

TO PROMOTE ECONOMIC GROWTH.—Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”; and

(2) by adding at the end the following:

“(d) In processing petitions under section 204(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(H)) for classification under section 203(b)(5) of such Act (8 U.S.C. 1153(b)(5)), the Secretary of Homeland Security may give priority to petitions filed by aliens seeking admission under the pilot program described in this section. Notwithstanding section 203(e) of such Act (8 U.S.C. 1153(e)), immigrant visas made available under such section 203(b)(5) may be issued to such aliens in an order that takes into account any priority accorded under the preceding sentence.”

(b) EXTENSION.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking “10 years” and inserting “15 years”.

#### SEC. 5. GAO STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall report to Congress on the immigrant investor program created under section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)).

(b) CONTENTS.—The report described in subsection (a) shall include information regarding—

(1) the number of immigrant investors that have received visas under the immigrant investor program in each year since the inception of the program;

(2) the country of origin of the immigrant investors;

(3) the localities where the immigrant investors are settling and whether those investors generally remain in the localities where they initially settle;

(4) the number of immigrant investors that have sought to become citizens of the United States;

(5) the types of commercial enterprises that the immigrant investors have established; and

(6) the types and number of jobs created by the immigrant investors.

#### DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004—Continued

Mr. BOND. Mr. President, I see the distinguished Senator from New Jersey in the Chamber. I believe he has an amendment, and if the pricetag is reasonable, we may be able to accept it.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I appreciate the manager's interest in permitting me to offer this amendment. I will try to do it as quickly as I can.

Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 2171 TO AMENDMENT NO. 2150

Mr. LAUTENBERG. 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 New Jersey [Mr. LAUTENBERG], for himself, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. BOXER, Mr. CORZINE, Mr. SCHUMER, Mr. LEAHY, Mr. LIEBERMAN, Mr. KERRY, Mr. KENNEDY, Mr. EDWARDS, Ms. CANTWELL, and Mr. DURBIN, proposes an amendment numbered 2171.

Mr. LAUTENBERG. 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:

(Purpose: To maintain enforcement personnel for the Environmental Protection Agency at the fiscal year 2003 level)

On page 98, line 5, before the period at the end, insert the following: “, of which, in addition to any other amounts provided under this heading for the Office of Enforcement and Compliance Assurance, \$5,400,000 shall be made available for that office”.

Mr. LAUTENBERG. Mr. President, I rise to offer this amendment on behalf of myself and Senator MIKULSKI. We are pleased to have as cosponsors Senators JEFFORDS, KERRY, LIEBERMAN, BOXER, SCHUMER, LEAHY, CORZINE, DURBIN, CANTWELL, KENNEDY, and EDWARDS.

This appropriations bill cuts the number of enforcement officers in EPA's Office of Enforcement and Compliance Assurance by 54 positions. The amendment I am offering would restore those 54 positions so that EPA would have the same number of enforcement officers in fiscal year 2004 that the agency had in 2003.

Maintaining the current level of enforcement capacity is the least we ought to do in view of the reductions in enforcement staffing we have seen made in recent years.

An EPA report that was released earlier this year on the Nation's enforcement of the Clean Water Act paints a disheartening picture. It shows additional officers are critically needed. Without this amendment, the total staffing reductions made since fiscal year 2001 will equal 100 enforcement positions. That is equivalent to eliminating all of EPA's enforcement personnel for both the Northeast and Southeast regions.

The cost of the 54 positions my amendment would retain would be approximately \$5.4 million. This cost, as the Senator from Missouri noted, will be offset by a tiny reduction of .003, or three one-thousandths of a percent, in EPA's \$22.2 billion environmental programs and management account. Again, these positions are only going to keep the level of enforcement staffing where it presently is.

Our colleagues in the House have already approved a similar amendment. In July, they voted to add 54 enforcement positions back into the bill at the same cost using the same offset as the amendment before us.

The cuts in enforcement are taking a heavy toll, and the facts are these: Be-

tween 1999 and 2001, 76 percent of the country's major facilities with significant environmental violations received no formal enforcement action whatsoever. Inspections are down. There has been a 45-percent decrease in enforcement actions, and the penalties that are levied averaged a paltry \$6,000. We have practically hung out a sign that tells polluters it is all right to flaunt the law, and the fines are hardly a deterrent to businesses generally.

The damage they do, however, is not free, and society will pay the price for the mounting violations, additional fish advisories, higher asthma rates, more trips to the hospital, and worse.

An internal EPA survey that was leaked to the press in January painted a dismal and frightening picture of what is happening at some of the largest facilities across the country. Fifty percent of major facilities are exceeding their permitted toxic release limits by 100 percent, 21 percent of the facilities are exceeding their toxic release limits by 500 percent, and 13 are exceeding toxic limits by an alarming 1,000 percent.

These are alarming statistics, and they portray a terrible picture.

I am pleased my colleagues will be considering what it means to these families who live downriver or downwind from these plants. None of us in this Chamber would ever knowingly subject our families to concentrations of mercury, dioxins, or other deadly toxins in our lakes and rivers that are 10 times the safe level. But we are doing that. If we don't stop companies from violating our environmental laws, we will continue to do that.

To my colleagues, I say we are not powerless; we can stop these dangerous violations, or at least keep them contained to a no larger level, which is an important first step this amendment takes care of.

I submit this amendment for consideration by the ranking member, the distinguished Senator from Maryland, and the chairman, the distinguished Senator from Missouri. I understand there has been a review of my amendment.

Ms. MIKULSKI. Mr. President, there has been a review of the Senator's amendment.

Mr. BOND. Mr. President, I believe we can accept this amendment. This is an increase, obviously. Our budget has been short in every area. We share the concern of the author of this amendment in ensuring EPA enforcement is strong enough.

There is no objection on this side. Ms. MIKULSKI. Mr. President, I am an enthusiastic cosponsor of the Lautenberg amendment. He is absolutely right. This money is needed because it essentially restores funding for the environmental cops on the beat. We wanted to do this in our bill, but circumstances shackled us from doing so.

This is a good amendment. We are happy to accept it. I thank the Senator for his longstanding advocacy in this area.

The PRESIDING OFFICER. Is there further debate on this amendment?

Mr. BOND. Mr. President, a request has been made by the distinguished ranking member of the Appropriations Committee that we have a voice vote and not just accept these amendments without objection. It would be in order to ask for a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 2171.

The amendment (No. 2171) was agreed to.

Mr. LAUTENBERG. 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, Senator ENSIGN has a statement he wishes to make, but in the meantime we have a number of amendments that have been cleared on both sides.

AMENDMENT NO. 2172 TO AMENDMENT NO. 2150

Mr. BOND. Mr. President, I send an amendment to the desk on behalf of Senator HOLLINGS and Senator GRAHAM of South Carolina. This is an amendment permitting the Secretary of VA to enter into an enhanced-use lease for the Medical University Hospital Authority in Charleston.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. GRAHAM of South Carolina, for himself and Mr. HOLLINGS, proposes an amendment numbered 2172 to amendment No. 2150.

Mr. BOND. 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:

(Purpose: To authorize the Secretary of Veterans Affairs to enter into an enhanced-use lease at the Charleston Department of Veterans Affairs Medical Center, Charleston, South Carolina)

At the end of title I, add the following:

SEC. 116. Notwithstanding paragraph (2) of section 8163(c) of title 38, United States Code, the Secretary of Veterans Affairs may enter into an enhanced-use lease with the Medical University Hospital Authority, a public authority of the State of South Carolina, for approximately 0.48 acres of underutilized property at the Charleston Department of Veterans Affairs Medical Center, Charleston, South Carolina, at any time after 30 days after the date of the submittal of the notice required by paragraph (1) of that section with respect to such property. The Secretary is not required to submit a report on the lease as otherwise required by paragraph (4) of that section.

Mr. BOND. Mr. President, I believe this amendment has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2173.

The amendment (No. 2173) 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.

AMENDMENT NO. 2173 TO AMENDMENT NO. 2150

Mr. BOND. Mr. President, I send to the desk an amendment by Senator MIKULSKI which provides for the Corporation National Service to refrain from disclosing any information. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Ms. MIKULSKI, for herself and Mr. BOND, proposes an amendment numbered 2173 to amendment No. 2150.

Ms. MIKULSKI. 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:

(Purpose: To require notice and comment rulemaking, and prohibit disclosure of selection information, by the Corporation for National and Community Service)

On page 92, line 22, strike the period and insert the following: “: *Provided further*, That, for fiscal year 2004 and every year thereafter, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking; *Provided further*, That, for fiscal year 2004 and every year thereafter, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.”.

Ms. MIKULSKI. Mr. President, this amendment is simple and straightforward. It does two things. It says the Corporation for National Community Service must change the rules. It protects the integrity of the grant process by preventing corporation officials from disclosing sensitive grant information and insists that any changes for rules for volunteer programs must have public comment.

One of my guiding principles is that people have a right to know, to be heard and to be represented. The Mikulski-Bond amendment upholds this principle. It ensures that the public gets a meaningful chance to comment on decisions that affect their communities and the volunteers who serve them.

Recently, National Service tried to change the rules for AmeriCorps. I was very troubled by the corporation's actions for two reasons: the process and the policy. My first concern was the process or actually the lack of a process. The corporation acted behind closed doors without input from Congress, volunteer advocates, or the communities they serve. States, communities, and advocates were told they had just 1 business day to review sweeping new rules, to ask questions about them, and to offer suggested

changes. The corporation “jackpotted” advocates, volunteers, States, and local communities.

My second concern is policy. The AmeriCorps rules changes would hurt communities who depend on volunteers by eliminating support for long-standing, successful volunteer programs and by increasing financial and administrative burdens on communities and volunteer organizations.

I commend the board of directors for stepping in to stop the corporation. But it is clear that the corporation needs specific direction to ensure that the public has a right to be heard. The corporation doesn't have a Senate-confirmed CEO. We are working on a bipartisan basis to get David Eisner confirmed as the new CEO, but the staff must not make rule changes without leadership and public comment.

This amendment is good process, and good policy. It makes sure that the public has an opportunity to comment on any changes to National Service programs. And the amendment protects the integrity of the National Service grant process.

I thank Senator BOND for working with me on this amendment. I urge my colleagues to support it.

I thank the Senator from Missouri for his strong efforts to reform the fiscal and sloppy practices that are at the corporation. The volunteers are terrific, and now with the new CEO, I think we will be able to move ahead.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank my colleague from Maryland for her very thoughtful and well-crafted amendment. She has been regarded as really one of the greatest defenders of the concept of AmeriCorps national service. Nobody has been a stronger champion of volunteer service. I have been pleased to be a junior partner to her in this effort. She has it just right. The volunteers are wonderful. The purpose is wonderful. We have had more than a few bumps in the road in terms of how the program has been administered, but we have high hopes that the new administration in that agency, with the new head, the financial officer, the chairman, will be on the right track.

I urge my colleagues to adopt this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 2173.

The amendment (No. 2173) was agreed to.

Mr. BOND. Mr. President, 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, I now see my distinguished colleague from Nevada is in the Chamber. I yield the floor to him for such comments as he wishes to make.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2152

Mr. ENSIGN. Mr. President, I rise in opposition to the Clinton-Enzi amendment.

First, I ask unanimous consent that letters from the Disabled American Veterans, Veterans of Foreign Wars, AMVETS, and the Paralyzed Veterans of America, all expressing their opposition to the Clinton-Enzi amendment, be printed in the RECORD.

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

DISABLED AMERICAN VETERANS,  
Washington, DC, November 7, 2003.

Hon. HILLARY RODHAM CLINTON,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the more than one million members of the Disabled American Veterans (DAV), we write to express our concern over your proposed amendment to limit the use of funds for the Department of Veterans Affairs (VA) Capital Asset Realignment for Enhanced Services (CARES) initiative, pending modification of the initiative to include long-term care, domiciliary care, and mental health services in addition to reconvening the Commission for further hearings.

Initially, please know that preservation of the integrity of the VA health care system is of the utmost importance to the DAV and our members, and we greatly appreciate your efforts and insistence that long-term care, domiciliary care, and mental health services are included in the CARES initiative. These specialized programs are an integral part of providing sick and disabled veterans comprehensive health care. However, we are concerned your amendment may completely stall the CARES process and prohibit VA from making the necessary changes to improve its health care system and enhance access and services for veteran patients.

As you are aware, over the past 7 years, following national trends, VA's Veterans Health Administration converted from a primarily hospital-based system to an outpatient focused health care delivery model. With these sweeping changes, there clearly came a need to reassess VA's physical structures and the need to realign, renovate, and modernize VA facilities to meet the changing health care needs of veterans today and well into the future. Many VA medical facilities have an average age of 54 years and are in critical need of repair. Unfortunately, VA's construction budget has decreased sharply over the last several years with political resistance to fund any major projects before a formal plan was developed. VA responded with the CARES initiative. However, many desperately needed construction and maintenance projects, including seismic repairs that could potentially compromise patient safety, have been unnecessarily delayed. DAV strongly believes that CARES should not distract VA or Congress from its obligation to protect its physical assets whether they are to be used for current capacity or realigned.

On a national level, DAV firmly believes that realignment of capital assets is critical to the long-term health and viability of the entire VA health care system. We do not believe that restructuring is inherently detrimental to the VA health care system. However, we will remain vigilant and press VA to focus on the most important element in the process, enhancement of services and timely delivery of high quality health care services to our nation's sick and disabled veterans.

VA Secretary Anthony J. Principi met with DAV and other veterans service organi-

zations this morning and gave us his personal commitment that there would be no realignment or reduction in services as a result of CARES for mental health or long-term care until a definitive plan is developed and in place to absorb the workload for these specialized services. His promise to us satisfies our over-arching concern about the inclusion of these essential programs. Therefore, we believe the CARES process should be allowed to proceed at this critical juncture.

Again, we want to thank you for your efforts on CARES and for your strong leadership and support of veterans' issues. We very much look forward to continuing a positive and meaningful working relationship with you regarding matters of great importance to veterans. We hope that you will reconsider your position on this issue based on these new developments.

Sincerely,

DAVID W. GORMAN,  
Executive Director,  
Washington Headquarters.

AMERICAN VETERANS,  
Lanham, MD, November 7, 2003.

MEMORANDUM

To: All Members of the U.S. Senate.  
From: S. John Sisler, National Commander.  
Re: Consideration of CARES amendment in VA/HUD appropriations bill.

It is our understanding that Sen. Hillary Rodham Clinton may offer an amendment to S. 1584, the VA/HUD appropriations bill, that would block the Department of Veterans Affairs from spending any money to enact the CARES Commission recommendations.

On behalf of the nationwide membership of AMVETS (American Veterans), I write to express our strong opposition to Sen. Clinton's proposed amendment aimed to stop progress of the Department of Veterans Affairs National Capital Asset Realignment for Enhanced Services (CARES) Plan.

The CARES initiative is clearly needed to assess what facilities will best meet the healthcare needs of America's veterans. AMVETS believes that adoption of the amendment would further delay moving forward with construction projects that are obviously essential to patient safety and that will eventually pay for themselves as a result of modernization.

AMVETS agrees with the Department of Veterans Affairs that many of their facilities need to be upgraded or replaced. We also agree with the Department that part of the solution for providing high quality health care to America's veterans is upgrading some facilities and replacing others with new and modern medical care treatment facilities.

AMVETS and I ask that you oppose any amendment that would cause the VA National CARES process to be used as an excuse to defer vital infrastructure maintenance and construction projects.

VETERANS OF FOREIGN WARS  
OF THE UNITED STATES,  
Washington, DC, November 6, 2003.

To: All Members of the U.S. Senate.  
From: Robert E. Wallace, Executive Director, VFW Washington Office  
Re: Clinton/Enzi Amendment to H.R. 2861.

On behalf of the 2.6 million members of the Veterans of Foreign Wars of the United States (VFW) and our Ladies Auxiliary, I would like to take this opportunity to urge you to oppose the Clinton/Enzi Amendments to H.R. 2861, the FY 2004 VA/HUD Appropriations bill.

This amendment would limit the use of funds for the Capital Asset Realignment for Enhanced Services (CARES) initiative. The VFW is concerned that if this amendment

passes, the CARES process will essentially be put on indefinite hold.

We share Senators CLINTON's and ENZI's concerns regarding long-term care, domiciliary care, and mental health services; however, it is our understanding that the CARES Commission is currently reviewing the data to include these services. Therefore, at this stage, we believe it is important to move ahead as the location and mission of some VA facilities need to change to improve veterans' access; to allow more resources to be devoted to medical care, rather than the upkeep of inefficient buildings; and to adjust to modern methods of health care service delivery. Our Nation's veterans deserve no less.

Again, I urge you not to support the Clinton/Enzi Amendment regarding the limiting of funds for the VA CARES initiative.

PARALYZED VETERANS OF AMERICA,  
Washington, DC, November 7, 2003.

MEMBERS,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR: On behalf of the Paralyzed Veterans of America (PVA) I am writing to express our concerns regarding an amendment we understand will be offered by Senator Hillary Rodham Clinton to the VA, HUD, Independent Agencies Appropriation bill. As we understand, this amendment addresses the Department of Veterans Affairs' Capital Asset Realignment for Enhanced Services (CARES) process and, if passed, will limit the expenditure of funds for the process greatly delaying necessary improvements to the VA's medical care system.

While PVA concurs with Senator CLINTON that the CARES process inadequately addresses issues of long-term care, mental health services and rural health care we believe that the amendment will so severely restrain in the process that the many beneficial aspects of CARES will be seriously harmed. Delay of CARES projects that will benefit veterans, and in particular veterans with spinal cord injury or dysfunction, can only serve to weaken the VA health care system upon which our members and millions of other veterans rely.

Veterans' service organizations have received assurance from Secretary of Veterans Affairs Anthony Principi that no VA beds will be closed or capacity reduced until appropriate alternative health care resources have been identified and put in place. Additionally, the Secretary has assured us that long term care and mental health services will be included in the planning process with specificity to be provided as to who will be involved, how the process will operate and what timelines will be put in place. Finally the Secretary has indicated that the issue of inter-VISN (Veterans Integrated Service Network) planning and cooperation will be addressed.

In light of these assurance and the need to proceed with the positive findings, to date of the CARES process, PVA believes any restrictions on funding for the CARES process can only serve to delay improvements in capacity and access of VA health care. We request that no limitation be placed on appropriated dollars for the Department of Veterans Affairs and that the CARES process be allowed to expeditiously move forward.

