United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, TUESDAY, JULY 23, 1996 No. 109

Senate

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

PRAYER

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

The Lord is gracious and full of compassion, slow to anger and great in mercy.

The Lord is good to all, and His tender mercies are over all His works.—Psalm 145:8–9.

Gracious God, who gives us so much more than we deserve in blessings and withholds what we deserve for our lack of faithfulness and obedience, we praise You for Your loving kindness and mercy. With a fresh realization of Your unqualified grace to us, we recognize our need to be to the people of our lives what You have been to us and to give mercy as we have received it so generously from You. We think of people who need our forgiveness, another chance, encouragement, and affirmation. Often we punish people with our purgatorial pouts, leaving them to wonder about what they can do to regain our approval. Dear Father, help us to be agents of reconciliation and renewal. May grace overcome our grudges and joy diffuse our judgments. May this be a day of new beginnings in which we are initiative in reaching out to one another in genuine friendship. We ask Your blessing and power upon this Senate, particularly today with the multiplicity of votes ahead. Guide and direct, O great God. In the name of Jesus who taught us how to love You and to love one another. Amen.

PERSONAL RESPONSIBILITY, WORK OPPORTUNITY, AND MEDICAID RESTRUCTURING ACT OF 1996

The PRESIDING OFFICER (Mr. DEWINE). The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 1956) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 1997.

The Senate resumed consideration of the bill.

Pending:

Faircloth amendment No. 4905, to prohibit recruitment activities in SSI outreach programs, demonstration projects, and other administrative activities.

Harkin amendment No. 4916, to strike section 1253, relating to child nutrition requirements.

D'Amato amendment No. 4927, to require welfare recipients to participate in gainful community service.

Exon (for Simon) amendment No. 4928, to increase the number of adults and to extend the period of time in which educational training activities may be counted as work.

Feinstein/Boxer amendment No. 4929, to provide that the ban on supplemental security income benefits apply to those aliens entering the country on or after the enactment of this bill.

Chafee amendment No. 4931, to maintain current eligibility standards for Medicaid and provide additional State flexibility.

Roth amendment No. 4932 (to amendment No. 4931), to maintain the eligibility for Medicaid for any individual who is receiving Medicaid based on their receipt of AFDC, foster care or adoption assistance, and to provide transitional Medicaid for families moving from welfare to work.

Chafee amendment No. 4933 (to amendment No. 4931), to maintain current eligibility standards for Medicaid and provide additional State flexibility.

Conrad amendment No. 4934, to eliminate the State food assistance block grant.

Santorum (for Gramm) amendment No. 4935, to deny welfare benefits to individuals convicted of illegal drug possession, use or distribution.

Graham amendment No. 4936, to modify the formula for determining a State family assistance grant to include the number of children in poverty residing in a State.

Helms amendment No. 4930, to strengthen food stamp work requirements.

Graham (for Simon) amendment No. 4938, to preserve eligibility of immigrants for programs of student assistance under the Public Health Service Act.

Shelby amendment No. 4939, to provide a refundable credit for adoption expenses and to exclude from gross income employee and military adoption assistance benefits and withdrawals from IRA's for certain adoption expenses.

Ford amendment No. 4940, to allow States the option to provide non-cash assistance to children after the 5-year time limit, as provided in conference report number 104–430 to H.R. 4, (Family Self-Sufficiency Act).

Ashcroft amendment No. 4941, to set a time limit of 24 consecutive months for TANF assistance and allows States to sanction recipients if minors do not attend school.

Ashcroft amendment No. 4942 (to amendment No. 4941), to provide that a family may not receive TANF assistance for more than 24 consecutive months at a time unless an adult in the family is working or a State exempts an adult in the family from working for reasons of hardship.

Ashcroft amendment No. 4943 (to amendment No. 4941), to provide that a State may sanction a family's TANF assistance if the family includes an adult who fails to ensure that their minor dependent children attend school.

Ashcroft amendment No. 4944 (to amendment No. 4941), to provide that a State may sanction a family's TANF assistance if the family includes an adult who does not have, or is not working toward attaining a secondary school diploma or its recognized equivalent.

Dorgan amendment No. 4948, to strike provisions relating to the Indian child care set aside.

Ford (for Murray) amendment No. 4950, to strike section 1206, relating to the summer food service program for children.

Graham amendment No. 4952, to strike additional penalties for consecutive failure to satisfy minimum participation rates.

