GENERAL.—Any student suspended from classes at a District of Columbia Public School who is required to serve the suspension outside the school shall perform community service for the period of suspension. The community service required by this subsection shall be subject to rules and regulations promulgated by the Mayor.

(2) EFFECTIVE DATE.—This subsection shall take effect beginning on the first day of the 1996-1997 school year.

(c) EXPIRATION DATE.—This section and the membership provided in section 202(a)(2)(H) shall expire on the last day of the 1997-1998 school year.

(d) REPORT.—The Commission shall study the effectiveness of the policies implemented pursuant to this section in improving order and discipline in schools and report its findings to the appropriate committees of Congress 60 days before the last day of the 1997-1998 school year.

SEC. 212. EXPIRATION DATE.

This subtitle shall expire on September 30, 2016.

Subtitle B—Charter Schools

SEC. 213. PURPOSE.

The purpose of this subtitle is to permit the District of Columbia to establish charter schools to improve the education of students and encourage community involvement in education.

SEC. 214. DEFINITIONS.

For purposes of this subtitle—

(1) CHARTER SCHOOL.—The term "charter school" means a public school that—

(A) operates under a charter granted for a period of 5 years by the Commission on Consensus Reform in the District of Columbia Public Schools or the Board of Education of the District of Columbia and functions independently of the D.C. Public Schools as a local education agency and is exempted from significant local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to other requirements under this subtitle;

(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, or an existing non-Public School, and is operated under public supervision and direction;

(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(D) provides a program of elementary or secondary or both;

(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(F) does not charge tuition;

(G) is governed by a Board of Trustees;

(H) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals With Disabilities Education Act;

(I) admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

(J) agrees to comply with the same Federal and District of Columbia audit requirements as do other elementary and secondary schools in the District of Columbia, unless such requirements are specifically waived for the purpose of this program; and

(K) meets all applicable Federal and local health and safety requirements.

(2) DEVELOPER.—The term "developer" means an individual or group of individuals (including a public or private organization) which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

(3) ELIGIBLE APPLICANT.—The term "eligible applicant" means an authorized public chartering agency participating in a partnership with a developer to establish a charter school.

(4) PUBLIC CHARTERING AGENCY.—The term "public chartering agency" means the Commission on Consensus Public School Reform and the District of Columbia Board of Education.

SEC. 215. APPLICATION.

(a) IN GENERAL.—A petition for a public school charter shall be a written proposed agreement between an eligible applicant seeking to establish a public charter school and an eligible chartering agency.

(b) CONTENTS OF APPLICATION.—The application shall contain—

(1) a description of the objectives of the Local Educational Agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the local educational agency to inform teachers, parents, and communities of the local educational agency's charter school grant program;

(2) a description of how the program will enable all students to meet challenging student performance standards as established by the local educational agency;

(3) the grade levels or ages of children to be served;

(4) the curriculum and instructional practices to be used;

(5) a description as to how the charter school will be managed;

(6) a description of the charter school's objectives and the methods by which the charter school will determine its progress toward achieving those objectives;

(7) a description of the administrative relationship between the charter school and the authorized public chartering agency;

(8) a description of how parents and other members of the community will be involved in the design and implementation of the charter school;

(9) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any local rules, generally applicable to public schools, that will be waived for, or otherwise not apply, to the school;

(10) a description of how students in the community will be informed about the charter school and given an equal opportunity to attend the charter school; and

(11) an assurance that the eligible applicant will annually provide the Secretary of Education, the Congress, and the local educational agency such information as may be required to determine if the charter school is making satisfactory progress.

SEC. 216. SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.

Charter schools shall be selected by the public chartering agency by taking the following factors into consideration:

(1) The quality of the proposed curriculum and instructional practices.

(2) The degree of flexibility afforded by the local educational agency.

(3) The extent of community support for the application.

(4) The ambitiousness of the objectives for the charter school.

(5) The quality of the strategy for assessing achievement of those objectives.

(6) The likelihood that the charter school will meet those objectives and improve educational results for students.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. None of the funds provided in this Act may be used directly or indirectly for the renovation of the property located at 227 7th Street Southeast (commonly known as Eastern Market), except that funds provided in this Act may be used for the regular maintenance and upkeep of the current structure and grounds located at such property.

SEC. 302. ENERGY SAVINGS AT DISTRICT OF COLUMBIA FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS.—

(1) IN GENERAL.—The head of each agency of the District of Columbia for which funds are made available under this Act shall—

(A) take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency; or

(B) enter into a sufficient number of energy savings performance contracts with private sector energy service companies under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 8287 et seq.) to achieve during fiscal year 1996 at least a 5 percent reduction, from fiscal year 1995 levels, in the energy use of the facilities used by the agency.