Sincerely,  
DELATORRO L. MCNEAL,  
Executive Director.

Mr. ENZI. As we observed Veterans Day yesterday, and remembered the sacrifices each and every veteran has made to grant us our current freedoms, Congress should be doing all it can to help modernize and improve the VA

healthcare system at the earliest possible time. This amendment would derail this effort.

Congress should be finding new and innovative ways to get healthcare services delivered in a more timely and convenient way to our former servicemen and women. This amendment would postpone this effort.

Finally, Congress needs to ensure that the foundation and future of the VA healthcare system is stable and secure, giving our veterans the peace of mind that they will receive high quality and accessible healthcare whenever it is required. This amendment would hinder this effort.

The VA will soon finalize its 20-year Capital Asset Realignment for Enhanced Services initiative, better known as the CARES plan, for updating medical facilities. Starting in the last administration and continuing in the present one, VA evaluated its future need for healthcare facilities, matched projected needs against current facilities, and developed a plan to match resources to needs.

The amendment being proposed would impose unnecessary conditions before VA could go forward with this vital plan.

Through CARES, VA is examining where its facilities are located, where veterans are projected to be living in the next 20 years, and what their health needs will be. Nationwide, VA provides medical care to almost 5 million veterans.

VA's legacy facilities are old, with the average age over 50 years, many dating back all the way to World War I or even earlier. These initial facilities were designed to provide medicine as it was practiced a half century ago, and in most cases, are poorly located to serve veterans where they live today or are expected to live in the future.

CARES will enable VA to leverage scarce resources by directing funding from the maintenance of obsolete facilities and applying that funding to the direct provision of healthcare services and staffing. It calls for construction of new facilities where the veteran population is growing, such as the southeastern and western United States. Additionally, it provides for the realignment of facilities that are redundant, out of date, or poorly located.

The Draft National CARES Plan contains over \$4.6 billion in capital investments, including 11 million square feet of renovation, 9 million square feet of new construction, 2 new hospitals, 48 new high priority community based outpatient clinics, 2 new blind rehabilitation centers, and 4 new spinal cord injury units.

The Draft National CARES Plan, completed in August in this year, is a comprehensive integrated national proposal. The CARES process has been thorough and inclusive, combining a set of national assessment standards with planning at the local and regional levels.

This plan is now under review by the independent CARES commission, es-

tablished by Secretary Principi to objectively examine the plan, to obtain comments and conduct public hearings to ensure stakeholder views are considered. The CARES commission conducted 38 hearings, heard from over 700 witnesses; including employees, local government officials and veterans; and took over 180,000 comments.

The bottom line is that the Draft National CARES Plan has been exposed to lengthy and close public analysis, and those observations will be included within the final plan. Next month, the CARES commission will submit their independent and comprehensive plan recommendations to the Secretary, which he will accept or reject as a whole.

Placing further conditions on an already well-detailed plan, which this amendment would do, would hold up, and even disrupt, VA's long delayed modernization process.

For example, the House and Senate Appropriations Committees have declined to provide more than minimal funding for VA medical constructions until VA provides a nationwide plan for managing its medical facilities. CARES is that plan.

Further, this amendment would inherently prevent VA from implementing many critical components of the CARES plan. Anything less than full implementation of the CARES plan recommendations will lead to inequitable access to care. It cannot go forward with only parts of the plan. CARES is a comprehensive national plan, and it must be accepted in its totality to be effective.

Knowing this to be true, four of the major national veterans' service organizations: the Disabled American Veterans, the Veterans of Foreign Wars, the Paralyzed Veterans of America, and AMVETS, have come out in either strong opposition or have raised serious concerns about the Clinton-Enzi amendment.

I believe it is critically important that we consider the red flags raised by these organizations that represent almost 4 million veterans nationwide.

Let us consider the actions taken by the committee of jurisdiction over the CARES initiative, the Senate Veterans' Affairs Committee. As a member of this committee, I have been intimately involved in the step-by-step process of analyzing this initiative, and I believe the VA committee has dedicated more than ample time and resources to the study of this plan.

The committee held an extensive hearing on the CARES initiative just this past September, receiving updates from top VA officials and the Secretary himself, on the progress of the plan.

Ultimately more important, the VA committee in September voted unanimously to give the Secretary the authority to implement the Draft National CARES plan once it is completed. In doing so, the committee outlined very specific priorities for the implementation of this plan.

First, and what is paramount for the CARES process to be viable, any medical facility that is closed must be replaced with a facility that adequately serves the healthcare needs of the region. Second, any locality that is in need of a full-service hospital must receive one. And third, any region that is in need of an outpatient clinic to provide basic care services must receive one.

These priorities, as agreed to by every member of the VA committee, emphasize, in my belief, that we support the CARES initiative and want it to move forward as quickly as possible. This amendment, without question, would not allow this to happen.

In my opposition to this amendment, I do understand the concerns of the sponsors. However, I believe that they have been more than adequately addressed.

The sponsors believe that the CARES process has neglected to address the areas of long-term care, domiciliary care and mental health, mainly in rural areas. I strongly disagree with these assertions.

By design, the VA seeks to provide long-term care services in the least restrictive setting that is compatible with a veteran's medical condition and personal circumstances. This allows VA to reserve nursing home care for veterans who can no longer be safely cared for in home- and community-based settings.

VA expects to meet most of the future growth for long-term care services through non-institutional settings that keep veterans close to spouse, home and friends.

Since there are critical renovation and replacement nursing home needs that have been recognized, the plan includes several needed nursing home renovations and replacements that are believed to be within the projected outcomes of the new model.

In planning for CARES, the networks were to develop options taking care to preserve current bed levels for nursing home and inpatient long-term mental health programs.

More recent data is now available and suggest that both disability among the elderly and nursing home utilization rates have diminished. The discrepancy between projected needs from the current planning model and actual current demand prompted VA, earlier this year to commence in an intensive review and refinement of the long-term care planning model.

However, because the new data could not be incorporated into a new planning model for the current cycle of the CARES process, VA chose to treat the long-term care issues neutrally; that is, there will be no major changes or negative impact on care or capacity in long-term care. Once the data from the new model is available and analyzed, it will be used for future strategic planning activities.

On the issue of rural coverage, VA is, in fact, very sensitive to the healthcare

needs of rural and frontier veterans. It was a principal factor for several of the CARES commission hearings to be located in rural locales. Additionally, the Draft National CARES plan calls for the designation of critical access hospitals, recognizing the vital role that many of VA's small facilities fulfill in providing access to acute hospital care in rural or less densely populated areas. Moreover, it recommends 48 new sites for community-based outpatient clinics, many of those in rural areas.

The amendment before us is really nothing more than a solution in search of a problem. The VA has gone to great lengths to incorporate every stakeholder, especially our veterans, in the CARES process throughout.

I believe they have done an excellent job in creating a realistic and practical vision for the future of VA healthcare services, and we in the United States Senate should help them make that vision a reality.

What this all boils down to is how do we best serve the immediate and growing needs of our Nation's veterans. No one here is saying that the draft plan is perfect. However, we need to possess the wisdom and foresight to say we have all the necessary components in place to make a positive change and we should move forward.

Many injured or ill Vietnam veterans were disillusioned and critical when treated at VA medical facilities designed and built to treat their World War II fathers or even World War I grandfathers. Veterans of Iraq and Afghanistan are now returning to many of those same facilities.

It is time to take the first step toward bringing the level of care for all our veterans into the 21st century. They have waited long enough, and we need to act now to improve the lives of each and every veteran in America.

In summary, we all have made commitments to our veterans that we should take care of them. These are the men and women who have donned the uniform of the United States and have made incredible sacrifices so that we can live in freedom. We live in the greatest country, I believe, in the history of the world, with the most freedoms of any people in the history of the world. This country of ours has only remained free because people have been willing to lay their lives down to ensure those freedoms for us, our children, and our grandchildren.

The amendment that has been proposed today would violate the commitment to our U.S. veterans. I say that because the veterans are moving away from the old rust belt. We should be taking the health care, which is their primary issue, to our veterans. Services, need to follow where the veterans are moving. We should not be trying to prop up institutions, instead, we should be moving the healthcare services where those veterans are relocating.

Secretary Principi is doing a wonderful job of trying to put the priorities of the veterans over process, over other

constituencies, and maybe over a congressional district. He is trying to reform the system, recognizing that veterans are moving and that the money should follow so that the services are provided to those veterans.

I live in the fastest growing State and the fastest growing metropolitan area in the United States. It must have the kind of quality of lifestyle that veterans like because they are moving there in droves. Per capita, our State now has the most veterans in the United States. Yet, for instance, the Las Vegas metropolitan area that has 1.6 million people does not have a VA hospital. There are a couple hundred thousand veterans living in the area and we have no VA hospital. We have VA clinics but no VA hospital. So when our veterans need surgery or have complicated procedures, they have to travel away from their families down to southern California to get those services.

We can understand it in smaller population areas, maybe, but in a major metropolitan area, where veterans are choosing to live, that is not keeping the commitment we have made to our veterans.

So I rise in strong opposition to this amendment and will fight against its passage. If there is a vote on it, we will fight against the votes to pass it, or if it is tried to be snuck in the omnibus bill, if this bill does not actually get passed today, we will fight against putting it in the omnibus bill. The reason why is because it is so important that we look the men and women in the face who are serving in our military today and say we are going to keep the commitment we are making to them today.

They already made the sacrifices, and now we need to keep our commitment to them. In the future, we will keep our commitment to them and they can count on that.

Secretary Principi and the administration, I believe, are trying to do the right thing. They are trying to say that as the veterans are moving, we recognize that. For a long time the VA has needed updating and changing, and they finally have the courage to start doing that. As a legislative body, let us not stop that process.

My colleague Senator REID and I have worked very hard on improving the services for veterans in our State, both in northern and southern Nevada, as all Senators try to do for their State. The bottom line is we should not hurt the services in the fastest growing areas of our country where the waits are so long, where people have to travel out of State to get the proper medical services. Let us look at our veterans and say no matter where they move in the United States, they are going to get the kind of services they have earned. And make no mistake about it, they have earned those services.

Anybody who has taken a look at what I believe is this ill-conceived amendment will say this would, in effect, do harm to many veterans in this

country and they deserve better than that.

I thank the manager of the bill and the ranking member for the time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 2174 TO AMENDMENT NO. 2150

Mr. BOND. Mr. President, I thank the Senator from Nevada. We are working on some possible amendments from the Senator from Illinois. Also, Senator MIKULSKI has a major amendment. I would like to move very quickly to do some amendments that I believe will not require any extended discussion. First for myself, 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 Missouri (Mr. BOND) proposes an amendment numbered 2174.

Mr. BOND. 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:

(Purpose: Increase funds for the Office of Federal Housing Enterprise Oversight to conduct audits, investigations and examinations and to provide for additional emergency)

On page 61, beginning on line 7, strike out "\$32,415,000," and all that follows through the period on line 16 and insert in lieu thereof "\$39,915,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: Provided, That not less than 60 percent of total amount made available under this heading shall be used for licensed audit personnel and audit support: Provided further, That an additional \$10,000,000 shall be made available until expended, to be derived from the Federal Housing Enterprise Oversight Fund only upon a certification by the Secretary of the Treasury that these funds are necessary to meet an emergency need: Provided further, That not to exceed such amounts shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than \$0."

Mr. BOND. At the request of the administration, this amendment would increase funding for the Office of Federal Housing Enterprise Oversight, OFHEO, for this year by \$7.5 million. These funds are intended to strengthen OFHEO's examination, legal and human resources functions, and the fund's special investigation. The amendment includes an additional \$10 million that is available only upon certification by the Secretary of the Treasury that there is an emergency need for additional funds.

There is, I believe, a compelling need to reform the regulatory structure governing Fannie Mae and Freddie Mac. At a minimum, the senior management

of OFHEO must be replaced, and replaced now.

Senior management, in my view, has repeatedly failed to meet the most basic requirements of OFHEO's missions. For example, it took over 10 years for OFHEO to issue its risk-based capital standards, despite the fact that this is OFHEO's primary mission and key to its regulatory oversight of the GSEs.

This failing became even more evident when OFHEO publicly praised Freddie Mac's management just days before Freddie Mac's management was removed for accounting irregularities.

I applaud the work of the Banking Committee in the Senate and in the House, Senator SHELBY, Congressman BAKER, and the ranking members for making regulatory reform of OFHEO a priority. I look forward to working with them next year to help develop the right regulatory system.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I concur with my colleague.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2174) was agreed to.

Mr. BOND. Mr. President, 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.

AMENDMENT NO. 2175 TO AMENDMENT NO. 2150

Mr. BOND. I send to the desk an amendment on behalf of Senator STEVENS relating to the Native American Housing Assistance and Determination Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. STEVENS, proposes an amendment numbered 2175 to amendment No. 2150.

The amendment follows:

(Purpose: To provide an allocation of funding under the Native American Housing Assistance and Self-Determination Act of 1996 for the State of Alaska)

On page 86, between lines 11 and 12, insert the following:

**SEC. 2 . . . NATIVE AMERICAN HOUSING.**

ALLOCATION OF FUNDING.—Of the amounts made available to carry out the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) for fiscal year 2004, there shall be made available to each grant recipient the same percentage of funding as each recipient received for fiscal year 2003.

Mr. BOND. This is an amendment dealing with Native American housing. It is a simple amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Ms. MIKULSKI. Mr. President, I have no objection. This has been a long-standing issue raised by our colleague from Alaska. It is a very compelling situation.

The PRESIDING OFFICER. If there is no further debate on the amendment, the amendment is agreed to.

The amendment (No. 2175) was agreed to.

AMENDMENT NO. 2176 TO AMENDMENT NO. 2150

Mr. BOND. On behalf of the Senators from Illinois, Mr. DURBIN and Mr. FITZGERALD, I send an amendment to the desk dealing with the North Chicago VA Medical Center, making it available to the maximum extent feasible. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Mr. DURBIN, for himself and Mr. FITZGERALD, proposes an amendment numbered 2176 to amendment No. 2150.

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

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

The amendment is as follows:

(Purpose: To insert a provision relating to VA-Navy sharing of facilities at North Chicago VA Medical Center)

At the appropriate place, insert the following:

SEC. . . Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall make the North Chicago VA Medical Center available to the Navy to the maximum extent feasible. The Secretary shall report to the Senate Appropriations Committee by June 30, 2004, regarding the progress in modifying North Chicago VA Medical Center's surgical suite and emergency and urgent care centers for use by veterans and Department of Defense beneficiaries. Further, the Secretary shall consider having the new joint VA/Navy ambulatory care center to serve both veterans and Department of Defense beneficiaries sited on or adjacent to the North Chicago VA Medical Center and shall consult with the Secretary of the Navy to select the site for the center. The Secretary of Veterans Affairs shall report to the Senate Appropriations Committee on the site selection by June 30, 2004.

Mr. BOND. I yield for any statement by the Senator from Illinois.

Mr. DURBIN. I thank the chairman and the ranking Democrat for accepting this amendment on behalf of Senator FITZGERALD and myself. We are trying to encourage the cooperation of the North Chicago Veterans Hospital and the Great Lakes Training base for the benefit of the veterans, the sailors, and the taxpayers.

Ms. MIKULSKI. This is an excellent amendment. We concur.

Mr. BOND. This is something we need to do throughout the system, and we need to have a better integration of the health care facilities of the active military and the Veterans Affairs. I commend the Senators from Illinois and hope this model can be adopted elsewhere.

Mr. DURBIN. Mr. President, I want to thank the bill managers for accepting the amendment that I am offering today, along with Senator FITZGERALD, to encourage further sharing of health care facilities between the Department of Veterans Affairs and the Navy in North Chicago, IL.

The Illinois delegation has worked in a bipartisan manner for four years to

encourage sharing between the North Chicago VA Medical Center and the Great Lakes Naval Training Center (NTC) because of the proximity of the medical facilities. The Navy's hospital is 1½ miles from the North Chicago VA Medical Center, and the VA property adjoins Great Lakes NTC. The aim of the delegation was to keep the North Chicago VA Medical Center open, improve options for medical care for the Navy, improve training options for VA and Navy medical personnel, reduce costs, and improve access to health care for veterans and Department of Defense beneficiaries.

The VA's process to consolidate veteran's health care facilities in the Chicago area allowed the North Chicago VA Medical Center to stay open, but with the proviso that more sharing between the VA and the Navy would take place.

The Navy agreed to use the North Chicago VA Medical Center facilities as much as possible, in lieu of the Navy's outdated hospital, but renovation of a currently closed ward at the North Chicago VA Medical Center is required for a surgery suite, and the emergency and urgent care centers must be upgraded. The VA is planning to award a design contract for this work at the end of this year.

For its part, the Navy has agreed to build a new ambulatory care center that could be used for active duty military personnel as well as for veterans. It will be paid for out of the Navy's budget, but I believe that the VA should have input into the site selection. Having the ambulatory care center on or adjacent to the North Chicago VA Medical Center would make sense. The center will be used by both veterans and military personnel, and having it on or adjacent to the VA facility would ease veterans' access to it. The North Chicago VA Medical Center sits on a large tract of land, and, while the Naval base is accessible, it still requires gaining entry through the enhanced security procedures of a military base, making it more difficult for veterans if the center were physically on the base.

The amendment that Senator FITZGERALD and I offer today requires a report regarding the progress in modifying North Chicago VA Medical Center's surgical suite and emergency and urgent care centers for use by veterans and Department of Defense beneficiaries, demonstrating continued Congressional interest that these plans stay on track and on schedule. The amendment also requires that the Secretary of Veterans Affairs consult with the Secretary of the Navy to select the site for the ambulatory care center, in order to ensure a role for the Secretary of Veterans Affairs in negotiations with the Secretary of the Navy on site selection.

I appreciate the efforts of the bill managers to work with us on this amendment and to include it in the managers' package.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2176) was agreed to.

Mr. BOND. Mr. President, 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.

AMENDMENT NO. 2177 TO AMENDMENT NO. 2150

Mr. BOND. Mr. President, I send another amendment to the desk on behalf of Senator MURKOWSKI relating to rural teacher housing, amending the Denali Commission Act to provide the ability of the Commission to make grants and loans to public school districts serving remote incorporated cities and unincorporated communities in Alaska.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for Ms. MURKOWSKI, proposes an amendment numbered 2177 to amendment No. 2150.