Exon (for Kennedy) amendment No. 4955, to permit assistance to be provided to needy or disabled legal immigrant children when sponsors cannot provide reimbursement.

Exon (for Kennedy) amendment No. 4956, to allow a 2-year implementation period under the Medicaid program for implementation of the attribution of sponsor's income and the 5-year ban.

Mr. EXON. Mr. President, I hope that the Chair at this time will advise the Senate of the procedures agreed to. As I understand the procedures, we will have a series of 24 or more rollcall

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

votes. The first rollcall will be 15 minutes and then 10 minutes on all thereafter, is that correct?

The PRESIDING OFFICER. The Senator has stated that correctly.

The able Senator from South Carolina is recognized for 1 minute.

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 4905

Mr. FAIRCLOTH. Mr. President, this amendment's purpose is to send a simple, clear message, which is that the taxpayers' money should not be spent to increase the number of people on welfare.

Six years ago, Congress instructed the Social Security Administration to increase participation in the SSI Program. Since then, the cost has soared and the number of enrollees has more than tripled. Now it is time to send a message that this effort should stop. Nothing is more indicative of an out-of-control welfare system than this practice of using taxpayers' dollars to increase the number of people on welfare.

I urge my colleagues to vote to waive the point of order and pass this amendment.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, we oppose the amendment offered by the Senator from North Carolina. What this amendment simply does is to say that people who are on SSI, or who might qualify under SSI, under the law, do not have the right to be informed about their options.

Certainly, we do not encourage soliciting people to join the SSI Program. But the Faircloth amendment goes further than that, in our opinion. Therefore, we think the basic right of information, the people's right to know, a legitimate service to answer proper inquiries should be kept in place. We think that the amendment offered by the Senator from South Carolina goes far beyond what his supposed intent is.

Therefore, we have raised a point of order and we hope the point of order will be sustained.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

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

The yeas and nays resulted—yeas 41, nays 57, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—41

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Brown	Gramm	Nickles
Burns	Grams	Pressler
Byrd	Grassley	Roth
Coats	Gregg	Santorum
Cochran	Helms	Shelby
Coverdell	Hutchison	Simpson
Craig	Inhofe	Smith
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Faircloth	Mack	Warner
Frahm	McCain	

NAYS—57

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lugar
Bennett	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Harkin	Murray
Boxer	Hatch	Nunn
Bradley	Hatfield	Pell
Breaux	Heflin	Pryor
Bryan	Hollings	Reid
Bumpers	Jeffords	Robb
Campbell	Johnston	Rockefeller
Chafee	Kennedy	Sarbanes
Cohen	Kerrey	Simon
Conrad	Kerry	Snowe
Daschle	Kohl	Specter
Dodd	Lautenberg	Stevens
Dorgan	Leahy	Wellstone
Exon	Levin	Wyden

NOT VOTING—2

Inouye	Kassebaum

The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to and the amendment falls.

The Senator from Iowa.

Mr. WELLSTONE. Mr. President, will the Senator yield for 5 seconds?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Will the Senator yield for just 30 seconds?

Mr. HARKIN. Yes.

Mr. DOMENICI. How much time did we use on the first amendment?

The PRESIDING OFFICER. One minute over.

Mr. DOMENICI. According to the unanimous-consent agreement, we are on 10 minutes now for the amendments, and let me just name the next four, so Senators involved will know kind of where they are. Senator HARKIN is next on child nutrition, Senator D'AMATO on work requirements, Senator SIMON on education work exemptions, and then Senator FEINSTEIN on immigration.

I thank you for yielding. I thank the Chair.

Mr. WELLSTONE. Mr. President, will the Senator yield for a 10-second unanimous-consent request?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I ask unanimous consent that Laureen Lazarovici, a fellow in my office, have the privilege of the floor during consideration of this vote.

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

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 1 minute.

AMENDMENT NO. 4916

Mr. HARKIN. Mr. President, this amendment would simply continue a small program that provides assistance to help start and expand school breakfast and summer food programs for low-income kids. This is directly related to education. When these kids come in to school, they can have breakfast in the morning; they can receive meals in the summer when school is out—but only if there is a school breakfast or summer food program locally. That is why the start-up and expansion grants are so important.

Also, I want to say that this amendment does not prevent the nutrition portion of this bill from meeting the 6-year budget instruction. The Ag Committee's portion of the bill reduces spending by $570 million more than its instruction. This program will spend only $39 million for grants over 6 years, but it is a vitally important program.