(2) GOAL.—The activities described in paragraph (1) should be a key component of agency programs that will by the year 2000 result in a 20 percent reduction, from fiscal year 1985 levels, in the energy use of the facilities used by the agency, as required by section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253).

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 2000, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORTS.—

(1) BY AGENCY HEADS.—The head of each agency for which funds are made available under this Act shall include in each report of the agency to the Secretary of Energy under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)) a description of the results of the activities carried out under subsection (a) and recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) BY SECRETARY OF ENERGY.—The reports required under paragraph (1) shall be included in the annual reports required to be submitted to Congress by the Secretary of Energy under section 548(b) of the Act (42 U.S.C. 8258(b)).

(3) CONTENTS.—With respect to the period since the date of the preceding report, a report under paragraph (1) or (2) shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved;

(C) specify the actions that resulted in the reductions;

(D) with respect to the procurement procedures of the agency, specify what actions have been taken to—

(i) implement the procurement authorities provided by subsections (a) and (c) of section 546 of the National Energy Conservation Policy Act (42 U.S.C. 8256); and

(ii) incorporate directly, or by reference, the requirements of the regulations issued by the Secretary of Energy under title VIII of the Act (42 U.S.C. 8287 et seq.); and

(E) specify—

(i) the actions taken by the agency to achieve the goal specified in subsection (a)(2);

(ii) the procurement procedures and methods used by the agency under section 546(a)(2) of the Act (42 U.S.C. 8256(a)(2)); and

(iii) the number of energy savings performance contracts entered into by the agency under title VIII of the Act (42 U.S.C. 8287 et seq.).

SEC. 303. PAY OF MEMBERS OF CONGRESS AND THE PRESIDENT DURING GOVERNMENT SHUTDOWNS.

(a) IN GENERAL.—Members of Congress and the President shall not receive basic pay for any period in which—

(1) there is more than a 24 hour lapse in appropriations for any Federal agency or department as a result of a failure to enact a regular appropriations bill or continuing resolution; or

(2) the Federal Government is unable to make payments or meet obligations because the public debt limit under section 3101 of title 31, United States Code has been reached.

(b) RETROACTIVE PAY PROHIBITED.—No pay forfeited in accordance with subsection (a) may be paid retroactively.

SMALL BUSINESS LENDING ENHANCEMENT ACT OF 1995

Mr. BOND. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 895.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 895) entitled "An Act to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Credit Efficiency Act of 1995".

SEC. 2. FEE FOR LOAN GUARANTEES SOLD ON SECONDARY MARKET.

Section 5(g)(4)(A) of the Small Business Act (15 U.S.C. 634(g)(4)(A)) is amended by striking "4/10 of one percent" and inserting "one-half of 1 percent".

SEC. 3. GENERAL BUSINESS LOANS.

(a) REDUCED LEVEL OF PARTICIPATION IN GUARANTEED LOANS.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended to read as follows:

"(2) LEVEL OF PARTICIPATION IN GUARANTEED LOANS.—

"(A) IN GENERAL.—In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall be—

"(i) equal to 80 percent of the balance of the financing outstanding at the time of disbursement if such financing is less than or equal to $100,000; and

"(ii) equal to 75 percent of the balance of the financing outstanding at the time of disbursement if such financing is greater than $100,000.

"(B) REDUCED PARTICIPATION.—The guarantee percentage specified by subparagraph (A) for any loan may be reduced upon the request of the participating lender. The Administration shall not use the percent of guarantee requested as a criterion for establishing priorities in approving guarantee requests.

"(C) INTEREST RATE UNDER PREFERRED LENDERS PROGRAM.—The maximum interest rate for a loan guaranteed under the Preferred Lenders Program shall not exceed the maximum interest rate, as determined by the Administration, which is made applicable to other loan guarantees under this subsection.

"(D) PREFERRED LENDERS PROGRAM DEFINED.—In this paragraph, the term 'Preferred Lenders Program' means a program under which a written agreement between the lender and the Administration delegates to the lender—

"(i) complete authority to make and close loans with a guarantee from the Administration without obtaining the prior specific approval of the Administration; and

"(ii) authority to service and liquidate such loans.".

(b) GUARANTEE FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended to read as follows:

"(18) GUARANTEE FEES.—

"(A) GENERAL FEE.—For any loan or financing made under this subsection other than a loan repayable in a period of one year or less, the Administration shall collect a guarantee fee equal to—

"(i) 2 percent of the gross amount of any loan guaranteed under this subsection of an amount less than $250,000;

"(ii) 2.5 percent of the gross amount of any loan guaranteed under this subsection of an amount equal to or greater than $250,000 and less than $500,000; or

"(iii) 3 percent of the gross amount of any loan guaranteed under this subsection of an amount equal to or greater than $500,000.