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

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

The amendment is as follows:

(Purpose: To provide housing for teachers, administrators, and other school staff in remote areas of Alaska since such housing is often extremely substandard, if it is even available at all, and rural school districts in Alaska are facing increased challenges, including meeting the mandates of the No Child Left Behind Act, and in recruiting and retaining employees due to a lack of housing units)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ RURAL TEACHER HOUSING.**

Section 307 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note) is amended by adding at the end the following:

“(e) RURAL TEACHER HOUSING.—The Commission may make grants and loans to public school districts serving remote incorporated cities and unincorporated communities in Alaska (including Alaska Native Villages) with a population of 6,500 or fewer persons for expenses associated with the construction, purchase, lease, and rehabilitation of housing units in such cities and communities. Unless otherwise authorized by the Commission, such units may be occupied only by teachers, school administrators, and other school staff (including members of their households).”.

Mr. BOND. This is carrying on our efforts to provide the best possible services to people in underserved areas of Alaska. I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

Ms. MIKULSKI. I concur with the amendment.

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

The amendment (No. 2177) was agreed to.

Mr. BOND. Mr. President, 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.

AMENDMENT NO. 2178 TO AMENDMENT NO. 2150

Ms. MIKULSKI. 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 [Ms. MIKULSKI] proposes an amendment numbered 2178 to amendment No. 2150.

Ms. MIKULSKI. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for certain capitalization grants)

On page 104, between lines 14 and 15, insert the following:

For an additional amount for capitalization grants for State revolving funds, \$3,000,000,000, to remain available until expended, of which \$1,850,000,000 shall be for capitalization grants from State water pollution control revolving funds established under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and \$1,150,000,000 shall be for capitalization grants from State drinking water treatment revolving loan funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12): *Provided*, That the entire amount made available under this paragraph is designated by Congress as an emergency requirement under section 502(c) of H. Con. Res. 95 (108th Cong.).

Ms. MIKULSKI. Mr. President, I rise to offer an amendment to increase funding for our communities for our Nation's waste system. My amendment is simple and straightforward. It adds \$3 billion to the VA-HUD bill for a total of \$5.2 billion for water and sewer infrastructure. My amendment increases funding in the EPA clean water State revolving loan fund to \$3 billion, over \$1.3 billion. My amendment also increases funding in the EPA drinking water revolving fund from \$850 million to \$2 billion.

When I offer this amendment, I want to be very clear. I am in no way critical of the effort the committee has made. I have been part of the effort. I congratulate Senator BOND for his robust funding for water and sewer systems. I thank him for his hard work on this issue. But we simply did not have enough money in our allocation. The budget cut \$500 million from the President's budget from the clean water State revolving loan fund. Senator BOND and I worked together to restore that \$500 million, and we are very grateful for that. But the Nation calls out for more.

Our Nation's communities are facing enormous needs in their effort to provide clean water and safe water and to comply with Federal environmental mandates. The need for better water and sewer systems is much greater than the amount that we now have in the Federal checkbook.

There have been studies, and studies after that, and the needs have been real

and valid and have been validated by independent research.

The Federal Government must do more to help meet these needs. Failure to do so places a great burden on the local taxpayers because it shifts the responsibility to them. We have created an unfunded Federal mandate. At the same time, the lack of proper water and sewer threatens public health and environmental safety. Our State and local governments are also revenue-starved to meet these mandates.

Let me tell you about some of the studies.

In fiscal year 2000, the Water Infrastructure Network said our water and sewer systems will face a funding gap of \$12 billion over the next 20 years. GAO said the cost to really do our water and sewer systems the way they need to meet not only environmental but public health concerns will be \$300 billion over 20 years. There is study after study after study that validates this.

In my own State of Maryland, there is \$4 billion in unmet needs. This isn't Senator BARBARA MIKULSKI talking; this is the State of Maryland speaking. Our Eastern Shore and rural communities are trying hard to reduce harmful nutrients that pollute the Chesapeake Bay. Every time they increase their bonding authority to pay for unfunded mandates, it means one less school or one less highway. But the needs of Maryland are a cameo of the needs of the Nation. We are simply not putting enough money in the Federal checkbook for water and sewer systems.

In my own hometown of Baltimore, our sewer system was built over 100 years ago. We are under a court order instituted by the EPA to rebuild it. It will cost \$1 billion to do this. In order to be able to do this, ratepayers will pay the bill.

This is an issue where growing green also generates jobs.

The second reason this amendment is necessary is that it creates jobs. It is estimated for every \$1 billion we spend on water infrastructure, 40,000 jobs are created, from the civil engineers and architect who design on it, to construction contractors, to heavy equipment manufacturers, and even those who run the lunch wagons at the job site. This creates jobs, but it has value for the taxpayer. It will give the State a much needed breather as they themselves are trying to meet this need.

My amendment is temporary and it is targeted. It is a one-time \$3 billion increase. This isn't \$3 billion every year; it is \$3 billion this year. The State loan funds have widespread support and would go a long way in helping this.

The President requested \$3.7 billion for water and sewer projects in Iraq. The President requested this funding as an emergency.

I respect what the President said, but we have an emergency here. We have crumbling water systems that threaten

public health. We need billions of dollars. We have rising rates for our citizens, and at the same time the local ratepayer is going to shoulder the responsibility. If there is an emergency in Iraq, there is surely a water and sewer emergency in this country.

My amendment has widespread support—from the Water Infrastructure Network, a coalition of 47 nationally organized recognized organizations, to local officials, water and sewer service providers, engineers, construction contractors, labor unions, and environmentalists. This is the place where it all comes together—mayors, Governors, workers, private sector.

These will not be government jobs. These will be jobs in the private sector, in the local community, meeting local needs. Groups such as the League of Cities and the Association of Counties and others do that.

I ask unanimous consent that two letters of support for my amendment be printed in the RECORD. They are from the Water Infrastructure Network, the Coalition of the American Rivers and Ocean Conservatory, and others.

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

WATER INFRASTRUCTURE NETWORK,  
Washington, DC, October 24, 2003.

Hon. BARBARA MIKULSKI,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

Re support for \$5.2 billion for Clean & Safe Water SRFs.

DEAR SENATOR MIKULSKI: The Water Infrastructure Network (WIN) strongly supports your \$5.2 billion amendment for the Clean Water and Safe Drinking Water State Revolving Funds (SRFs) in the Fiscal Year (FY) 2004 Veterans, Housing and Independent Agencies Appropriations bill. WIN is a broad-based coalition of 47 nationally-recognized organizations that represent local elected officials, drinking water and wastewater service providers, environmental and health administrators, engineers, labor unions, construction contractors, and environmentalists. WIN is dedicated to preserving and protecting the health, environmental, and economic gains that America's drinking water and wastewater infrastructure provides.

The SRFs help local communities meet water quality standards, repair and replace old and decaying pipelines and plants, protect public health, and ensure continued progress in restoring the health and safety of America's water bodies. This investment is a much-needed down payment to improve our nation's water and wastewater treatment plants. Your support for additional funding for the SRFs would help stimulate the economy, create jobs and provide funds for securing our water infrastructure for generations to come. WIN supports your proposed increase in federal funding in FY 2004 for the Clean Water SRF from its current level of \$1.35 billion to \$3.2 billion and for the Drinking Water SRF from \$850 million to \$2 billion. WIN believes this is an important first step toward developing a long-term, sustainable solution to close our country's infrastructure funding gap.

Safeguarding clean and safe water must remain one of our nation's highest priorities even though funding its continued improvement is one of our greatest challenges.

Thank you for supporting clean and safe water in America.

Sincerely,

American Concrete Pipe Association (ACPA); American Concrete Pressure Pipe Association (ACPPA); American Council of Engineering Companies (ACEC); American Public Works Association (APWA); American Society of Civil Engineers (ASCE); American Water Works Association (AWWA); Associated Equipment Distributors, Inc. (AED); Association of Equipment Manufacturers (AEM).

Associated General Contractors of America (AGC); Association of California Water Agencies (ACWA); Association of Metropolitan Sewerage Agencies (AMSA); Association of Metropolitan Water Agencies (AMWA); California Rebuild America Coalition (CalRAC); Construction Management Association of America (CMAA); Chesapeake Bay Foundation (CBF); Design-Build Institute of America (DBIA).

Environmental and Energy Study Institute (EESI); International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers; International Brotherhood of Teamsters; International Union of Bricklayers and Allied Craftworkers (BAC); International Union of Operating Engineers, AFL-CIO (IUOE); Laborers' International Union of North America (LIUNA); National Association of Counties (NACo).

National Association of Flood and Stormwater Management Agencies (NAFSMA); National Association of Regional Councils (NARC); National Association of Sewer Service Companies (NAASCO); National Association of Towns and Townships (NATaT); National Heavy & Highway Alliance; National League of Cities (NLC); National Precast Concrete Association (NPCA); National Ready Mixed Concrete Association (NRMCA).

National Rural Water Association (NRWA); National Society of Professional Engineers (NSPE); National Urban Agriculture Council (NUAC); Operative Plasters' and Cement Masons' International Association; Pipe Rehabilitation Council (PRC); Plastics Pipe Institute, Inc. (PPI); Portland Cement Association (PCA); Rural Community Assistance Program, Inc. (RCAP).

SAVE International (SAVE); Uni-Bell PVC Pipe Association (Uni-Bell); The Vinyl Institute; Underground Contractors Association of Illinois (UCA); United Brotherhood of Carpenters and Joiners of America (UBC); Water Environment Federation (WEF); WaterReuse Association (WasteReuse); Western Coalition of Arid States (WESTCAS).

October 27, 2003.

Support Mikulski amendment to fight water pollution on VA/HUD 2004 appropriation bill.

DEAR SENATOR: We ask you to vote in favor of Senator Mikulski's floor amendment to the VA-HUD appropriations bill appropriating \$3 billion this year to fund critical drinking water and wastewater infrastructure needs. Our nation's perpetual failure to invest in maintaining our drinking water and sewer systems is endangering public health and safety. The gap between our needs and our spending is on the order of \$15 billion each year according to EPA.

The current funding is grossly insufficient to meet our nation's water quality needs, including addressing drinking water security issues, removing arsenic and other toxins from our tap water, rehabilitating aging sewer plants, controlling raw sewer overflows, decontaminating stormwater discharges, and minimizing polluted runoff. The cumulative impact of our society's failure to invest in clean water year after year has

begun to cause very serious harm to public health, to the environment, and to our economy.

Experts estimate 7.1 million cases of mild to moderate and 560,000 cases of moderate to severe infectious waterborne disease in the United States each year, costing untold billions of dollars in health care and other expenses.

The CDC found that in 1999-2000 there were 39 disease outbreaks associated with drinking water and 59 associated with recreational water. Experts say approximately 1 in 10 waterborne disease outbreaks are detected.

There are over 200,000 water main breaks/yr. in the U.S.

The loss of swimming opportunities (beach closings) due to pathogen contamination is valued at \$1-2 billion annually in the U.S. (EPA, 1995).

Economic losses due to swimming-related illnesses estimated at \$28 billion annually (EPA, 1995).

There are estimated to be at least 40,000 discharges of raw sewage each year from "sanitary" sewer systems into streets, playgrounds, and waterways and 400,000 basement backups (U.S. EPA 2001).

Raw sewage discharges from combined sewer systems dump 1.2 trillion gallons of raw sewage into waterways each year in more than 700 U.S. cities.

Over 90% of U.S. city water supplies continue to use pre-WWI era technology to treat drinking water.

Earlier this year the Senate in its Budget Resolution approved a \$3 billion increase in funding for the SRFs above last year's level, but unfortunately this proposal did not survive conference with the House. The Mikulski amendment would make this critical funding available through an emergency designation. Since inadequate drinking water and wastewater treatment results in raw sewage discharges, contaminated drinking water, beach closings, and waterborne disease outbreaks, this national problem clearly qualifies as a public health emergency.

We strongly urge you to support investing now in a clean water future for our nation. We also ask you to support any other amendments that improve environmental protection and to keep the bill free of anti-environmental riders.

Sincerely,

S. Elizabeth Birnbaum, Director of Government Affairs, American Rivers, Bob Perciasepe, Chief Operating Officer, National Audubon Society; Paul Schwartz, National Campaigns Director, Clean Water Action; Dawn Hamilton, Executive Director, Coast Alliance; Diana Neidle, Public Policy Advocate, Consumer Federation of America; Michele Merkel, Counsel, Environmental Integrity Project; Sara Zdeb, Legislative Director, Friends of the Earth.

Lisa Ragain, GWU Medical Center, Center for Risk Science and Public Health, National Association of People with AIDS; Olivia B. Wein, Staff Attorney, National Consumer Law Center; Nancy Stoner, Senior Attorney, Natural Resources Defense Council; Catherine Hazlewood, Clean Oceans Programs Manager, The Ocean Conservancy; Kyle Kinner, Legislative Director, Physicians for Social Responsibility; Anna Aurilio, Legislative Director, U.S. Public Interest Research Group; Michele Boyd, Legislative Representative, Public Citizen; Debbie Boger, Deputy Legislative Director, Sierra Club.

Ms. MIKULSKI. Mr. President, in conclusion, my amendment helps our communities by providing more funding to meet immediate water and sewer



needs so our communities can have clean and safe water. Water and sewer funding provides dual value for the taxpayers. It helps public health, it helps the environment. We will have clean water and safe water, and it creates jobs.

I urge my colleagues to support my amendment to provide \$3 billion more for our communities because I know every single State could use at least \$1 billion more and I wish we could do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise to speak on the underlying bill as well as to make some general comments about the Defense authorization bill we just passed and a few comments about the veterans provisions generally.

I thank the Chair and the ranking member for their good work on the underlying bill. I understand we hope to pass this very important appropriations bill before 6 o'clock this evening.

I was unable to be here earlier today. I want to make a couple of comments regarding veterans generally.

There are 400,000 veterans in Louisiana, and 12,000 of them are directly affected in a very positive way by the underlying bill.

Before I speak about that, I wish to say that the chairman of the Armed Services Committee, Senator WARNER from Virginia, and our ranking member, Senator LEVIN, should be commended for crafting a very good Defense authorization bill at a very difficult time.

I was formerly a member of the Armed Services Committee and worked for many years to fashion a bill, and I know how difficult it is even in times that are not stressful, much less in a time when we are in a war against terror in Iraq, here at home and other places around the world. It seems to me, as a former member of the committee, that the conference could have imploded many different times. But to Senator WARNER's and Senator LEVIN's credit and very good bipartisan working relationship, that bill was passed earlier today.

While I don't agree with all the provisions of it, there are a couple which are very important to our troops in Louisiana: No. 1, the 4.1 percent pay raise for all of our troops. And, No. 2, we moved closer to completely eliminating the disability tax on veterans in Louisiana with 20 years of service; that is, 12,000 men and women who now, when they retire, do not get their full retirement and disability benefits but basically have to give up 50 percent of that benefit. This bill we passed earlier today corrects that. For those families and their loved ones, that will mean immediate help.

In addition, the TRICARE eligibility expansion for guardsmen and reservists, if they are unemployed or cannot acquire health insurance from their employers, is a tremendous gesture to the Guard and Reserve who we are

counting on and depending on to help defend us at this time. We literally could not win this war or even begin this endeavor without their commitment.

We must remain committed to the quality of life of our veterans and to letting our Guard and Reserve men and women know how much we appreciate them. We must keep ever vigilant, particularly when it comes to the Guard and Reserve. We are getting ready to send another 43,000.

I wish to make a couple of comments about the tax treatment of our Guard and Reserve and speak about some disappointment in that area.

Yesterday, with some fanfare, the Military Family Tax Relief Act was passed. It is a help, but in my mind it is an insufficient gesture. It is too modest for what our men and women in uniform deserve. The bill provided \$1.1 billion in tax relief, which was asked for and which is most certainly deserved. It doubles the amount of payments to survivors of soldiers killed in action from \$6,000 to \$12,000—not a lot of money, but it helps the families better than the \$6,000 that was in the previous law. It allows guards and reservists to deduct travel expenses, it allows troops to deduct the cost of equipment they buy themselves, and it reduces the residency requirement so our troops can take full benefit of the capital gains provision in the law as do other Americans who are not in the service.

But this bill did not go far enough. I wish to speak for a minute about this and my strong objection to moving forward with it without additional help and support.

The bill that was signed, Tax Relief for Families in the Military, represented .006 percent of the \$1.75 trillion in tax relief that has been passed by this Congress at the urging of this administration. Let me repeat. The bill that was signed on Tuesday for the military only represented .006 percent of the tax cuts that have been provided by this administration to Americans generally. Yet the military, the men and women in uniform today, the over 1 million men and women in uniform, are providing 100 percent of our security, one could argue. That is not to diminish the role of our men and women in uniform, police and fire on the home front, but protecting our borders, fighting the battles overseas, they are providing 100 percent of the protection. Yet they only receive in this bill .006 percent of the tax cut.

We asked, Republicans and Democrats alike, to please include a provision that would have allowed the Guard and Reserve who are leaving their jobs and leaving their businesses to go fight in Iraq, to please have the Federal Government recognize that many of these families are losing income, sometimes as much as 60, 70, or 80 percent. We are asking them not just to go and put their life on the line, but we are asking them to put their livelihood on the line.

When some Members petitioned this administration, and particularly the House Republican leadership, to give some relief, to provide some tax relief to these businesses to encourage them to maintain those salaries for our Guard and Reserve, we were told: We do not have enough money.

We had 1.75 trillion to give tax cuts generally to people not in the military, but we could not find a few pennies to help our businesses in this country, to help their employees meet their salaries for the benefit of their families. I know the Senator wants to get back to the HUD bill, and I will in a minute, but I want to make this point and then get to the underlying bill, VA-HUD.

What we have to do in every way we can, whether it is this veterans bill we are debating now, whether it is in Defense authorization, or whether it is in our tax bills, to recognize our first priority should be to our men and women in uniform, overseas and here on our home front. When we design tax packages and tax benefits, they should be the first, not the last, to receive the help. They should be getting the lion's share or the essence or the core, not the crumbs that fall from the table.

Unfortunately, still, despite the lives that are being given, despite the effort that is being made, they still are receiving crumbs when they deserve the whole loaf of bread.