This amendment is supported by the American School Food Service Association, the Food Research and Action Center, and the Children's Defense Fund. I ask you not to cut a program that gets kids into school and gets them learning. It is directly related to education, and we do not have to cut other programs to continue this one because the Ag Committee has more than enough money to pay for it.

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

The Senator from Indiana.

Mr. LUGAR. I rise in opposition to this amendment. It has been almost universally opposed, first of all. The issue the Senator from Iowa wishes to strike appears in President Clinton's most recent welfare reform proposal. Likewise, the reform which we try to bring about in this bill was in the minority leader's reconciliation bill. The reason is that four out of every five low-income children attend school with a breakfast program. The program has expanded very rapidly. It is not clear that expansion funds would have a marginal effect. The amendment that we are considering reduces savings by $112 million. This means, if Senator HARKIN's amendment is adopted, we will have to find the savings probably in some other nutrition programs. I find that unacceptable.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. COATS). Is there a sufficient second? There is a sufficient second on the motion to table.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—56

Abraham	Faircloth	McCain
Ashcroft	Frahm	McConnell
Bennett	Frist	Murkowski
Biden	Gorton	Nickles
Bond	Gramm	Nunn
Breaux	Grams	Pressler
Brown	Grassley	Roth
Burns	Gregg	Santorum
Byrd	Hatch	Shelby
Campbell	Hatfield	Simpson
Chafee	Helms	Smith
Coats	Hutchison	Snowe
Cochran	Inhofe	Specter
Cohen	Jeffords	Stevens
Coverdell	Kempthorne	Thomas
Craig	Kyl	Thompson
D'Amato	Lott	Thurmond
DeWine	Lugar	Warner
Domenici	Mack	

NAYS—43

Akaka	Glenn	Mikulski
Baucus	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Heflin	Murray
Bradley	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Johnston	Reid
Conrad	Kennedy	Robb
Daschle	Kerrey	Rockefeller
Dodd	Kerry	Sarbanes
Dorgan	Kohl	Simon
Exon	Lautenberg	Wellstone
Feingold	Leahy	Wyden
Feinstein	Levin	
Ford	Lieberman	

NOT VOTING—1

Kassebaum

The motion to lay on the table the amendment (No. 4916) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4927

The PRESIDING OFFICER. Under the previous order, the Senator from New York, Senator D'AMATO, is recognized for 1 minute.

Mr. D'AMATO. Mr. President, this amendment will really strengthen the work requirements in this bill. It says very clearly if we want to change welfare as we know it, this is the way to do it, because it will require that those able-bodied recipients be required to report for a job. If there is no job in the private sector available, if they are not into job training, then community service. There are parks to be cleaned and roads to be repaired and there is work in hospitals.

It was no less than Franklin Delano Roosevelt who said it best. He said if people stay on welfare for prolonged periods of time, it administers a narcotic to their spirit. This dependence on welfare undermines their humanity, makes them wards of the State.

That is Franklin Delano Roosevelt. He cared about people, working people. He wanted to see to it that people had help when they truly needed it, but he understood welfare could become entrapping and a narcotic. Community service is something that will give pride to people who need assistance.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, we have no one on this side who has sought time to speak against the amendment. Therefore, I yield our time to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friend from Nebraska. We need this amendment because the bill provides that even able-bodied people could not work for up to 2 years, and there is no reason that if a private sector job is not available and if someone is not in job training or in school that an able-bodied person should not be offered and should not be required to accept a community service position.

So this is a very needed amendment. It is the same amendment which I offered along with Senator Dole last September, and I hope it gets not only a strong vote in the Senate, but I hope that this time it is retained in conference and is not dropped in conference the way it was last time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4927 by the Senator from New York and the Senator from Michigan. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—99

Abraham	Feinstein	Lugar
Akaka	Ford	Mack
Ashcroft	Frahm	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Bradley	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Harkin	Pell
Bryan	Hatch	Pressler
Bumpers	Hatfield	Pryor
Burns	Heflin	Reid
Byrd	Helms	Robb
Campbell	Hollings	Rockefeller
Chafee	Hutchison	Roth
Coats	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Cohen	Jeffords	Shelby
Conrad	Johnston	Simon
Coverdell	Kempthorne	Simpson
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Dodd	Kyl	Thomas
Domenici	Lautenberg	Thompson
Dorgan	Leahy	Thurmond
Exon	Levin	Warner
Faircloth	Lieberman	Wellstone
Feingold	Lott	Wyden

NOT VOTING—1

Kassebaum

The amendment (No. 4927) was agreed to.