Such fee shall be payable by the participating lending institution and may be charged to the borrower.

"(B) ADDITIONAL FEE TO OFFSET COST.—

"(i) IN GENERAL.—In addition to the guarantee fee to be collected under subparagraph (A), the Administration shall collect a fee for loans guaranteed under this subsection (other than loans for which a guarantee fee may be collected under section 5(g)(4)(A)) in an amount equal to not more than four-tenths of 1 percent per year of the outstanding principal portion of such loan guaranteed by the Administration.

"(ii) USE.—Fees collected under clause (i) shall be used solely to offset the cost (as defined by section 502(5) of the Congressional Budget Act of 1974) of guaranteeing loans under this subsection.

"(iii) PAYMENT.—Fees collected under clause (i) shall be payable by the participating lending institution and shall not be charged to the borrower.".

(c) REPEAL OF PROVISIONS ALLOWING RETENTION OF GUARANTEE FEES BY LENDERS.—Section 7(a)(19) of the Small Business Act (15 U.S.C. 636(a)(19)) is amended—

(1) in subparagraph (B)—

(A) by striking "shall (i) develop" and inserting "shall develop"; and

(B) by striking ", and (ii)" and all that follows before the period at the end; and

(2) by striking subparagraph (C).

SEC. 4. MODIFICATIONS TO DEVELOPMENT COMPANY DEBENTURE PROGRAM.

(a) MAXIMUM LOAN AMOUNT.—Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

"(2) Loans made by the Administration under this section shall be limited to $1,250,000 for each such identifiable small business concern.".

(b) FEE TO OFFSET COST.—Section 503(b)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 697(b)(3)) is amended by inserting before the semicolon the following: "and includes a one-eighth of 1 percent fee which shall be paid to the Administration and which shall be used solely to offset the cost (as defined by section 502(5) of the Congressional Budget Act of 1974) of guaranteeing the debenture.".

Amend the title so as to read: "An Act to amend the Small Business Act and the Small Business Investment Act of 1958 to reduce the cost to the Federal Government of guaranteeing certain loans and debentures, and for other purposes.".

Mr. BOND. Mr. President, I ask unanimous consent that the Senate disagree to the House amendments, agree to a request for a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

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

Thereupon, the Presiding Officer (Mr. GRAMS) appointed Mr. BOND, Mr. BURNS, Mr. COVERDELL, Mr. BUMPERS, and Mr. NUNN conferees on the part of the Senate.

ORDERS FOR WEDNESDAY, SEPTEMBER 27, 1995

Mr. BOND. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Wednesday, September 27, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day; that the Senate immediately proceed to a 10-minute period for morning business under the control of Senator HEFLIN; and that the Senate then resume consideration of H.R. 2099, the VA–HUD appropriations bill.

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

AMENDMENT NO. 2784

Mr. BOND. Mr. President, I further ask unanimous consent that when the Senate resumes the HUD–VA bill at approximately 9:15 a.m., that there be 4 minutes for debate on the Rockefeller amendment No. 2784, to be equally divided in the usual form, to be followed by a vote on a motion to waive the Budget Act.

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

AMENDMENT NO. 2785

Mr. BOND. Mr. President, I further ask unanimous consent that following disposition of the Rockefeller amendment, there then be 4 minutes for debate, to be equally divided in the usual form, on the second Rockefeller amendment, to be followed by a vote on the motion to waive the Budget Act for consideration of the Rockefeller amendment No. 2785.

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

AMENDMENT NO. 2786

Mr. BOND. Mr. President, I further ask unanimous consent that following the disposition of the second Rockefeller amendment, there be 4 minutes for debate, to be equally divided in the usual form, on the Baucus amendment No. 2786, to be followed by a vote on or in relation to the Baucus amendment.

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

AMENDMENT NO. 2782

Mr. BOND. Mr. President, finally, I ask unanimous consent that following the disposition of the Baucus amendment, there be 10 minutes for debate, to be equally divided in the usual form, on the Sarbanes amendment No. 2782, to be followed by a vote on or in relation to the Sarbanes amendment.

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

PROGRAM

Mr. BOND. Mr. President, on behalf of the leader, it is my pleasure to announce for the information of all Senators that the Senate will resume consideration of the VA–HUD appropriations bill tomorrow morning at 9:15. Under the previous order, there will be four rollcall votes at approximately 9:20 a.m., with a brief period of time between each vote. The leader has indicated the Senate will complete action on this appropriations bill hopefully by early afternoon. Therefore, additional rollcall votes can be expected throughout Wednesday's session in order to finish action on the VA–HUD appropriations bill and to make progress on the Labor-HHS appropriations bill.

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

RECESS UNTIL 9 A.M. TOMORROW

Mr. BOND. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:55 p.m., recessed until Wednesday, September 27, 1995, at 9 a.m.