I will submit for the RECORD an article about a reservist reward for MSG Rodriguez: His reward was bankruptcy. When MSG Rodriguez and his company were activated for 1 year, they were given an 8-hour notice. He had to leave behind his wife to run the couple's construction company. He comes home and his daughter, of course, is crying and in tears, his wife is upset because they lost their business. Their income was cut by 80 percent. I ask unanimous consent to have this article printed in the RECORD.

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

[From CBS Evening News, Nov. 11, 2003]

A RESERVIST'S REWARD—BANKRUPTCY

On a sun soaked street in northern California, Air Force reservist Oscar Rodriguez is finally back home from active duty, where, as CBS News Correspondent Byron Pitts reports, the high and unexpected cost of war has taken a toll.

"They ain't giving us a loan cause I got bad credit," says Rodriguez.

"It was hard seeing my mom," says his daughter Desiree. "I mean seeing her stressed and seeing her cry—it hurts a lot."

When Master Sgt. Rodriguez and his company were activated for one year—on eight hours notice—he left behind his wife to run the couple's construction company.

"My dad was away and so she's pretty much was doing this on her own cause he can't do anything about it when he's gone, and I can't really do anything about it, but I try," says Desiree.

They all tried, but with Rodriguez at war, repairing Air Force cargo planes, the family income was cut by 80 percent.

"I lost the bids for my construction projects," says Rodriguez. "I lost my savings. I lost my credit. My credit history—it's in shambles."

Despite federal laws protecting active duty reservists from creditors during wartime, the creditors kept calling. Their home is now in foreclosure.

"You do everything that you're supposed to do without asking for help," says his wife Kathy. "All you want is for everyone to do the right thing."

The Rodriguez family aren't the only ones who've sacrificed. Of the nearly 200,000 reservists on active duty in Afghanistan, Iraq and around the world, one-third have taken a pay cut in order to serve their country.

Rodriguez is now trying to rebuild his business one step at a time. He's gone from building hotels to kitchen counters. He's suing his creditors as much for the principle as the money.

"It's about every soldier, sailor, airman or marine," says Rodriguez. "Anybody who's serving our country has a right to at least not be concerned about the wolves knocking at the door."

Asked if they're going to recover, Rodriguez and his wife say they aren't sure. "We're separated," said Kathy Rodriguez, as her husband sat silently beside her.

The strain of duty and debt may have cost this couple their marriage. Yet, Rodriguez has re-enlisted.

He's a member of an Air Force Honor Guard.

For him, sacrifice isn't a slogan. In war there are casualties, both overseas and at home.

Ms. LANDRIEU. The efforts some Members made to get this issue dealt with were rejected because we did not have enough money to help this reservist or the thousands and hundreds of thousands who are fighting for us, taking the cut in pay and losing their companies in the process.

Also I ask unanimous consent to have printed in the RECORD an article printed regarding 120,000 Federal employees who serve in the National Guard and Reserve. Nearly 14,000 have been called to active duty to help fight the war in Iraq. Senator DURBIN and I wanted to get in the tax bill that was passed a provision that would allow them to maintain their salaries, their Federal salaries, so as not to fall down, basically, to receive the lower salary they receive in the Guard and Reserve. The sad thing is it would not have cost the Government anything because we had already budgeted to pay them their full salaries. This was rejected.

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

[From Government Executive Magazine, Apr. 2, 2003]

BILL WOULD CLOSE PAY GAP FOR ACTIVE DUTY FEDS

(By Tanya N. Ballard)

Three Senate lawmakers introduced a bill Wednesday that would require the government to pay the difference between civilian and military wages for federal employees called to active duty.

More than 120,000 federal employees serve in the National Guard and Reserves, and nearly 14,000 of them have been called to active duty to help fight the war in Iraq. But most of those employees earn less as active duty reservists than as civilian workers, according to Sen. Richard Durbin, D-Ill. Durbin joined with Sens. Mary Landrieu, D-La., and Barbara Mikulski, D-Md. to introduce legislation that would close the gap between military and civilian pay for those workers.

"We cannot simultaneously encourage Americans to serve their country in the National Guard and Reserves and then punish those who enlist by taking away a large portion of their income," Durbin said.

The Illinois senator described the case of one Air Force reservist who took a \$45,000 cut in pay when he was called to duty and left his job as an air traffic controller in Chicago.

"This was a severe blow to his family," Durbin said.

According to Landrieu, several local and state governments, as well as private companies, have a pay gap plan in place to address this issue and the federal government needs to do the same.

"Reserve and guard employees—whether working in the public or private sector—should not have to take a pay cut when called to active duty, and that's exactly what's happening now," Landrieu said. "These men and women are not getting a tax cut, they are taking a pay cut to serve. It does not make sense."

According to Durbin, the gap in salary can range from 2 percent to 48 percent.

"We must provide our reservist employees with financial support so they can leave their civilian lives to serve our country without the added burden of worrying whether their loved ones back home can make the monthly mortgage payment or provide new shoes for their kids," Durbin said. "They are doing so much for us, we should do no less for them."

Ms. LANDRIEU. I say for the benefit of the people in Louisiana, we do not understand how we can give our tax credits to everybody but the Guard and Reserve. We can give out help to everybody except those Federal employees who take off one uniform and put on another, leave their homes for 6 months to a year, sometimes longer, and we expect them to take a cut in pay when we are giving tax credits to people who are not fighting.

If I could conclude on this one issue which really pours salt into the wound, when people say, Senator, we could not afford it, we actually found a way to pay for it. We said we should pay for it by making people who are right now evading U.S. taxes because they have made so much money in America because our troops have put their life on the line to protect the way of life which allows business people to make a lot of money in America, these business people who have made a lot of money because of what these men and women are doing in the Armed Forces, these business people are now deciding they are paying too much in tax, so they go to another country. They do not want to pay their taxes.

So we said let's make those folks pay their taxes and use those proceeds to pay for tax relief for the men and women in the military. We were told we cannot do that. We cannot possibly make people who owe taxes to America pay their taxes so that we can pay the men and women in uniform and give them a tax cut. I hope we will change our policy because it is wrong. We have missed an opportunity to help these families.

I conclude by thanking Senator MIKULSKI and Senator BOND for their hard work on behalf of veterans. They have

restored a lot of the cuts that were proposed by this administration. I am proud to be part of helping to pass a veterans bill. But let's not forget it is not just about appropriations bills where we can help our men and women in uniform. Tax bills can help them. Other direct spending bills can help them. No one deserves our help more than people who put on a uniform every day and actually put their life on the line.

This Senator does not think we are doing enough and can afford to do more when we found an offset to make regular people pay the taxes they owe. If they do not want to put on a uniform and fight, that is fine, but at least give the benefits to the people who are protecting their ability to make a living.

I yield the floor.

Mr. JEFFORDS. Mr. President, I am a cosponsor of the Lautenberg-Mikulski amendment increasing funding for the enforcement activities of the Environmental Protection Agency, EPA. I would like to voice my strong support for this amendment. Without effective enforcement, our environmental laws will never succeed in reducing pollution and improving environmental quality. Simply put, the best environmental laws in the world mean nothing without vigorous enforcement.

Unfortunately, this administration does not share this sentiment. Just last week, the administration directed the EPA to abandon ongoing investigations of some 50 different facilities for violations of the Clean Air Act's New Source Review provisions. Apparently, gutting the rule itself was not enough. Pardons for big polluters—many of them large political contributors—seem to be the administration's preferred approach to environmental enforcement.

Lack of enforcement is hardly confined to the Clean Air Act. Indeed, a recent report from the EPA inspector general reveals an Agency failing to keep up with its enforcement duties across a number of different programs. According to the report, a majority of special agents-in-charge of environmental crimes states that they will not open a new case if they lack the resources necessary to pursue the case. In addition, formal enforcement actions under several key Clean Water Act programs have declined dramatically over the last 3 years. Specifically, the number of formal enforcement actions brought under the National Pollution Discharge Elimination System declined by 45 percent between 1999 and 2001. Clear Water Act enforcement actions against large concentrated animal feeding operations declined by more than 90 percent between 2000 and 2002.

I ask my colleagues: What kind of message does this send to the Nation's polluters? What kind of message does it send to the American people?

On one hand, we have an administration that is openly hostile to environmental enforcement. On the other

hand, we have an EPA that is unable to initiate new environmental crimes cases and is dramatically scaling back on several major civil enforcement programs because the agency lacks adequate resources. I hope that Administrator Leavitt will work to remedy this situation, but I fear that much of the problem may ultimately lie with the White House.

Mr. President, the additional appropriation contained in this amendment represents a modest increase in the Agency's enforcement budget. But it is crucial one given the Agency's inability to keep up with its obligations to enforce this country's environmental laws. This amendment also sends a signal to the EPA and to the administration that the Senate takes environmental enforcement seriously. At the end of the day, the answer is not, as the administration would have it, to abandon existing enforcement actions.

Rather, the answer is to provide adequate resources and to demand more oversight to ensure that our environmental laws will not be empty words in the statute books.

Mr. JEFFORDS. Mr. President, I rise before you today to join my colleague, Senator MIKULSKI, in offering this amendment to increase the funds available for water infrastructure spending.

Since assuming the chairmanship of the Environment and Public Works Committee in 2001, I have spent many hours in the committee and here on the Senate floor discussing the pressing need for investment in our Nation's water infrastructure.

In the 107th Congress, the committee passed S. 1961, the Water Investment Act, which I introduced with Senators GRAHAM, CRAPO, and SMITH of New Hampshire, which would have increased water infrastructure spending by \$35 billion, providing \$3.2 billion for clean water in the first year, and \$2 billion for drinking water in the first year.

The Bush administration opposed the bill, stating, ". . . the administration does not support the funding levels contained in S. 1961."

In December 2002, Senators SARBANES and VOINOVICH and I, along with 38 Members of the Senate from both sides of the aisle, sent a letter to the President asking him to provide \$3.2 billion for clean water spending, and \$2 billion for drinking water spending.

Instead, President Bush responded by proposing a 40 percent cut in water infrastructure spending to Congress in his fiscal year 2004 budget.

In March 2003, I cosponsored an amendment with Senators MIKULSKI, SARBANES, GRAHAM and CRAPO to increase the allocation for water infrastructure spending in the budget resolution to \$3.2 billion for clean water, and \$2 billion for drinking water.

It was accepted by the Senate and dropped in conference with the House.

I do appreciate the work that the Senate VA-HUD Subcommittee did to restore clean water infrastructure spending to \$1.35 billion, up from the

President's request of \$800 million—a significant step in the right direction.

The ironic thing about this issue, the actions we have taken over the last 2 years, and the lack of major progress is that there appears to be bipartisan consensus that water infrastructure spending has significant need, is critical to our Nation's water quality, leads to job growth, and enjoys broad support among the American people.

First—the needs are substantial. The EPA's own estimates show a \$535 billion gap between current spending and projected needs for water and wastewater infrastructure over the next 20 years if additional investments are not made.

According to the Congressional Budget Office, the spending gap for clean water needs is estimated to be between \$132 billion and \$388 billion over 20 years, and the spending gap for drinking water needs at between \$70 billion and \$362 billion over 20 years.

It is not solely the Federal Government's responsibility to fill this gap. However, it is the Federal Government's responsibility to provide a reasonable investment in water infrastructure, given the size of the anticipated needs.

Second—repair of a quickly deteriorating water infrastructure is critical to our Nation's water quality.

Our towns and cities, along with the Federal Government, have invested billions of dollars over the last 30 years to build the infrastructure to treat our wastewater and drinking water. It is with this infrastructure that the country has been able to return about 60 percent of our waters to swimming and fishing standards.

Even with those investments, we continue to fail to fully protect our waters from pollution, with over 40 percent of our Nation's waters still impaired.

Now, the progress we have made over the last 30 years stands on the brink of evaporation as the extensive water and wastewater infrastructure we have built nears the end of its useful life, and we are failing to reinvest.

Third, estimates show that for every billion dollars invested in water infrastructure spending, approximately 40,000 jobs would be created. We must take action to prevent our economy from faltering. We are proposing to invest \$5.2 billion in the State revolving funds.

The States will provide a 20-percent match of just over \$1 billion. This could create over 200,000 jobs.

Yet despite the apparent consensus that there are significant needs, that healthy water infrastructure is in need of repair, that investment will increase job growth, and that Americans support investing in water infrastructure, we fail to act. Why? I cannot answer that question.

Just last month, the President recognized the importance of water infrastructure needs in Iraq with his request for an \$87 billion supplemental spending package that provided about \$4 bil-

lion for water infrastructure improvements.

It is appalling to me that the President is willing to support water infrastructure investment overseas while failing to recognize that Americans have the same needs here at home.

However, the fact that the President failed to recognize our water infrastructure needs, requested a 40-percent drop in water infrastructure spending, and sought emergency spending for water infrastructure in Iraq that was four times the amount he requested for domestic water infrastructure spending, does not justify the same failure by this Senate.

The amendment that I offer today with Senator MIKULSKI provides a downpayment on our water infrastructure needs. It provides an additional \$3 billion for domestic water infrastructure improvements. This increase is \$1.3 billion less than the amount this Senate approved for Iraq less than 2 weeks ago.

By voting aye on the amendment offered by the Senator from Maryland, each of you can take direct action to improve both the state of our Nation's waters and the state of our Nation's economy.

Today could be the day that the Senate finally changes the course of water infrastructure spending and votes decisively to live up to our responsibility and improve the quality of our Nation's waters.

The outcome is up to us. I urge you to support the amendment proposed by the Senator from Maryland.

Mr. SARBANES. Mr. President, I rise in strong support of this amendment, by my colleague Senator MIKULSKI to boost federal funding for the clean water and safe drinking water state revolving funds (SRF) by an additional \$3 billion. I spoke earlier this year on a similar amendment which I offered to the Senate budget resolution and I just want to underscore some of the key reasons this amendment is needed.

The President's Fiscal 2004 budget severely short changes the funds needed by State and local governments to upgrade their aging wastewater and drinking water infrastructure. The President's budget provided only \$1.7 billion for both State Revolving Funds, split equally. The Committee-approved bill provided an additional \$500 million, restoring the President's budget cut to the Fiscal 2003 enacted level of funding of \$2.2 billion—but is still short of what is needed.

Despite important progress over the last three decades, EPA reports that more than 40 percent of our nation's lakes, rivers and streams are still too impaired for fishing or swimming. Discharges from aging and failing sewage systems, urban storm water and other sources, continue to pose serious threats to our nation's waters, endangering not only public health, but fishing and recreation industries. Population growth and development are

placing additional stress on the nation's water infrastructure and its ability to sustain hard-won water quality gains.

Combined sewer systems or so-called CSOs can be found in more than 750 communities in 32 States and the District of Columbia. EPA estimates that annual combined sewer systems discharge nearly 1,300 billion gallons of untreated or under-treated wastewater. To eliminate sewer overflows, the City of Baltimore alone must invest more than \$900 million to upgrade its sewer system and comply with a consent decree with the Department of Justice and the Environmental Protection Agency. Many other cities across the nation face similar challenges. In fact, three years ago, in 2000, Congress amended the Clean Water Act to authorize a \$1.5 billion grant program to help cities reduce these wet weather flows, but funds have not been available to implement the program.

Nearly 20,000 municipalities have separate sewer systems or SSOs, serving a population of 150 million. Unlike CSOs, these separate sanitary collection systems are not intended to carry significant volumes of extraneous water, such as storm water runoff, but frequently do because of infiltration and inflow, aging systems, and other factors. EPA acknowledges that sanitary sewer overflows pose a severe problem to the environment and public health.

Across the nation, our wastewater and drinking water systems are aging. In some cases, systems currently in use were built more than a century ago and have outlived their useful life. For many communities, current treatment is not sufficient to meet water quality goals. Recent modeling of the EPA's Bay Program has found that the 304 major municipal wastewater treatment facilities in the watershed will have to reduce nitrogen discharges by nearly 75 percent to restore the Chesapeake Bay and its major tributaries to health. Achieving this goal is estimated to cost \$4.4 billion.

In April 2000, the Water Infrastructure Network (WIN), a broad coalition of local elected officials, drinking water and wastewater service providers, state environmental and health administrators, engineers and environmentalists released a report, *Clean & Safe Water for the 21st Century*. The report documented a \$23 billion a year shortfall in funding needed to meet national environmental and public health priorities in the Clean Water Act and Safe Drinking Water Act and to replace aging and failing infrastructure.

In May 2002, the Congressional Budget Office released a report that estimated the spending gap for Clean Water needs between \$132 billion and \$388 billion over 20 years and the spending gap for drinking water needs at between \$70 billion and \$362 billion over 20 years.

In September 2002, the EPA released a *Clean Water and Drinking Water Infrastructure Gap Analysis* which found

that there will be a \$535 billion gap between current spending and projected needs for water and wastewater infrastructure over the next 20 years if additional investments are not made. This figure does not even account for investments necessary to meet water quality goals in nutrient impaired waters, like Chesapeake Bay.

The need for additional investment in wastewater and drinking water infrastructure is clearly documented.

But, States, localities and private sources can't meet the funding gap alone.

Local communities already pay almost 90 percent of the total cost or about \$60 billion a year to build, operate, and maintain their water and wastewater systems. But as former Administrator Whitman pointed out, "(t)he magnitude of the challenge America faces is clearly beyond the ability of any one entity to address."

Water pollution is an interstate problem. The Congress understood the interstate dynamic of pollution in 1972 when a bi-partisan majority passed the Clean Water Act and began funding waste treatment infrastructure. In 1979 and 1980, the Congress provided \$5 billion in Clean Water construction grants alone to assist states and municipalities with wastewater infrastructure needs. Over the years, budgetary pressures and other factors have reduced that funding level, and in Fiscal 2003, we provided only \$1.34 billion in Clean Water State Revolving loan funds.

It is vital that the Federal government maintain a strong partnership with states and local governments in averting the massive projected funding gap and share in the burden of maintaining and improving the nation's water infrastructure. Municipalities need significant resources to comply with Federal clean water and drinking water standards. In the 107th Congress, House and Senate committees approved bills to authorize \$20 billion over 5 years for the Clean Water Act SRF, underscoring the recognition that something must be done to address this funding gap.