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

Mr. DOMENICI. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4928, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized for 1 minute.

Mr. SIMON. Mr. President, I ask unanimous consent to modify my amendment. It is a purely technical modification.

Mr. DOMENICI. We have no objection.

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

The amendment (No. 4928), as modified, is as follows:

Beginning on page 233, strike line 15, and all that follows through line 13 on page 235, and insert the following:

''LIMITATION ON EDUCATION ACTIVITIES COUNTED AS WORK.—For purposes of determining monthly participation rates under paragraphs (1)(B)(i) and (2)(B)(i) of subsection (b), not more than 30 percent of adults in all families and in 2-parent families determined to be engaged in work in the State for a month may meet the work activity requirement through participation in educational training.

''(5) SINGLE PARENT WITH CHILD UNDER AGE 6 DEEMED TO BE MEETING WORK PARTICIPATION REQUIREMENTS IF PARENT IS ENGAGED IN WORK FOR 20 HOURS PER WEEK.—For purposes of determining monthly participation rates under subsection (b)(1)(B)(i), a recipient in a 1-parent family who is the parent of a child who has not attained 6 years of age is deemed to be engaged in work for a month if the recipient is engaged in work for an average of at least 20 hours per week during the month.

''(6) TEEN HEAD OF HOUSEHOLD WHO MAINTAINS SATISFACTORY SCHOOL ATTENDANCE DEEMED TO BE MEETING WORK PARTICIPATION REQUIREMENTS.—For purposes of determining monthly participation rates under subsection (b)(1)(B)(i), a recipient who is a single head of household and has not attained 20 years of age is deemed to be engaged in work for a month in a fiscal year if the recipient—

''(A) maintains satisfactory attendance at secondary school or the equivalent during the month; or

''(B) participates in education directly related to employment for at least the minimum average number of hours per week specified in the table set forth in paragraph (1).

''(d) WORK ACTIVITIES DEFINED.—As used in this section, the term 'work activities' means—

''(1) unsubsidized employment;

''(2) subsidized private sector employment;

''(3) subsidized public sector employment;

''(4) work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;

''(5) on-the-job training;

''(6) job search and job readiness assistance;

''(7) community service programs;

''(8) educational training (not to exceed 24 months with respect to any individual);''.

Mr. SIMON. Mr. President, I believe this may be adopted by voice vote. It is cosponsored by Senators MURRAY, SPECTER, JEFFORDS, and BOB KERREY. The bill without this amendment says States can get credit above the age of 50 only for vocational education. The reality is for many people learning how to read and write, getting that high school equivalency is at least equally important. This permits that possibility.

I know of no objection to the amendment. I hope it can be adopted by voice vote.

The PRESIDING OFFICER. Is there further debate?

Mr. EXON. There is no objection on this side.

Mr. DOMENICI. Mr. President, we agree to accept the amendment.

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

The amendment (No. 4928), as modified, was agreed to.

Mr. SIMON. I move to reconsider the vote.

Mr. EXON. I move to table the motion.

The motion to lay on the table was agreed to.

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 4929

Mr. DOMENICI. Mr. President, the next amendment is the Feinstein amendment. The Senator from Pennsylvania, Senator SANTORUM, will be responding on our side. It is an important amendment.

The PRESIDING OFFICER. The Senator from California is recognized to speak.

Mrs. FEINSTEIN. Mr. President, this bill as drafted would remove from SSI, from AFDC, and from Medicaid, everyone legally in this country that happens to be a newcomer. It is retroactive in that respect.

The amendment that Senator BOXER and I put forward would make this prospective. Every newcomer coming into the country after September 1 would not be able to count on any welfare benefits until they became a citizen, which generally takes about 5 years.

This is a huge item. In my State alone, it would affect more than 1 million people. Thousands of them are refugees. They have no sponsors. They are aged, they are blind, they are disabled, they are children. This would immediately throw them off of whatever assistance they have, with no other recourse. Los Angeles County alone estimates the cost is $500 million.

The PRESIDING OFFICER. The 1 minute has expired.

Mrs. FEINSTEIN. I thank the Chair.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SANTORUM] is recognized.