An increase in funding for the Clean Water SRF to \$3.2 billion and for the Drinking Water SRF to \$2 billion in fiscal 2004 is the first step necessary to meet the Federal government's long-standing commitment in this regard.

This isn't a make-work public works project. It is an investment in the health of Americans and in a clean environment. It is an investment that will pay substantial dividends.

Wastewater treatment plants not only prevent billions of tons of pollutants each year from reaching our rivers, lakes, streams, and coasts they also help prevent water-borne diseases and make waters safe for swimming and fishing.

According to the Water Infrastructure Network, "Clean water supports a \$50 billion a year water-based recreation industry, at least \$300 billion a

year in coastal tourism, a \$45 billion annual commercial fishing and shell fishing industry, and hundreds of billions of dollars a year in basic manufacturing that relies on clean water. Clean rivers, lakes, and coastlines attract investment in local communities and increase land values on or near the water, which in turn, create jobs, add incremental tax base, and increase income and property tax revenue to local, state, and federal government. Some 54,000 community drinking water systems provide drinking water to more than 250 million Americans. By keeping water supplies free of contaminants that cause disease, these systems reduce sickness and related health care costs and absenteeism in the workforce."

They also create jobs—indeed tens of thousands of jobs and provide stimulus to the economy.

Each \$1 billion in sewer and water improvements creates an estimated 40,000 jobs. With more than \$5 billion in water infrastructure projects ready for construction, these jobs would be created immediately with Federal assistance. According to OMB, every federal dollar invested in water infrastructure generates up to \$4 for project loans, so the potential for job creation from this amendment is tremendous.

The case for this amendment is compelling. Today, maintaining clear, safe water remains one of our greatest national and global challenges.

I urge my colleagues to support this amendment and help address the massive funding gap that looms on the horizon. Failure to act now risks undermining thirty years of progress in cleaning up our nation's waters.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we are on the amendment, the emergency designation by my friend and colleague from Maryland. She seeks to add \$3 billion to the vitally important State revolving funds that are so important to cleaning up our environment. I could not agree with her from my heart more strongly because this is an area of need. We have fought very hard to get our funding up to where it is. That is not enough. We have not been able to fund the National Science Foundation as we should. We had a major effort by the leadership of the full committee to get us the money that we need to get an additional \$1.3 billion for veterans health care.

Having said that, this, unfortunately, is far beyond the budget allocated to the committee. It is in conflict with the stated position of the OMB with respect to emergency designations. Therefore, it is with regret that out of necessity I note that section 502, House Concurrent Resolution 95, the fiscal year 2004 concurrent resolution on the budget, created a point of order against an emergency designation on non-defense spending.

The amendment contains nondefense spending with an emergency designation; therefore, pursuant to section 502

of H. Con. Res. 95, the fiscal year 2004 concurrent resolution on the budget, I make a point of order against the emergency designation contained in the amendment.

Ms. MIKULSKI. Mr. President, pursuant to section 502(c)(6) of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, I move to waive the 502(c) of that concurrent resolution for purposes of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from Georgia (Mr. CHAMBLISS), and the Senator from Montana (Mr. BURNS) are necessarily absent.

Mr. REID. I announce that the Senator from New York (Mrs. CLINTON), the Senator from South Dakota (Mr. DASCHLE), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

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

The yeas and nays resulted—yeas 44, nays 49, as follows:

The result was announced—yeas 44, nays 49, as follows:

[Rollcall Vote No. 449 Leg.]

YEAS—44

Akaka	Ensign	Lincoln
Baucus	Feinstein	Mikulski
Bayh	Graham (FL)	Murray
Biden	Harkin	Nelson (FL)
Boxer	Hollings	Nelson (NE)
Breaux	Inouye	Pryor
Byrd	Jeffords	Reed
Campbell	Johnson	Reid
Cantwell	Kennedy	Rockefeller
Carper	Kohl	Sarbanes
Corzine	Landrieu	Schumer
Dayton	Lautenberg	Smith
Dodd	Leahy	Stabenow
Dorgan	Levin	Wyden
Durbin	Lieberman	

NAYS—49

Alexander	Dole	Miller
Allard	Enzi	Murkowski
Allen	Feingold	Nickles
Bennett	Fitzgerald	Roberts
Bingaman	Frist	Santorum
Bond	Graham (SC)	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Snowe
Chafee	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Conrad	Kyl	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	McCain	
DeWine	McConnell	

NOT VOTING—7

Burns	Daschle	Kerry
Chambliss	Domenici	
Clinton	Edwards	

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the emergency designation is stricken.

Mr. BOND. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Parliamentary inquiry: Does the amendment fall without the emergency designation?

The PRESIDING OFFICER. The Senator needs to make a point of order.

Mr. BOND. I make a point of order that this exceeds the budget allocation and, therefore, must fall.

The PRESIDING OFFICER. The point of order is well taken, and the amendment falls.

The Senator from Missouri.

Mr. BOND. Madam President, I have six amendments to offer.

Mr. REID. Without the Senator losing his right to the floor, I direct a question through the Chair to the distinguished Senator from Missouri. We are wondering, how much longer do the managers believe it would take to finish this bill?

Mr. BOND. Madam President, I have now heard from about five Members on the other side who have amendments on which we would have to have votes. If that is 20 minutes a vote, that would be 100 minutes at least.

Ms. MIKULSKI. I say to the distinguished Democratic whip, I think we can do this in 2 hours. I think there are amendments that require more conversation and modification, that might not require votes.

Mr. REID. If the Senator will continue yielding, I believe with five Democratic amendments the Senator has spoken about and the persuasive nature of the Democratic manager of this bill, some of them would not require votes, and I believe we could finish this in 2 hours.

I suggest to the leadership on the other side—I know everyone is chomping at the bit to go to 6 o'clock, but if we could have another couple hours, we could finish this bill. On this side, that would cut the marathon down to 28 hours. Although I have no authority to do this and this is not in the form of a unanimous consent request, I think we would be willing to give up part of our time in those 2 hours to finish this bill.

Mr. BOND. Madam President, I am truly overwhelmed by the generosity of my good friend from Nevada, but regrettably I am not driving this bus. I believe there is a unanimous consent order that cannot be altered without talking to the leadership. I apologize to

my friends. I would love to finish the bill, but now that I have the floor, I do have a number of amendments that have been cleared on both sides.

AMENDMENT NO. 2180 TO AMENDMENT NO. 2150

Mr. BOND. Madam President, I send an amendment to the desk on behalf of myself to direct the Secretary of Housing and Urban Development to conduct and negotiate a rulemaking for purposes of changes to the formula governing the public housing operating fund. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2180 to amendment No. 2150.

Mr. BOND. Madam 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:

(Purpose: To require HUD to make any changes to the operating fund formula by negotiated rulemaking)

On page 86, after line 11, insert the following new section:

SEC. 226. The Secretary of Housing and Urban Development shall conduct negotiated rulemaking with representatives from interested parties for purposes of any changes to the formula governing the Public Housing Operating Fund. A final rule shall be issued no later than July 31, 2004.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. BOND. Madam President, there are no objections on the other side.

Ms. MIKULSKI. No, I do not have an objection.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BYRD. Madam President, may I be recognized? May I be recognized for debate?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Madam President, I have sought the floor at this moment to urge the leadership to extend the time on this bill for 2 hours. I have heard the distinguished Democratic whip say it, I believe I have heard the Senator from Maryland, the manager of the bill, and the ranking member on this side, Senator MIKULSKI, say it, and I believe I have heard the manager indicate we might be able to finish this bill with an additional 2 hours.

We have completed 10 appropriations bills for floor action. There are only 13. That means there are three more. If we could finish this bill in 2 hours, that would leave only two appropriations bills that have not had floor action: CJS and District of Columbia.

So I urge, Madam President, that the leadership extend the time on this measure that is before the Senate just 2 hours.

Let us finish this bill before going to other matters.

Mr. REID. Will the Senator yield for a question?

Mr. BYRD. Yes, I yield.

Mr. REID. I say to the Senator, who is the most experienced person in the Senate as far as moving matters on the floor, I mentioned to the two managers that we have momentum on this bill now. If we come back some other time with 2 hours, it just is not the same. All of us who are in the Senate, we know these measures develop momentum and that is what we have now.

As I indicated to the two managers earlier and through the Chair to my distinguished friend, the Senator from West Virginia, we could finish this bill in 2 hours. It would not be easy, but if we made a commitment to do that, we would, and I think we should. It will not take anything away from the 6 show. It would just put it over for a couple of hours. Would the Senator agree with that?

Mr. BYRD. Yes, I do.

Mr. DURBIN. Will the Senator from West Virginia yield for a question?

Mr. BYRD. Yes, I yield for a question without losing my right to the floor.

Mr. DURBIN. I thank the Senator from West Virginia. Through the Chair, I ask the Senator, who is more familiar with the rules than anyone, if the Senator from West Virginia made a unanimous consent request now that we went until 8 p.m., for example, and finish this bill for the veterans, the Veterans' Administration, would that be in order?

Mr. BYRD. It certainly would be in order.

Mr. DURBIN. In order to bring us to closure on this important legislation before we begin the long debate?

Mr. BYRD. It certainly would.

Mr. DURBIN. Through the Chair, I would ask the Senator from West Virginia to seriously consider that.

Mr. BYRD. Well, I will not only consider it, I will make the request. I would like for the leadership to be here and let the leadership consider making the request. I am talking about the majority leader. I do not want to try to impose myself in his stead in a matter of this nature, but I do think the Senate ought to go for a couple more hours, if that would do it, and let us finish this bill.

We have finished 10 appropriations bills. I am the ranking member on the Appropriations Committee. It certainly is in order for me to attempt to try to get this bill acted on. We are so close. This is a veterans bill, the VA-HUD bill, that is so important. We have soldiers, men and women, dying in Iraq. Why not pass this bill within 2 hours? We are within 2 hours, and if we work hard we might complete it before that 2 hours. Maybe some of the amendments could be peeled off so we could cut the time.

I ask, Is there anyone who would get the majority leader to come to the floor and let us consider this?

Mr. BOND. Madam President—

Mr. BYRD. I have the floor.

Mr. BOND. I was going to respond.

Mr. BYRD. Yes. Let me protect myself, though. I ask unanimous consent that I may yield to the distinguished Senator from Missouri so that he can propound a question to the Chair and that I retain my right to the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, we are coming up on a 6 p.m. deadline, I say to my friend from West Virginia, that has been long announced and been planned for. I say to the distinguished Senator that unless and until we are able to get concurrence from the leadership, the work on this bill tonight will stop. I further ask the Senator from West Virginia if he would permit us to continue with the cleared amendment that is at the desk. There are five more cleared amendments, four of them by Members from his side of the aisle, that we would like to be able to clear if he would allow me to do so.

Also, I announce to my colleagues there are visiting dignitaries from the European Parliament. My colleagues may wish to greet them.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I am going to propound a request. That request will include—did the Senator from Missouri say there were four amendments that were cleared?

Mr. BOND. Madam President, there is one measure pending at the desk, and there are five more amendments that have been cleared on both sides. Excuse me. Coming in over the transom, there are now two more. So that makes a grand total of seven amendments, five of them from Members on the other side of the aisle.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, before I make a request, let me congratulate the Senator from Missouri. He is a good member of the Appropriations Committee. He works hard. He is a productive member. I have a great deal of admiration for him and for the work he does. I say the same about my friend, the Senator from Maryland. She has done tremendous work on this bill. It is the VA-HUD bill. She always applies her total energies and talents to working on this measure. With her good work and cooperation, the manager of the bill, Mr. BOND, has been able to bring the bill to the floor. He has done great work. I do not want to take away from his work. I want to add to it, and so I compliment him.

As I understand it, there are seven amendments at the desk that have been cleared on both sides?

Mr. BOND. Madam President, these are not at the desk, only submitted.

Mr. BYRD. I yield only if I may retain my right to the floor.

I yield to the Senator that he may make that statement, and ask that I may retain my right to the floor.

Mr. BOND. Madam President, as I said, there are seven amendments that

are to be offered. There is one at the desk and there are seven more now that have been cleared on both sides.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May I say again, we have finished 10 of the 13 appropriations bills on this floor. We lack three: CJS, District of Columbia, and VA-HUD. VA-HUD is before the Senate. We are within reach of completing floor action on that bill. We ought to do that. If we fail, having come this close, what is the Senate going to look like? We have to complete action on appropriations bills one way or another before we can adjourn sine die. I hope we could finish floor action on this bill.

Think of all the time that has gone into the consideration of this bill in the committee. The chairman and ranking member have held hearings. They have had a markup of this bill. They have worked hard over a period of many months. They have heard witnesses. All of this ought not to be for naught.

I hope Senators will agree. I had hoped the distinguished majority leader would be on the Senate floor so that I could urge him to propound this request. We are only 11 minutes away from 6. Now, a unanimous consent request entered into at this point will prevail over any previous unanimous consent request dealing with that same matter. So I have the floor. I know what my rights are, and I know what my duties are, also, as the ranking member of the Appropriations Committee.

May I ask the Chair, am I wrong in anything I have said? Am I correct?

The PRESIDING OFFICER. The Senator has the floor.

Mr. BYRD. Yes. And am I correct that a unanimous consent request agreed to at this moment to extend the hour of 6, which was in a previous request, would be the prevailing motion?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Mr. DURBIN. Will the Senator yield for another question?

Mr. BYRD. Madam President, I yield for a question without giving up the floor.

Mr. DURBIN. Through the Presiding Officer, I would like to ask the Senator from West Virginia, could you not make part of your unanimous consent request an agreement that the pending amendments will be considered in a timely fashion?

Mr. BYRD. That would be part.

Mr. DURBIN. So there is no effort to extend this beyond a reasonable period, but an effort to complete this bill for our veterans, for the Veterans Administration, before we begin the 30-hour debate. Could you not include that in your unanimous consent request?

Mr. BYRD. Yes, indeed.

So, Madam President, I really hesitate to make this request. I had hoped the majority leader would be in the Chamber because he is the person to be

recognized at 6 o'clock, under the previous order. I don't want to appear to be discourteous. That is not my intention.

Why do you think I am doing this? I am the ranking member of the Senate Appropriations Committee. In the 7 years, I believe it was, that I was chairman of the Appropriations Committee, we never had—I don't think we ever had—I think we finished all 13 appropriations bills every year. We could finish another one. I know Senator STEVENS has worked hard. I asked Senator STEVENS during the last rollcall if he was agreeable to extending this time, since we are so close. He indicated he would work to do that.

Madam President, I ask unanimous consent that—

The PRESIDING OFFICER. The Presiding Officer apologizes to the Senator from West Virginia for being temporarily distracted.

Mr. BYRD. I didn't understand the Chair.

The PRESIDING OFFICER. The Presiding Officer apologizes to the Senator from West Virginia for being temporarily distracted.

Mr. BYRD. I thank the distinguished Presiding Officer.

I am trying to avoid appearing to intrude on the majority leader's previous request and his time. I don't want to appear to be discourteous. I want to make the request when the majority leader is here.

The PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. I ask unanimous consent that I be permitted to make a unanimous consent request and that, if it is agreed to—or whether or not it is agreed to, that I be recognized for another unanimous consent request, with the understanding that in any event I will be recognized 1 minute before 6 p.m. today to make such request.

Mr. BOND. I object on behalf of the leadership, Mr. President, and I seek recognition.

Mr. BYRD. Mr. President, I don't lose the floor by virtue of having made a unanimous consent request, even though it is objected to. I don't lose the floor.

The PRESIDENT pro tempore. The Senator does not lose the floor by making a unanimous consent request.

Mr. SARBANES. Will the Senator from West Virginia yield for a question, reserving his right to the floor?

Mr. BYRD. I yield to the distinguished Senator from Maryland with the understanding I do not lose my right to the floor, and I yield for a question only.

Mr. SARBANES. If I could have the attention of the Senator from Missouri as I pose this question? Would the Senator entertain a unanimous consent request that allowed the amendments that are lined up here to be offered and to be accepted? I understand they are all going to be taken by voice.

Mr. BYRD. Mr. President, I don't yield the floor for that purpose.

Mr. SARBANES. I am not asking. I am just inquiring of the Senator's view of that.

Mr. BYRD. Mr. President, I ask unanimous consent that the seven amendments at the desk, to which the distinguished Senator from Missouri alluded, be considered agreed to, the motion to reconsider be laid on the table, and that the Senate immediately proceed to the further consideration of the VA-HUD appropriations bill with the understanding that time on that bill would end no later than 8 o'clock—or would end at 8 o'clock this evening, and that there would be a vote on the VA-HUD bill.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. BOND. On behalf of the leadership, I object.

Mr. BYRD. Senators will understand I used to propound these requests without their being in writing. I am carefully trying to approach this, so I will start over.

Mr. President, I ask unanimous consent that the seven amendments that have been referred to by the distinguished Senator from Missouri, Mr. BOND, and are at the desk, that have been cleared, be considered agreed to and adopted to the bill. I further ask that the time originally set for recognition of the majority leader, at 1 minute until 6, be delayed 2 hours, that in the meantime the Senate consider action and complete action on the VA-HUD appropriations bill, and that the motions to reconsider be laid on the table.

The PRESIDENT pro tempore. Is there objection?

Mr. BOND. On behalf of the leadership, I object.

The PRESIDENT pro tempore. Objection is heard.

The Senator from Missouri.

AMENDMENTS NOS. 2151, 2180, 2181, 2182, 2183, 2184, 2185, 2186 TO AMENDMENT NO. 2150

Mr. BOND. Mr. President, we do have these six measures—seven—eight measures, now, at the desk, that I propounded? We have one from Senator MURKOWSKI on pioneer homes in the State of Alaska; we have one from Senators DORGAN, ROCKEFELLER, and LANDRIEU on access to primary health care for veterans in rural areas; we have one from Senator SNOWE—Senator SARBANES, Senators COLLINS, BYRD, SANTORUM, and others, a sense of the Senate with respect to section 8 vouchers; an amendment by Senator CLINTON and others relating to the Corporation for National Service volunteers; another from Senator LANDRIEU with respect to the States' deduction for administrative expenses in the Housing and Community Development Act; an amendment by Senator LEVIN and others relating to Federal water pollution control; a sense-of-the-Senate amendment by Senator BOXER about human dosing studies of pesticides.

I ask unanimous consent that the aforementioned amendments be sent to the desk, the titles read, that they be

approved, and that a motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Is there objection?

Ms. MIKULSKI. Mr. President, I have no objection except I am sorry we can't finish this bill.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 2151 TO AMENDMENT NO. 2150

(Purpose: To increase the amount of funds that may be used by States for technical assistance and administrative costs under the community development block grant program)

On page 125, between lines 7 and 8, insert the following:

SEC. 418. Section 106(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(d)) is amended—

(1) in paragraph (3)(A), by striking "shall not exceed 2 percent" and inserting "shall not, subject to paragraph (6), exceed 3 percent";

(2) in paragraph (5), by striking "not to exceed 1 percent" and inserting "subject to paragraph (6), not to exceed 3 percent";

(3) by redesignating the second paragraph (5) and paragraph (6) as paragraphs (7) and (8), respectively; and

(4) by inserting after paragraph (5) the following:

"(6) Of the amounts received under paragraph (1), the State may deduct not more than an aggregate total of 3 percent of such amounts for—

"(A) administrative expenses under paragraph (3)(A); and

"(B) technical assistance under paragraph (5)."

AMENDMENT NO. 2180 TO AMENDMENT NO. 2150

(Purpose: To require HUD to make any changes to the operating fund formula by negotiated rulemaking)

On page 86, after line 11, insert the following new section:

SEC. 226. The Secretary of Housing and Urban Development shall conduct negotiated rulemaking with representatives from interested parties for purposes of any changes to the formula governing the Public Housing Operating Fund. A final rule shall be issued no later than July 31, 2004.

AMENDMENT NO. 2181 TO AMENDMENT NO. 2150

(Purpose: To provide for the treatment of the Pioneer Homes in Alaska as a State home for veterans)

At the end of title I, add the following:

SEC. 116. (a) TREATMENT OF PIONEER HOMES IN ALASKA AS STATE HOME FOR VETERANS.—The Secretary of Veterans Affairs may—

(1) treat the Pioneer Homes in the State of Alaska collectively as a single State home for veterans for purposes of section 1741 of title 38, United States Code; and

(2) make per diem payments to the State of Alaska for care provided to veterans in the Pioneer Homes in accordance with the provisions of that section.

(b) TREATMENT NOTWITHSTANDING NON-VETERAN RESIDENCY.—The Secretary shall treat the Pioneer Homes as a State home under subsection (a) notwithstanding the residency of non-veterans in one or more of the Pioneer Homes.

(c) PIONEER HOMES DEFINED.—In this section, the term "Pioneer Homes" means the six regional homes in the State of Alaska known as Pioneer Homes, which are located in the following:

- (1) Anchorage, Alaska.
- (2) Fairbanks, Alaska.

- (3) Juneau, Alaska.
- (4) Ketchikan, Alaska.
- (5) Palmer, Alaska.
- (6) Sitka, Alaska.

AMENDMENT NO. 2182 TO AMENDMENT NO. 2150

(Purpose: To express the sense of the Senate on the access to primary health care of veterans living in rural and highly rural areas)

At the end of title I, add the following:

SEC. 116. (a) FINDINGS ON ACCESS TO PRIMARY HEALTH CARE OF VETERANS IN RURAL AREAS.—The Senate makes the following findings:

(1) The Secretary of Veterans Affairs has appointed a commission, called the Capital Asset Realignment for Enhanced Services (CARES) Commission, and directed it to make specific recommendations regarding the realignment and allocation of capital assets necessary to meet the demand for veterans health care services over the next 20 years.

(2) The Department of Veterans Affairs accessibility standard for primary health care provides that at least 70 percent of the veterans enrolled in each of the regional "markets" of the Department should live within a specified driving time of a Department primary care facility. That driving time is 30 minutes for veterans living in urban and rural areas and 60 minutes for veterans living in highly rural areas.

(3) The Draft National CARES Plan issued by the Under Secretary for Health would place veterans in 18 rural and highly rural regional markets outside the Department accessibility standard for primary health care until at least fiscal year 2022, which means that thousands of veterans will have to continue traveling up to 3–4 hours each way to visit a Department primary care facility.

(4) The 18 rural and highly rural markets that will remain outside the Department accessibility standard for primary health care comprise all or parts of Arkansas, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Virginia, Washington, and West Virginia.

(5) Health care facilities for veterans are disproportionately needed in rural and highly rural areas because the residents of such areas are generally older, poorer, and sicker than their urban counterparts.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the CARES Commission should give as much attention to solving the special needs of veterans who live in rural areas as it does to providing for the health care needs of veterans living in more highly populated areas;

(2) the CARES Commission should reject the portions of the Draft National CARES Plan that would prevent any regional market of the Department from complying with the Department accessibility standard for primary health care, which provides that at least 70 percent of the veterans residing in each market be within specified driving times of a Department primary care facility; and

(3) the CARES Commission should recommend to the Secretary the investments and initiatives that are necessary to achieve the Department accessibility standard for primary health care in each of the rural and highly rural health care markets of the Department.

AMENDMENT NO. 2183 TO AMENDMENT NO. 2150

(Purpose: To express the sense of the Senate that housing vouchers are a critical resource and that the Department of Housing and Urban Development should ensure that all vouchers can be used by low-income families)

On page 125, between lines 7 and 8, insert the following:

SEC. 4 . . . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) 30 percent of American families have housing affordability problems, with 14,300,000 families paying more than half of their income for housing costs, and 17,300,000 families paying 30 to 50 percent of their income towards housing costs;

(2) 9,300,000 American families live in housing that is overcrowded or distressed;

(3) 3,500,000 households in the United States will experience homelessness at some point this year, including 1,350,000 children;

(4) the number of working families who are unable to afford adequate housing is increasing, as the gap between wages and housing costs grows;

(5) there is no county or metropolitan area in the country where a minimum wage earner can afford to rent a modest 2-bedroom apartment, and on average, a family must earn over \$15 an hour to afford modest rental housing, which is almost 3 times the minimum wage;

(6) section 8 housing vouchers help approximately 2,000,000 families with children, senior citizens, and disabled individuals afford a safe and decent place to live;

(7) utilization of vouchers is at a high of 96 percent, and is on course to rise to 97 percent in fiscal year 2004, according to data provided by the Department of Housing and Urban Development;

(8) the average cost per voucher has also steadily increased from just over \$6400 in August of 2002, to \$6,756 in April, 2003, due largely to rising rents in the private market, and the Congressional Budget Office estimates that the cost per voucher in fiscal year 2004 will be \$7,028, \$560 more per voucher than the estimate contained in the fiscal year 2004 budget request; and

(9) the congressionally appointed, bipartisan Millennial Housing Commission found that housing vouchers are "the linchpin of a national housing policy providing very low-income renters access to privately-owned housing stock".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) housing vouchers are a critical resource in ensuring that families in America can afford safe, decent, and adequate housing;

(2) public housing agencies must retain the ability to use 100 percent of their authorized vouchers to help house low-income families; and

(3) the Senate expects the Department of Housing and Urban Development to take all necessary actions to encourage full utilization of vouchers, and to use all legally available resources as needed to support full funding for housing vouchers in fiscal year 2004, so that every voucher can be used by a family in need.

AMENDMENT NO. 2184 TO AMENDMENT NO. 2150

(Purpose: To provide VISTA volunteers the option of receiving a national service educational award)

On page 92, line 22, insert "": *Provided further*, That the Corporation shall offer any individual selected after October 31, 2002, for initial enrollment or reenrollment as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) the option of receiving a national service educational award under sub-

title D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.)" after "programs".

AMENDMENT NO. 2185 TO AMENDMENT NO. 2150

(Purpose: To authorize appropriations for sewer overflow control grants.

On page 125, between lines 7 and 8, insert the following:

SEC. 4 . . . SEWER OVERFLOW CONTROL GRANTS.

Section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) is amended—

(1) in subsection (f), by striking "2002 and 2003" and inserting "2005 and 2006";

(2) in subsection (g)(1)—

(A) in the paragraph heading, by striking "2002" and inserting "2005"; and

(B) by striking "2002" and inserting "2005";

(3) in subsection (g)(2)—

(A) in the paragraph heading, by striking "2003" and inserting "2006"; and

(B) by striking "2003" and inserting "2006"; and

(4) in subsection (i), by striking "2003" and inserting "2006".

AMENDMENT NO. 2186 TO AMENDMENT NO. 2150

It is the sense of the Senate that human dosing studies a pesticides raises ethical and health questions.

AMENDMENT NO. 2183

Ms. COLLINS. Mr. President, I rise today to speak on behalf of a Sense of the Senate amendment that Senator SARBANES and I are offering with respect to the section 8 housing voucher program. This amendment states that section 8 housing vouchers are a critical housing resource, that public housing authorities must be able to use all of their authorized vouchers, and that the Senate expects the Department of Housing and Urban Development to take all necessary steps to encourage full voucher utilization.

Our Nation is facing a critical shortage of affordable housing. A recent study by the Joint Center on Housing Studies at Harvard University indicates that approximately 30 percent of American families have housing affordability problems, with as many as 14.3 million families paying more than half of their income for housing costs and 17.3 million families paying 30 to 50 percent of their income toward housing costs. The same study indicates that 9.3 million families live in housing that is overcrowded or distressed, and 3.5 million households in the United States will experience homelessness at some point this year. That last number includes more than 1.3 million children.

As the gap between wages and housing costs grows, the number of working families who are unable to afford adequate housing continues to increase. On average, a family must earn over \$15 per hour to afford modest rental housing, and in many cases, rising costs have led to families simply being priced out of the housing market. In my home state of Maine, the City of Portland offers a prime example of this phenomenon. The National Housing Conference reports that, in 1999, the median home price in Portland was \$12,500. By 2001, that median price had increased to \$158,000. During this period, Fair Market Rent for a two-bedroom apartment jumped from \$641 to



\$817 per month, and this trend of increasing disparity between wages and housing costs shows little sign of abating.

Section 8 housing vouchers help approximately 2 million families with children, senior citizens, and disabled individuals afford a safe and decent place to live. The congressionally appointed, bipartisan Millennial Housing Commission found that housing vouchers are "the linchpin of a national housing policy providing very low-income renters access to privately owned housing stock. Currently, utilization of vouchers is at a high of 96 percent, and is on course to rise to 97 percent in fiscal year 2004, according to data provided by HUD. The average cost per voucher has also steadily increased from just over \$6,400 in August of 2002, to \$6,756 in April, 2003, and the Congressional Budget Office estimates that the cost per voucher in FY 2004 will be \$7,028.

Our amendment states that it is the sense of the Senate that: 1. housing voucher are a critical resource in ensuring that families in America can afford safe, decent, and adequate housing; 2. public housing agencies must retain the ability to use 100 percent of their authorized vouchers to help house low-income families; and 3. the Senate expects the Department of Housing and Urban Development to take all necessary actions to encourage full utilization of vouchers, and to use all legally available resources as needed to support full funding for housing vouchers in fiscal year 2004, so that every voucher can be used by a family in need.

To many families, older, and disabled individuals, section 8 housing vouchers are the difference between having a safe, decent place to live and homelessness. It should be the sense of the Senate that HUD use all legally available funds to support every authorized voucher, and I encourage my colleagues to support this amendment.

Mrs. CLINTON. Mr. President, today I rise in support of Senator SARBANE's resolution, which expressed the sense of the Senate that Section 8 housing vouchers are a critical resource and that the Department of Housing and Urban Development should ensure that all vouchers can be used by low-income families. I have joined many of my colleagues as an original cosponsor of this amendment and would like to thank both Senator BOND and Senator MIKULSKI for including it in the pending VA/ HUD Appropriations bill. I would like to commend the Senators for their commitment to balancing the competing housing priorities we face given the constraints they were working under. The Senate provisions are a big improvement over the House bill and would greatly reduce the chances of cuts to this program.

Earlier this year, I joined my colleagues in sending a letter to Secretary Martinez expressing our reservations and concerns about the President's pro-

posal to block grant this critical program. Experience with block grants tells us that this plan could have actually undermined the program and reduced the number of families being served, so I was pleased that both the House and the Senate Committee rejected it.

The fact is the gap between wages and housing costs is growing and is pushing affordable housing beyond the reach of an increasing number of working families. On average, a family in this country must earn \$15.21 an hour to afford a modest two-bedroom apartment, which is almost three times the minimum wage. In my home State of New York, a minimum wage worker would have to work 147 hours a week to afford a two-bedroom apartment at fair market rent. Section 8 vouchers make housing affordable and are making a real difference in the lives of approximately 2 million elderly and disabled individuals as well as families with children across the Nation. We should expand the program so that more families can receive assistance they so desperately need, but if we cannot expand it we should preserve it to ensure that families receiving vouchers can continue to depend on the support they have been promised.

New York's housing crisis is particularly alarming. In my State more than 500,000 renter households, roughly one-fourth of all renters, continue to pay more than half of their income in rent. These rents impose enormous pressures on them and add on to the financial burdens they already face. Many severely disadvantaged households find themselves unable to pay rent and meet their other basic needs. Some are forced to live on the street or in shelters. More than 38,000 homeless people sleep in New York City's shelter system each night, almost double the number of just 5 years ago and the largest annual increase since the Great Depression. The largest and fastest-growing segment of this homeless population is families with children. Section 8 housing vouchers provide a lifeline that helps these individuals make ends meet. We must help America afford safe and decent housing so that parents are not forced to choose between finding the money to pay for rent and putting food on the table.

The Housing Choice Voucher program is more than just a housing program. We know that affordable housing helps families increase their employability, earnings, educational outcomes, and children's well being.

In New York, Section 8 housing vouchers are assisting approximately 200,000 seniors, people with disabilities, and families with children. Under the House VA-HUD appropriations bill, New York could lose 6,020 vouchers, of which approximately 1,840 would go to working families, 1,020 to elderly households, 1,320 to disabled households, and 1,840 to other households. If the final VA-HUD conference report retains the Senate provisions referenced

in the Sense of the Senate—directing HUD to fund these vouchers—then none of these vouchers would be lost and all of these families would be helped.

As this bill moves forward during conference, I urge my colleagues to support this language. It sends a message to HUD that America is depending on housing vouchers to ensure that all of our families can afford a safe, decent and adequate place to live.

AMENDMENT NO. 2184

Mr. REED. Mr. President, I rise as a cosponsor of Senator CLINTON's amendment relating to VISTA.

Since its creation in 1965, as part of the War on Poverty, over 120,000 Americans have performed national service as VISTA volunteers.

VISTA, Volunteers In Service To America, members serve in hundreds of nonprofit organizations and public agencies across the country, helping to find solutions to the problems caused by urban and rural poverty. VISTA volunteers fight illiteracy, improve health services, increase housing opportunities, bridge the digital divide, create businesses, and so much more.

Unfortunately, VISTA volunteers have been shortchanged for more than a year.

Since the creation of education awards in 1994, VISTA volunteers, upon completion of their service, have been eligible to receive either a \$4,725 education award or end-of-service stipend of \$1,200. Education awards can be used to pay education costs at qualified institutions of higher education or to repay qualified student loans.

However, the Corporation for National and Community Service has refused to offer education awards to last year's and this year's volunteers.

This summer, I was alerted to this unfortunate change in policy by several Rhode Islanders.

Section 129(b) of the National and Community Service Trust Act of 1993 contains the following language:

Reservation of Approved Positions—The Corporation shall ensure that each individual selected during a fiscal year for assignment as a VISTA Volunteer under title I of the Domestic Volunteer Service Act of 1973 . . . shall receive the national service educational award described in subtitle D if the individual satisfies the eligibility requirements for the award. Funds for approved national service positions required by this paragraph for a fiscal year shall be deducted from the total funding for approved national service positions to be available for distribution under subsections (a) and (d) for that fiscal year.

Given this clear language in the statute, I wrote to the Corporation seeking its rationale for denying the opportunity for VISTA volunteers to elect education awards. In his response, the General Counsel for the Corporation argued that the Corporation, not this language, determines whether a VISTA volunteer is in an "approved national service position", and only if that is the case, is the volunteer entitled to the opportunity to elect to receive an education award. The General Counsel

has ruled that all VISTA slots are not "approved national service positions." Moreover, the General Counsel states that the Corporation has the authority to modify program rules based on funding levels.

As a result, 3,200 volunteers in fiscal year 2003 have been denied the option of an education award that has been of great benefit to countless volunteers. In Rhode Island, this has affected nearly 20 VISTA volunteers at City Arts, AS220, Providence Public Library, Family Life Center, RI Training School, RI Free Clinic, Southside Community Land Trust, New Urban Arts, and RI Coalition for Domestic Violence.

In order to continue to attract high quality and talented individuals willing to serve as VISTA volunteers, the Clinton amendment requires the Corporation to offer individuals, selected after October 31, 2002, for initial enrollment or reenrollment as a VISTA volunteer the option of receiving a national service education award.

This is an important amendment as we look to revitalize service in our country after months of mishaps at the Corporation for National and Community Service, and I urge its passage.

AMENDMENT NO. 2183

Mr. SARBANES. Mr. President, I come to the floor today to offer an amendment to the VA/HUD appropriations bill to ensure that the U.S. Department of Housing and Urban Development does all it can to make sure that the section 8 housing voucher program is fully funded and fully operational. I want to thank the cosponsors of this amendment, including Senators REED, KENNEDY, ALLEN, SANTORUM, and BYRD. In addition, I want to thank Senator COLLINS, who is a cosponsor, and was instrumental in drafting and gaining support for the amendment.

This amendment expresses the sense of the Senate that housing vouchers, which now assist almost 2 million low-income families around the country, are a critical housing resource and should receive full funding. This amendment reaffirms our commitment to the voucher program by reiterating that public housing agencies can lease all of their authorized vouchers, and that HUD must use all available funds to support these needed vouchers.

Unfortunately, too many families in America find it difficult to afford decent and safe places to call home. In fact, the number of working families who are paying over half of their income in rent is steadily rising, as the gap between wages and housing costs continues to widen.

According to a recent study conducted by the National Low Income Housing Coalition, on average, a family in the United States must earn over \$15 an hour to afford a modest apartment without forgoing other necessities. This is almost 3 times the minimum wage. In my home State of Maryland, this number is almost \$19 an hour.

These numbers make clear that there is a pressing need for housing assist-

ance. The section 8 housing voucher program is a market-based housing program that has had strong bipartisan support since the program's inception. The housing voucher program has long been regarded as a successful way to help families in need find and afford rental housing.