Mr. SANTORUM. Mr. President, first off, this amendment would cost about a quarter of the savings in the bill. It is about a $15 billion additional cost added to this bill. But on substantive ground, this is similar to the vote we took last week on the Graham amendment. What this underlying bill did, what the Democratic substitute did, what the bill that passed here in the Senate last time did was say that sponsors have to live up to their contractual obligations. They signed a document saying they would provide for people that come to this country. People come to this country and sign a document saying they would not become wards of the State. What is happening is that millions of people are coming to this country, bringing moms and dads over. They are coming into this country and going down to the SSI office and qualifying for SSI benefits and you and the taxpayers of this country are picking up and being the retirement home for the rest of the world. That is not what this program should be about. What we do is take care of refugees. If they come, they have a 5-year period where they qualify for all of the benefits. That is more than fair. Sponsors should pay what they say they are going to pay.

Mr. DOMENICI. Mr. President, I ask for 5 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. This is a waiver of the Budget Act. You are waiving 15 billion dollars' worth of savings. I do not believe you ought to waive the Budget Act for $15 billion.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

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

The yeas and nays resulted—yeas 46, nays 52, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—46

Akaka	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Heflin	Pell
Breaux	Hollings	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Rockefeller
Chafee	Kerrey	Sarbanes
Cohen	Kerry	Simon
Conrad	Kohl	Snowe
Daschle	Lautenberg	Specter
Dodd	Leahy	Wellstone
Dorgan	Levin	Wyden
Feingold	Lieberman	
Feinstein	Mack	

NAYS—52

Abraham	Frahm	McConnell
Ashcroft	Frist	Murkowski
Baucus	Gorton	Nickles
Bennett	Gramm	Nunn
Bond	Grams	Pressler
Brown	Grassley	Robb
Burns	Gregg	Roth
Byrd	Hatch	Santorum
Campbell	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
D'Amato	Kempthorne	Thompson
DeWine	Kyl	Thurmond
Domenici	Lott	Warner
Exon	Lugar	
Faircloth	McCain	

NOT VOTING—2

Inouye	Kassebaum

The PRESIDING OFFICER. On this vote, the yeas are 46, and the nays are 52. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected and the amendment falls.

AMENDMENT NO. 4933 TO AMENDMENT NO. 4931

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island is recognized for 1 minute.

Mr. CHAFEE. Mr. President, this legislation is welfare reform. We dropped out the changes in Medicaid, and we are told that this is not a Medicaid bill. Yet, this bill permits the States not only to drop eligibility levels for cash assistance—AFDC—but also for Medicaid. The States can throw a woman and small children off cash assistance and at the same time take away their Medicaid, their only chance for any medical services.

My amendment says, go ahead, if you wish, reduce eligibility levels for welfare, but Medicaid eligibility levels should remain as they are today.

Furthermore, what constitutes income in calculating Medicaid eligibility remains as it is now. In other words, if my amendment is not adopted, States will be able to count school lunches and even disaster relief toward what makes a person eligible for Medicaid.

I yield the remainder of my time to the Senator from Louisiana.

Mr. BREAUX. Mr. President, I just say to our colleagues that if you want to continue mothers and children further to be eligible for Medicaid, you have to support this amendment. By opposing this amendment, you are saying to mothers and children in the future that you are going to be taken off, or could be taken off, Medicaid and health benefits without any further insurance. I think that is wrong.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. CHAFEE. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. CHAFEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Delaware has 1 minute.

Mr. ROTH. Mr. President, I point out that what we have before us is the Chafee perfecting amendment. This perfecting amendment only makes a technical change in the basic Chafee amendment. I have no objection to that technical amendment. In fact, I would have been willing to accept the perfecting amendment on a voice vote. But, since he has gotten the yeas and nays, I urge everybody to vote aye on the technical change.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Rhode Island. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The PRESIDING OFFICER (Mr. CAMPBELL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—97

Abraham	Frahm	McCain
Akaka	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Bradley	Gregg	Nunn
Breaux	Harkin	Pell
Bryan	Hatch	Pressler
Bumpers	Hatfield	Pryor
Burns	Heflin	Reid
Byrd	Helms	Robb
Campbell	Hollings	Rockefeller
Chafee	Hutchison	Roth
Coats	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Cohen	Jeffords	Shelby
Conrad	Johnston	Simon
Coverdell	Kempthorne	Simpson
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Dodd	Kyl	Thomas
Domenici	Lautenberg	Thompson
Dorgan	Leahy	Thurmond
Exon	Levin	Warner
Faircloth	Lieberman	Wellstone
Feingold	Lott	Wyden
Feinstein	Lugar	
Ford	Mack	

NAYS—2

Ashcroft	Brown

NOT VOTING—1

Kassebaum

The amendment (No. 4933) was agreed to.