Housing vouchers enable low-income families to go out into the private rental market and rent housing of their choice subject to a cap on the rental amount. Housing vouchers help families move closer to employment and educational opportunities, while providing stability so that families can better retain employment and children can succeed in school. Every study that has looked at the impact of vouchers has found a positive effect on employment and earnings, in addition to finding that housing vouchers help make the transition from welfare to work a successful one.

It is evident that the voucher program is one that works, and this has been recognized by past administrations and by Members of Congress on both sides of the aisle. Unfortunately, this administration simply did not ask for adequate funding for this program. According to recent HUD data, the budget request submitted this year by the administration underfunds this critical program by nearly \$1.25 billion.

This \$1.25 billion shortfall could have easily been avoided had the Department used updated data for its budget estimate, and I thank Senators BOND and MIKULSKI for calling on HUD to do just that. Recent HUD data show that a greater percentage of vouchers are being used now than ever before. According to this data, utilization is at a high of 96 percent, and is expected to rise to 97 percent in fiscal year 2004. In addition, due to rising rents, the actual cost per voucher is much higher than estimated by the administration. As rents rise, HUD must seek adequate funding to meet the needs in ever-changing housing markets.

While the bill before us today does not contain enough newly appropriated funds for the voucher program, we have reason to believe that HUD has enough available funding to meet the needs in the program in fiscal year 2004. I appreciate the efforts of Senators BOND and MIKULSKI to address this issue in the bill by directing HUD to ensure that public housing agencies can continue to issue turnover vouchers, and by calling on HUD to request supplemental funds if necessary.

The amendment I am offering today, along with Senator COLLINS and others, is a companion to this important language. It expresses the sense of the Senate that we expect HUD to do all it can to ensure that housing agencies can lease up to their authorized level of vouchers. The ability to lease 100 percent of authorized vouchers is critical and we fought hard last year to make sure that this right was retained. This bill reiterates this right and directs HUD to make sure all vouchers, includ-

ing turnover vouchers, can be used by low-income families. In addition, this amendment calls on HUD to live up to its obligations by using all legally available funds to renew housing vouchers. Without using this additional funding, the \$1.25 billion shortfall could translate into over 100,000 families losing their voucher assistance and their homes.

The amendment we are offering sends a message to HUD that this would be unacceptable, and that we expect it to do everything possible to ensure that families with vouchers do not lose their housing assistance and that low-income families on waiting lists can gain access to vouchers. These vouchers are being used in every community across the country, providing not only housing, but economic opportunities to low-income families. I urge my colleagues to support this amendment which reaffirms our commitment to housing low-income people in this Nation.

AMENDMENT NO. 2184

Mrs. CLINTON. Mr. President, I rise to offer an amendment that would provide education awards to all volunteers who are part of the VISTA—Volunteers in Service to America—program, which is administered by the Corporation for National and Community Service.

Before I begin, I want to thank Senator BOND and Senator MIKULSKI for all the hard work they have done to support national and community service. They have been real champions of this program. I would also like to thank Senators SNOWE, KENNEDY, CHAFEE, HARKIN, REED, MURRAY, and DODD for co-sponsoring this amendment. This amendment that I rise to offer today is not a partisan amendment—I know that I have support on both sides of the aisle because the VISTA program has such deep, strong roots among many political leaders on both sides of the aisle.

The VISTA program was first envisioned by President Kennedy soon after the Peace Corps was created. And in 1965, as part of President Johnson's War on Poverty, President Kennedy's dream was realized.

VISTA, like Head Start and so many other lasting anti-poverty programs, was created to serve the needs of the poorest Americans. On December 12, 1964, just four months after the legislation was enacted, President and Lady Bird Johnson welcomed the first group of twenty VISTA volunteers with these remarks:

Your pay will be low; the conditions of your labor often will be difficult. But you will have the satisfaction of leading a great national effort and you will have the ultimate reward which comes to those who serve their fellow man.

When my husband championed the effort to dramatically expand national service and create AmeriCorps, he wanted to preserve this important part of President Kennedy and President Johnson's legacy. The VISTA program was authorized within the National and

Community Service Trust Act and today it is administered by the Corporation for National and Community Service.

A staple of the program since its inclusion within the National and Community Service Trust Act is that every member who signs up shall receive a choice—a scholarship toward their education or a cash stipend. In recent years, more than two-thirds of the individuals participating in the VISTA program have opted for the education scholarship instead of the cash stipend.

In November of 2002, the Corporation for National and Community Service began denying new volunteers the option of receiving education awards. They were provided cash stipends, regardless of their preference.

I began hearing from New Yorkers who were frustrated by the decision. They felt like they had been duped—given a bait and switch. Their morale dropped dramatically and some have resigned as a result. Many saw a fundamental problem of equity. Members were passed over for education and awards while those who enrolled just two months later received them. I'm sure we all agree that this is unfair.

New Yorkers described to me the difference that VISTA has made in their life and in the lives of people they serve and expressed their frustration about what has happened to the program. Two New York VISTA members serving in West Seneca, New York developed a pilot program for ex-offenders, and I want to tell you a little bit about the first graduate: "he got his driver's license and was getting things in order for this first apartment ever—he had been incarcerated for 28 years, since his youth. The joy on the guy's face was unbelievable and I was proud to know that two VISTA members had made it possible," said one of them.

Across the country, at least 1,766 volunteers who were affected by this decision, according to the Corporation for National and Community Service. The organization established to support the VISTA program—called Friends of Vista—estimates the impact at 3,200.

I do not want to haggle over the numbers or argue about who's to blame. I simply want the problem addressed.

This amendment is straightforward and simple. It says that VISTA volunteers shall be provided the option of receiving an education award or a cash stipend, consistent with the law and current practice. It does not have a cost associated with it, and I urge my colleagues to support this amendment and rectify this injustice.

Mr. SARBANES. Mr. President, have the amendments been adopted?

Ms. MIKULSKI. Mr. President, what time—

Mr. SARBANES. Have the amendments been adopted?

The PRESIDENT pro tempore. The amendments were adopted by unanimous consent, as requested.

Ms. MIKULSKI. I move to reconsider and lay the motion on the table.

The motion to lay on the table was agreed to.

#### NSF EPSCoR PROGRAM

Mr. BURNS. Mr. President, I rise to speak on the National Science Foundation's (NSF) Experimental Program to Stimulate Competitive Research program or EPSCoR. First, I would like to thank the distinguished chair of the subcommittee for including \$100 million in the EPSCoR program. This is a very important program in my State of Montana—and very important for the other 22 EPSCoR states that are trying to develop a competitive research program.

I would also like to mention that I have talked with the EPSCoR project director and other participants in the program from Montana and that they have told me that the infrastructure improvement components of the program is critical to all other efforts to develop research capacity and to compete successfully for other NSF funding. I would like it to be clear that the research infrastructure component is central to the program and that we have provided funds to ensure that states can be fully funded.

Mr. BOND. I, too, have heard about the importance of the research infrastructure program and I want to assure the Senator that we have sought to provide sufficient funding to cover existing commitments and states that are currently under review.

Mr. BURNS. That is very important. Finally, I would just add that I hope NSF will make every effort to include the EPSCoR states in its new cyber infrastructure activities. NSF did a very fine job a few years ago in helping secure high-speed connections for research institutions in EPSCoR states. The new NSF cyberinfrastructure program is evolving and I hope that they will include states like Montana in these efforts since networking and advanced computing are essential to keeping our research universities connected to cutting-edge research and allow them to collaborate and use equipment at remote locations.

Mr. BOND. I understand the Senator's interest.

#### CARES INITIATIVE

Mr. SCHUMER. It is my understanding that the managers of this legislation have agreed to work to address the concerns shared by Sen. CLINTON, Sen. ENZI, myself and others through the inclusion of language in the conference report on the FY04 VA-HUD Appropriations Act. It is my further understanding that this language will specifically address our concerns regarding the CARES Initiative's impact on long-term care, domiciliary care and mental health care as well as the ability of veterans to attend and participate in hearings regarding facility closings and the special needs of rural veterans in the process. I also understand that the managers have agreed to send a letter to Secretary Principi on these matters. In addition I understand that I will join my colleagues

and the managers in submitting a longer colloquy for the record with the specific language to be included.

Mr. BOND. That understanding is correct and I look forward to working with my colleagues on this issue.

Ms. MIKULSKI. I share that understanding as well and thank my colleagues.

#### NON-ELDERLY DISABLED INCREMENTAL VOUCHERS

Mr. DOMENICI. Mr. President, I rise to join my friend and colleague, Senator BOND, in a colloquy on the Department of Housing and Urban Development's (HUD) Section 8 program. Senator BOND, it is my understanding that the section of the bill allocating funding for the Section 8 Housing Certificate Fund includes language that allows HUD to target up to \$36 million for incremental vouchers to non-elderly people with disabilities that are adversely affected by the designation of public and assisted housing as "elderly only." Is this correct?

Mr. BOND. The Senator is correct. The bill includes more than \$461 million for the HUD Secretary to support a range of activities related to the Section 8 program including contract amendments and other measures to ensure that housing authorities are able to lease up to their authorized unit levels. In addition, the bill allows HUD to allocate up to \$36 million for new vouchers tied to the designation and occupancy restrictions imposed in public and assisted housing developments for the elderly. This continues a policy established by Congress in 1996 to ensure alternative resources for non-elderly people with disabilities who are being excluded from certain public and assisted housing properties.

It is important to note that the bill requires the HUD Secretary to ensure that there are adequate funds to renew all existing rental vouchers before allocating additional funds for disability vouchers for Fiscal Year 2004. It is the expectation of both Senator Mikulski and myself that HUD will be able to make a mid-year assessment in Fiscal Year 2004 to determine if the amounts appropriated for voucher renewals and contract amendments exceed the expected requests from housing authorities for authorized voucher renewals. In our view, such an assessment can be made as part of the periodic measurements HUD routinely makes regarding the pace of voucher renewals. It should also be part of the requirement set forth in S. Rpt. 108-143 by the Appropriations Committee for development of a real-time data model to identify the actual use of vouchers.

Further, it is our view that every effort should be made to ensure that public housing designation plans for elderly-only housing are linked to the vouchers, should they become available in Fiscal Year 2004. I do not believe that HUD should be prevented from including these disability vouchers in its annual consolidated Notice of Funding Availability or SuperNOFA. This would

allow the agency to allocate expeditiously these vouchers before the end of Fiscal Year 2004 to housing authorities that are able to target them effectively to non-elderly people with disabilities who have been adversely affected by the designation of public and assisted housing as elderly only.

Mr. DOMENICI. I thank the Senator from Missouri for his support on this important issue.

## NSF ASTRONOMICAL RESEARCH

Mr. INOUE. Mr. President, I rise to speak on the issue of funding for astronomy within the National Science Foundation. I would like to engage in a colloquy with Senators BOND and MIKULSKI, the distinguished chairman and ranking member of the Subcommittee on VA, HUD and Independent Agencies.

Mr. BOND. I would be happy to engage in such a discussion with the Senator from Hawaii, a member of the Committee and the ranking member on the Subcommittee on Defense.

Mr. INOUE. The committee's bill recognizes that the budget request provided inadequate funding for NSF's astronomical facilities. In response, the committee bill provided additional funding for radio astronomy facilities, but the funding level in other areas remains inadequate. For example, the National Optical Astronomy Observatory would be reduced below last year's level.

Ms. MIKULSKI. The Senator is correct. We were unable to provide additional funds for the NOAO due to our tight 302(b) allocation.

Mr. INOUE. One specific high priority area for investment in optical astronomy that will be needed to develop the next generation of ground-based telescopes is in the area of adaptive optics. This will enable a major advance in astronomy that will have far-reaching effects in other areas, including national security. The National Academy of Sciences Decadal Survey in Astronomy has identified this as the enabling breakthrough that will be needed for the Giant Segmented Mirror Telescope, the top priority for optical astronomy.

For fiscal year 2004, about \$5 million in additional funding for adaptive optics development is needed in order to develop the future generation of ground based telescopes, particularly for the GSMT. Would the chairman and ranking member be willing to join me in examining this possibility during conference on this bill?

Mr. BOND. We face a very tough conference with the House with our tight allocation and other competing funding priority areas such as veterans' health care, affordable housing, and other science and space programs. Nevertheless, I will look at this issue in conference.

Mr. MIKULSKI. I would be happy to support the Senator.

Mr. INOUE. I would like to raise another issue. The Advanced Technology Solar Telescope was identified as the highest priority solar astronomy initiative for the coming decade. Pres-

ently, the National Solar Observatory is leading a national effort to identify a site for this future telescope and to make the overall project a success by addressing the long lead technologies. Progress on these is essential in order for the Advanced Technology Solar Telescope to achieve operations by 2007-2008 when NASA's complimentary space mission, the Solar Dynamics Observer, is launched. The combination of these two observatories will provide an unprecedented synergy between space- and ground-based solar observations that we believe will be of great scientific benefit. Unfortunately, the budget request does not provide the necessary funding to accommodate these needs.

One specific area that has emerged as critical is to begin the preparatory work on the mirror for this telescope and to develop fully the fabrication and polishing techniques that will be necessary. Would the chairman and ranking member join me in helping to identify \$2 million in additional funding during conference to address this issue?

Mr. BOND. Speaking for Senator MIKULSKI and myself, we would be happy to look at this issue in conference.

Mr. INOUE. I thank both Senators for their leadership in helping the U.S. remain scientifically and technologically competitive by providing critical investments in research.

Mr. BYRD. Mr. President, I am very interested in the need to provide funding through the Environmental Protection Agency (EPA) for the National Research Council to study whether the use of coal combustion wastes, otherwise known as coal fly ash, poses health and/or safety threats to the public or to the environment when used for reclamation purposes in both active and abandoned coal mines.

For more than twenty years, the EPA has been grappling with the issue of whether and how the use of these power plant combustion wastes should be regulated and the manner in which they should be regulated, if at all, under the Resources Conservation and Recovery Act or the Surface Mining Control and Reclamation Act. With this amendment, the National Research Council will be able to provide much-needed research assistance to the EPA as the agency continues to consider the development of national regulations in this area.

This study serves an important purpose and will help answer important questions about the impact of disposing coal combustion wastes in coal mines. Further, this study would offer timely information to EPA policy makers as these experts continue to assess the need for regulations governing this practice.

In summary, there is a great need for this study. It could be funded within existing resources and under existing authorizations. I hope that my colleagues will be able to consider this important request during the VA/HUD conference. I thank them for their consideration of this issue.

Mr. BOND. I thank the Senator from West Virginia for his remarks, and I will be working to ensure that this important study will be included in the conference report.

Ms. MIKULSKI. I also thank the senior Senator from West Virginia, and I, too, will support his request for such a study during the conference negotiations. This is an important matter for the State of West Virginia and other coal-producing States.

## NASA

Mr. COCHRAN. Mr. President, I commend the chairman and the subcommittee staff for their outstanding work in bringing this legislation to the Senate for consideration.

Mr. BOND. I thank the Senator for his kind comments.

Mr. COCHRAN. As the chairman knows, I have had a longstanding interest in NASA's research partnerships with universities and industry, particularly in the area of developing commercial applications in remote sensing. I am pleased that the committee report includes the following language, which directs NASA to continue these partnerships:

The Committee also expects NASA to continue its work on long-term plans to partner with U.S. universities and industry in a variety of NASA-related science research, including research related to nanotechnology, information technology and remote sensing. These are all areas of investment that have a commercial application that will have an increasing impact on society, the economy, and quality of life.

Mr. BOND. I share and strongly support the Senator's view that NASA should continue to work with universities and industry on NASA-related scientific research.

Mr. COCHRAN. I appreciate the Senator's response and would make the point that, while the Committee is supportive of these partnerships, the committee report proposes to decrease funding for the Earth Science Applications by \$15,000,000 below the President's Budget request. I am concerned that this reduction will not only limit NASA's ability to partner with universities in the future, but may put at risk several current and on-going NASA contracts with universities for remote sensing research.

I am particularly concerned that NASA has sufficient funds in fiscal year 2004 to continue, at the fiscal year 2003 contracted amounts, three important NASA-university partnerships—the Enterprise for Innovative Geospatial Solutions, the Institute for Advanced Education in Geospatial Sciences, and the GeoResources Institute. I would inquire whether the Chairman would agree that it is not the Committee's intention that this Bill's proposed reduction in the Earth Sciences account will be applied by NASA to reduce the fiscal year 2004 funding for these three partnerships.

Mr. BOND. I appreciate the Senator bringing his concerns to my attention. He has my assurance that the Committee's proposed reduction in the Earth

Sciences account is not intended to reduce the funding for the three university partnership programs he has described. I also share your concerns that this reduction could curtail some of the valuable research which we expect and which needs to be accomplished, and therefore intend to work in conference to increase the funding for Earth Science Applications to prevent any unintended shortfalls to existing programs as well as to needed new investments. As NASA continues to implement full cost accounting, we will confront a number of funding issues which will need additional scrutiny as we seek to understand NASA's new requirements with regard to what costs apply to programs under full cost accounting.

Mr. COCHRAN. I appreciate the Senator's assurance and look forward to working with him to ensure Earth Science Applications and these important NASA-university partnerships will be fully funded in fiscal year 2004.

Mr. SANTORUM. Mr. President, today I rise to speak to an amendment to the VA-HUD, and Independent Agencies appropriations bill which increases the bill's funding for AmeriCorps up to the funding level requested by President Bush in this year's budget. The bill currently includes \$340 million in a combined account for AmeriCorps grants, national and state grants, and education awards. My amendment would add \$93 million to increase the total to \$433 million, the President's budget request. The amendment is paid for by the necessary across-the-board reduction in the bill as a whole. As a part of the USA Freedom Corps initiative, President Bush is committed to providing resources for 75,000 AmeriCorps participants this coming year. Earlier this year, in July, the Senate supported an increase of \$100 million in Fiscal Year 2003 funding. Unfortunately, the funding was not ultimately included in the supplemental spending bill to the detriment of many committed community service programs around the country and in Pennsylvania.

Major community service and volunteer programs funded by the Federal Government are authorized under two laws: the National and Community Service Act of 1990, NCSA, and the Domestic Volunteer Service Act of 1973, DVSA. The Corporation for National and Community Service, CNCS, an independent Federal agency, generally administers the programs authorized under these laws.