AMENDMENT NO. 4932 TO AMENDMENT NO. 4931

The PRESIDING OFFICER. The question now occurs on the Roth amendment No. 4932, with 2 minutes being equally divided. The Senator from Delaware [Mr. ROTH] is recognized.

Mr. ROTH. Mr. President, the purpose of my amendment is to ensure continued Medicaid coverage to all individuals currently receiving Medicaid benefits because of their eligibility through the current AFDC benefits. This will ensure that no child or adult currently receiving Medicaid benefits would lose coverage because of welfare reform.

My amendment also provides for 1 year of transitional Medicaid benefits. This guarantees that families leaving welfare will continue to receive Medicaid coverage for a full year to help in the critical transition from welfare to work. The problem with the Chafee-Breaux amendment is that it would force the States to maintain current eligibility standards indefinitely into the future. That means that someone, 5 or 10 years from now, may not qualify under a State's new welfare program but nevertheless would claim eligibility under the old program. This creates serious issues of equity.

The Governors are deeply concerned about the Chafee-Breaux approach, as it would be burdensome to administer. I urge the adoption of the Roth amendment.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, we should oppose the Roth amendment because it negates the Chafee-Breaux amendment that was just agreed to. I yield the remainder of the time to Senator Chafee.

Mr. CHAFEE. Mr. President, if you voted yes on the Chafee amendment we just agreed to, then you should vote no on the Roth amendment. The Roth amendment allows States to drastically reduce Medicaid coverage for all groups of women and children. If the Roth amendment prevails and we strike the protections that we just adopted in my amendment, the Roth amendment grandfathers only those AFDC-eligible individuals who are enrolled in Medicaid at the time of enactment. There are no protections for those who meet the same standards after the enactment.

Second, it strikes the provisions in my amendment that reinstate the standard for calculating income. Thus, a pregnant woman or 6-year-old child with a family income below the current poverty standards will not qualify for Medicaid coverage if the State adopts a more restrictive income test, such as school lunches or food stamps.

Finally, I would say the United States has the highest percentage of children in poverty of any industrial nation in the world. I certainly hope we will not make it worse by denying these children their Medicaid coverage.

The PRESIDING OFFICER. All time has expired. The yeas and nays have not been ordered.

Mr. CHAFEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The result was announced—yeas 31, nays 68, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—31

Ashcroft	Grams	Murkowski
Bennett	Grassley	Nickles
Brown	Gregg	Roth
Burns	Hatch	Santorum
Coverdell	Helms	Shelby
Craig	Hutchison	Smith
Domenici	Inhofe	Stevens
Faircloth	Kempthorne	Thomas
Frahm	Lott	Thurmond
Gorton	Mack	
Gramm	McConnell	

NAYS—68

Abraham	Baucus	Bingaman
Akaka	Biden	Bond
Boxer	Frist	Mikulski
Bradley	Glenn	Moseley-Braun
Breaux	Graham	Moynihan
Bryan	Harkin	Murray
Bumpers	Hatfield	Nunn
Byrd	Heflin	Pell
Campbell	Hollings	Pressler
Chafee	Inouye	Pryor
Coats	Jeffords	Reid
Cochran	Johnston	Robb
Cohen	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
D'Amato	Kerry	Simon
Daschle	Kohl	Simpson
DeWine	Kyl	Snowe
Dodd	Lautenberg	Specter
Dorgan	Leahy	Thompson
Exon	Levin	Warner
Feingold	Lieberman	Wellstone
Feinstein	Lugar	Wyden
Ford	McCain	

NOT VOTING—1

Kassebaum

The amendment (No. 4932) was rejected.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4931, AS AMENDED

The PRESIDING OFFICER. The question now is on agreeing to Chafee amendment No. 4931, as amended.

The amendment (No. 4931), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4934

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided on the Conrad amendment No. 4934.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. CONRAD] is recognized.

Mr. LEAHY. Mr. President, point of order. The Senate is not in order. This is an important amendment. Senator CONRAD should be heard.

The PRESIDING OFFICER. There will be order.

The Senator from North Dakota.

Mr. LEAHY. Mr. President, I make a point of order again, the Senate is still not in order.