The NCSA and DVSA have not been reauthorized since 1993, with the passage of the National and Community Service Trust Act of 1993, P.L. 103-82). This measure established: No. 1, the AmeriCorps program; No. 2, CNCS to administer NCSA and DVSA programs; No. 3, a National Service Trust to fund educational awards to AmeriCorps and other community service participants; and No. 4, State commissions on national and community service to re-

ceive funding under NCSA. Although authorization for the appropriation of funds for NCSA and DVSA programs expired at the end of fiscal year 1996, funding for the programs has been maintained through annual appropriations legislation. Specifically, NCSA programs are funded through the Veterans Affairs, VA, and Housing and Urban Development, HUD, appropriations bill, while DVSA programs are funded through the Labor, Health and Human Services, HHS, and Education appropriations bill.

AmeriCorps funds are distributed through the following channels: State formula programs, State competitive programs, national grants, and set-asides for Indian tribes. One of the benefits eligible AmeriCorps participants receive is an education award of \$4,725 at the end of their service term. As a result of accounting and management complications and reduced funding, the AmeriCorps program expects to fall short of funding the 50,000 available volunteer slots for 2003.

Significant progress continues to be made to improve and reform the AmeriCorps program. Under the leadership of former Senator Harris Wofford and some States, significant steps were taken to improve the management of the AmeriCorps program of the Corporation for National Service, CNS. Les Lenkowsky had a vision to continue that progress and a commitment to community service. I recognize the dedication and contributions of AmeriCorps participants. I also believe that more can be done to improve the effectiveness of AmeriCorps by expanding the opportunities for service and I have previously introduced legislation intended to further that effort. In August 2001, I introduced S. 1352, the AmeriCorps Reform and Charitable Expansion Act. The goal of this legislation was to expand service opportunities through the AmeriCorps program and better equip AmeriCorps volunteers to reach out and serve Americans in low-income communities. We must continue to focus our efforts on serving Americans in our society who are most in need of a helping hand. My bill would have enabled participants to focus their efforts on helping Americans who are often overlooked in our society and help bring about renewal in our low-income communities. The bill would have dramatically increased service opportunities in low-income communities through a voucher system, which would have encouraged AmeriCorps volunteers to choose locations predominantly serving low-income individuals. In addition to increasing the funding, I believe it is important to reauthorize the Corporation for National Service this Congress.

As a significant additional step, on June 18, 2003, Senator KIT BOND of Missouri introduced S. 1276, the Strengthen AmeriCorps Program Act. I cosponsored this bipartisan legislation, which allowed the CNCS to fund education award grants using "conservative esti-

mates" of AmeriCorps volunteer awards. CNCS is expected to enroll nearly 50,000 volunteers in 2003. The bill also provides safeguards for the program by establishing a central reserve fund to guard the Corporation against overenrollment; requiring the Chief Executive Officer to certify that the National Service Trust Fund contains sufficient resources to meet education award liabilities; and requiring an independent audit of the corporation's funding formula. S. 1276 was passed unanimously by the Senate, with my strong support, and was subsequently passed by the House of Representatives the following day. Passage of this legislation was a positive step towards addressing the needs of the AmeriCorps program.

I am disappointed that additional AmeriCorps funds were not ultimately included in the supplemental this year. However, I am pleased that increased funding has been included in both the Senate and House fiscal year 2004 VA-HUD, and Independent Agencies appropriations bill. The House passed this legislation on July 21, and it contains \$244 million for the aforementioned grants and education awards. President Bush requested \$313.2 million for fiscal year 2004; the amount provided in fiscal year 2003 was \$173.9 million.

Mr. President, I urge my colleagues to support this amendment to expand the number of AmeriCorps participants and fully fund the President's request. I also believe that Congress should refocus the program on poverty alleviation efforts, expanded service location options for participants, and placing a greater emphasis on serving charities and the needy communities they serve to enable an even more strategic contribution from this federally supported program for Americans in need.

Mr. BOND. Mr. President, I would like to thank the Senator from Pennsylvania, Mr. SANTORUM, for agreeing to withdraw his amendment to further increase funds for the AmeriCorps program. I look forward to working with the Senator from Pennsylvania in the effort in conference to fully fund the President's request for AmeriCorps.

Mr. NICKLES. Mr. President, today the Senate is considering H.R. 2861, the Veterans Affairs, Housing and Urban Development and Independent Agencies Appropriations bill for Fiscal Year 2004, as reported by the Senate Committee on Appropriations.

The pending bill provides \$91.334 billion in total budget authority and \$96.549 billion in total outlays for Fiscal Year 2004 and within the Subcommittee's 302(b) allocation. For discretionary spending the Senate bill is at the Subcommittee's 302(b) allocation for budget authority and below the allocation by \$.018 billion or .02 percent in outlays. The Senate bill is \$1.699 billion or 1.8 percent in BA and \$.708 billion or .7 percent in outlays above the President's budget request.

The pending bill funds the programs of the Department of Veterans Affairs,

the Department of Housing and Urban Development, the Environmental Protection Agency, Corporation for National and Community Service, National Aeronautics and Space Administration, National Science Foundation and several other agencies.

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 material was ordered to be printed in the RECORD, as follows:

S. 1584, VA—HUD APPROPRIATIONS, 2004.—SPENDING COMPARISONS—SENATE-REPORTED BILL  
[Fiscal Year 2004, \$ millions]

	General purpose <sup>1</sup>	Mandatory	Total
<b>Senate-reported bill:<sup>2</sup></b>			
Budget authority .....	91,334	32,911	124,245
Outlays .....	96,549	32,685	129,234
<b>Senate Committee allocation:</b>			
Budget authority .....	91,334	32,911	124,245
Outlays .....	96,567	32,685	129,252
<b>2003 enacted:</b>			
Budget authority .....	86,817	30,318	117,135
Outlays .....	93,061	29,859	122,920
<b>President's request:</b>			
Budget authority .....	89,635	32,911	122,546
Outlays .....	95,841	32,685	128,526
<b>House-passed bill:</b>			
Budget authority .....	90,033	32,482	122,515
Outlays .....	95,478	32,266	127,744
<b>Senate-Reported Bill Compared To</b>			
<b>Senate 302(b) allocation:</b>			
Budget authority .....	0	0	0
Outlays .....	-18	0	-18
<b>2003 enacted:</b>			
Budget authority .....	4,517	2,593	7,110
Outlays .....	3,488	2,826	6,314
<b>President's request:</b>			
Budget authority .....	1,699	0	1,699
Outlays .....	708	0	708
<b>House-passed bill:</b>			
Budget authority .....	1,301	429	1,730
Outlays .....	1,071	419	1,490

<sup>1</sup> Adjusted for floor amendment striking contingent emergency designation.  
<sup>2</sup> This bill contains \$25 million in lost revenue in FY 2004 due to a provision that blocks pesticide fees.

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. SARBANES. Mr. President, I come to the floor today to voice my support for the HUD/VA fiscal year 2004 appropriations bill currently before us. This bill is a great improvement over the administration's budget which sought to terminate a number of important housing programs. Under the leadership of Senators BOND and MIKULSKI, the Appropriations Committee was able to restore cuts contained in the administration's budget.

I first want to underscore the importance of the housing programs funded under this bill. These programs meet a critical need in communities around this country. Thirty percent of American families have housing affordability problems, with over 14 million families paying more than half of their income for rent. Many working families are unable to afford housing costs and this problem is growing as housing costs rise.

The importance of housing programs is clear. Unfortunately, each year we must fight to ensure that these programs are adequately funded. While I support the overall bill that we are considering, it does not contain adequate funding to meet the needs of low-income people around this country. What this bill does, however, is improve upon the administration's budget request.

I thank Senators BOND and MIKULSKI for including language in this bill which will help to ensure that thousands of families do not lose their homes. Under the administration's budget, the section 8 housing voucher program, which assists almost 2 million families across the country, would be underfunded by over \$1 billion.

Fortunately, we have reason to believe that HUD has funds from prior years to use on voucher renewals, and the bill before us directs HUD to use all legally available funds for this purpose. The bill contains important provisions that preserve a housing agency's right to lease up to its authorized level of vouchers, and to overlease in a given month where necessary to achieve full utilization. It is my hope that these provisions avert any problems that could be caused by the low level of appropriations for this program. However, I fully support language in the report directing HUD to seek additional funding through a supplemental if necessary.

The bill before us restores funding for a number of small, but important programs that the President's budget sought to terminate. This bill continues the Rural Housing and Economic Development program, a \$25 million program to help address the unique housing needs in rural communities, and provides \$25 million for brownfields development.

Fortunately, homeless programs in this bill are provided with \$108 million more than in fiscal year 2003. Over 1 million children will experience homelessness at some point this year, and each extra dollar for homeless programs is clearly needed to ensure that no child has to live on the street.

While there are many positive aspects to this appropriations bill, the public housing program, which houses approximately 1.5 million families, is underfunded yet again. Each year, the administration has cut the Public Housing Capital Fund, which is used for maintenance and repairs. There is already a backlog of over \$20 billion in needed capital repairs, yet, the administration's budget, as well as this bill, cuts the Capital Fund by \$69 million. Without adequate funding, this backlog will continue to grow, threatening the homes of 1.5 million American families and the Federal Government's substantial investment in this housing.

The Public Housing Operating Fund is level funded; however, even that level is not adequate. Under last year's appropriations, HUD was unable to provide housing authorities with 100 percent of their needed subsidies. In addition to these cuts, in the past few years, housing authorities have lost the ability to run youth programs and provide for safety patrols as a result of the termination of the Public Housing Drug Elimination Program.

Despite these cuts, public housing agencies, in general, provide decent and safe housing for millions of low-income Americans. However, there are

some public housing developments that do not provide adequate housing and contribute to neighborhood blight and deterioration. These developments are being transformed through the HOPE VI program, which provides grants to demolish and rebuild the deteriorated housing, helping to revitalize communities. I can tell you that in Baltimore City, the HOPE VI program has been an integral part of our revitalization efforts and its effects are felt throughout the city. I commend Senators BOND and MIKULSKI for continuing to fund this important program in the face of the administration's efforts to terminate HOPE VI.

The appropriations bill before us also contains a number of changes to existing programs. I want to raise a concern about the adoption in this bill of language authorizing HUD to move forward with a proposal to allow for subprime FHA lending. I do not believe that HUD is prepared for such a program. FHA has been an important tool for creating first time homebuyers, particularly new minority homebuyers. However, in some areas, as the committee report recognizes, FHA has been misused so as to lead to neighborhood disinvestment. The potential for abuse is too large to allow HUD to move forward with this new product. I urge members of the committee to ask HUD to provide a detailed plan on how it would implement a subprime FHA product prior to empowering HUD to do so.

I also thank Senator BOND and Senator MIKULSKI for their strong and ongoing support of the Asset Control Area, ACA, program. This program was established by the appropriators with the goal of turning distressed neighborhoods with high foreclosure rates, low homeownership rates, and disinvestment into areas of hope and growth. HUD has not administered this program effectively, as the Senate report points out. The Congress gave HUD considerable flexibility to run this program and I strongly agree with the views expressed in the report that HUD has not used this flexibility to effectively work with the local governments and nonprofits to make this program useful. I agree with my colleagues that HUD ought to work with these groups to ensure that they possess the necessary tools to invest in and rehabilitate these communities.

Restoring neighborhoods that have fallen victim to disinvestment is important; however, it is more cost effective to prevent the disinvestment from happening in the first place. That is why we must do more to prevent FHA foreclosures in troubled neighborhoods. I applaud Senator MIKULSKI and Senator BOND for their continued efforts to find ways to stop the foreclosure and flipping problems that plague many neighborhoods. I support the requirement contained in the committee report that HUD explore ways to protect both these communities and FHA homebuyers from bad loans that lead

to foreclosures. The idea that FHA homebuyers in these specific areas would have someone who is responsible for watching out for their interests could help reduce flipping, predatory lending, and other abusive practices that undermine a community's stability and I thank my colleagues for including this in the bill before us.

Again, I thank Senators BOND and MIKULSKI for ensuring that low-income families continue to have access to decent and safe housing and for helping to address some of the tough issues that affect many neighborhoods around the country—vacant homes, predatory lending, and revitalization efforts.

Ms. MIKULSKI. Mr. President, what time is it?

The PRESIDENT pro tempore. It is 5:58.

Ms. MIKULSKI. Mr. President, in the 2 minutes that are left I just want to thank my colleague for the spirited way he has tried to move this bill. We worked with energy. We had momentum. We had bipartisan support. With the 2 minutes left on this bill, I really must express my very keen disappointment that we were not allowed at least another hour or two to finish. I know the other side has the issues they want to raise on Federal judgeships, but this bill stands up for what America stands for—veterans, empowerment of communities, and housing. And for 2 hours, in a show of respect to them, we could finish this bill.

The PRESIDENT pro tempore. The hour of 6 o'clock having arrived, the majority leader is recognized.

#### JUDICIAL NOMINATIONS

The PRESIDENT pro tempore. The hour of 6 o'clock having arrived, the majority leader is recognized.

Mr. FRIST. Mr. President, tonight we embark upon an extraordinary session for the next 30 hours. Republicans and Democrats will debate the merits of three judicial nominees. We will be considering the meaning of our constitutional responsibility to advise and consent on nominations. We will discuss whether there is a need to enact filibuster reform so that nominations taken to the floor can get a vote.

At the end of this time, the Senate will either vote on the nominees or we will try to break the minority's filibusters through cloture votes. Our goal is very simple: It is an up-or-down vote on these nominees. People can vote them up or they can vote them down. Just give us a vote.

We hold this extraordinary session for truly extraordinary reasons. In the history of this Senate, through 107 Congresses, the filibuster was never used to block confirmation of judicial nominees enjoying majority support. When the Senate has refused to confirm a nominee brought to the floor, it has done so on an up-or-down vote. Permitting a vote was fair to the nominees and fair to the President who sent them to us. In theory, the filibuster

has always been available as a tool to derail a nomination, but until this Congress it has not been successfully used.

On rare occasions, confirmation filibusters were attempted, but the Senate always thwarted them. Up until now, no judicial nominee has ever failed on a filibuster. For the past 200 years, no judicial nominee has ever failed on a filibuster.

This year, in this Congress, those norms have been shattered. A partisan filibuster destroyed the nomination of Miguel Estrada, an immigrant from Honduras. Mr. Estrada is a superb lawyer, a great American success story. He served with distinction in both the Clinton administration and the Bush administration. The American Bar Association gave him its highest rating. Senate confirmation by an ample majority was assured. But a filibuster blocked action and the Senate was denied the opportunity for an up-or-down vote.

The remedy for the filibuster is a cloture vote. Before filing a cloture motion on the Estrada nomination, we waited several weeks. During that time, the nomination was debated on the floor for many hours. On more than 20 occasions we asked unanimous consent for a time certain to vote. Every time we did, the minority objected. They obstructed a simple up-or-down vote. From their standpoint, Mr. Estrada would never get a vote, not in a week, not in a month, not in a month or two, and not even for the whole Congress.

When it became clear that consent was impossible and the filibuster would not voluntarily end, cloture was the only resource left. Until this Congress, the record number of cloture votes on a single judicial nomination was two. On the few occasions a filibuster had gotten that far, bipartisan majorities in both invoked cloture, shut it down, and immediately thereafter those nominees were confirmed. Not so for Miguel Estrada. Seven times—not two, seven times—we initiated cloture; seven times cloture failed. Each time more than a majority in this body voted to end the filibuster but never did we get 60 votes. The minority obstruction did prevail, but Mr. Estrada would never get an up-or-down vote. This body never gave Miguel Estrada an up-or-down vote.

Finally, Mr. Estrada asked the President to withdraw his nomination. Who could blame him? He left the field with dignity. Meanwhile, the Federal courts—indeed, I would argue, therefore, the American people—were denied the service of a brilliant intellect, and the Senate's confirmation process was tarnished with unfairness.

Sad to say, Miguel Estrada was not an isolated case. Filibusters have also been mounted against Priscilla Owen, William Pryor, and Charles Pickering. In each of these instances, a majority of the Senate will confirm, a majority will confirm, but we cannot get 60

votes for cloture to allow the vote. Under Senate rules, the Presiding Officer cannot put the question to a vote if any Senator holds the floor or seeks to speak. If debate does not end, we cannot vote. To conclude debate, we must secure cloture, but cloture requires 60 votes. If a minority determines to obstruct, they never permit the Chair to put the question, and they withhold the votes for cloture to stop the filibuster.

On Miguel Estrada, on Priscilla Owen, on William Pryor, and on Charles Pickering, the full Senate has been denied the right to vote on confirmation. And no amount of debate and no amount of time is sufficient so the opponents' obstruction thus far has prevailed.

This week, I fear yet two more nominees may fall victim to the filibuster. Carolyn Kuhl and Janice Rogers Brown are able and talented candidates for the Federal bench. Either could be confirmed if they were ever given a vote. Will Senators be able to take those votes or will disciplined obstruction prevail yet again? I would like to be proven wrong, but I am not optimistic.

We will hear in this debate over the next several hours that the Senate has confirmed over 168 Bush nominees, and only 4 have thus far been blocked. Some Senators will argue these numbers demonstrate fairness to the nominees overall and to the President. We hear again and again the Senate is not a rubber stamp.

I am unimpressed with that argument. It uses a scorecard of a sort to mask the real issues. Can Senators vote up or down on a nominee? Or will obstruction by filibuster deny them that right to vote? Will Senators be held accountable for their vote? Will all nominees brought to the floor be treated fairly and get a vote? Will we be denied our right to give advice and consent? If Senators wish to oppose a nominee, that is their right. They may vote against him or her if they wish. If they can command a majority, the nominee simply will not be confirmed. That is how things should be. But that simple logic seems no longer to apply. Because of the filibuster, the majority is allowed to vote only if the minority consents.

Filibustering judicial nominations breaks dangerous new ground. It is unprecedented. These filibusters are not business as usual. Obstructionists have eroded two centuries of Senate tradition. Those who obstruct have changed the ground rules by which the Senate votes on confirmations. Some contend the minority has no choice. These left-wing activists and special interests claim the minority must use every available tool to oppose even if it changes forever how the Senate does business. Only then, they say, can the separation of powers be vindicated.

But let's look to history because history shows us a very different and a better path. For 70 percent of the 20th century the same party controlled the