The PRESIDING OFFICER. Senators having conversations will take their conversations to the Cloakroom.

The Senator from North Dakota.

Mr. CONRAD. I thank the Chair. Mr. President, this is a bipartisan amendment about feeding hungry people. This has always been a bipartisan priority in this Chamber. The father of the Food Assistance Program is Senator Dole, the former Republican leader, and former Senator George McGovern.

Our amendment, a bipartisan amendment, preserves the most important

feature of our Food Assistance Program. It maintains the automatic adjustment in funding to respond to economic downturns or natural disasters. A pure block grant would leave States with a fixed amount of money no matter what happens.

If we look at the example of Florida, we see very clearly what can happen. They had a flat demand for food assistance. Then we had a national recession, and demand for food assistance increased dramatically. Then there was a natural disaster, Hurricane Andrew, and the demand for food assistance exploded. Under the pure block grant, that State would have had no ability to respond to the demand for food assistance.

No block grant could have responded to this increase in need. The block grant would destroy the Food Stamp Program.

Mr. President, America is better than that. This Senate is better than that. I hope my colleagues will support the amendment.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SANTORUM], is recognized for 1 minute.

Mr. SANTORUM. Mr. President, we oppose this amendment for a couple of reasons. First, the Conrad amendment requires a $1 billion cut in food stamps. This is a $1 billion reduction in food stamps to pay for this provision.

Second, we set very high standards for States to qualify to get into these block grants. They have to have a low error rate of 6 percent. There are only seven States that can qualify with that error rate.

Third, they have to have electronic benefits. Only four States qualify.

The Senator from North Dakota would lead Members to believe all these Governors and State legislatures do not know what they are getting into by opting for a block grant, that they do not see economic recessions and disasters. In fact, they understand the risks they are taking when they offer a block grant.

We want to give them the option to do it, but set a very high standard for them to get in in the first place. They have to have a good program to get in. They have an option, if things are bad, to get out—it is a one-time option—but an option to get out if things get bad. There are adequate safeguards, and if there are problems, people are able to use a one-time option to get out.

The PRESIDING OFFICER. All time has expired.

The rollcall vote has not been called for.

Mr. SANTORUM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming [Mr. THOMAS] is necessarily absent. I also announce the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—53

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Hatfield	Nunn
Breaux	Heflin	Pell
Bryan	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Jeffords	Robb
Campbell	Johnston	Rockefeller
Chafee	Kennedy	Sarbanes
Conrad	Kerrey	Simon
Daschle	Kerry	Snowe
Dodd	Kohl	Specter
Dorgan	Lautenberg	Wellstone
Exon	Leahy	Wyden
Feingold	Levin	

NAYS—45

Abraham	Frahm	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Brown	Grams	Nickles
Burns	Grassley	Pressler
Coats	Gregg	Roth
Cochran	Hatch	Santorum
Cohen	Helms	Shelby
Coverdell	Hutchison	Simpson
Craig	Inhofe	Smith
D'Amato	Kempthorne	Stevens
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Faircloth	Lugar	Warner

NOT VOTING—2

Kassebaum	Thomas

The amendment (No. 4934) was agreed to.

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

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

The motion to lay on the table was agreed to.

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 4935

The PRESIDING OFFICER. Under the previous order, the question occurs on the motion to waive the Budget Act for the consideration of amendment No. 4935 offered by the Senator from Pennsylvania on behalf of the Senator from Texas [Mr. GRAMM].

The yeas and nays have been ordered.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I believe my amendment is the pending amendment. I think the regular order is for 1 minute of debate on each side. I had hoped this amendment might be accepted by a voice vote. But I will go ahead and take my minute now.

What my amendment does is denies means-tested benefits to people who are convicted of possessing, using, or selling drugs.

In minor cases, they lose welfare for 5 years. In major cases, they lose it for life. What an individual does does not affect the eligibility of that individual's children or other family members. We have an exemption in the bill for emergency medical services, emergency disaster relief, and assistance necessary to protect public health from communicable diseases.

None of these provisions applies until date of enactment. These provisions will apply only on convictions after that date. But the bottom line is, if we are serious about our drug laws, we ought not to give people welfare benefits who are violating the Nation's drug laws. I hope my colleagues will adopt this provision and do so with a resounding vote.

Mr. EXON. Mr. President, while I appreciate the thrust of the amendment offered by the Senator from Texas, we strongly oppose it.

I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if I can have the attention of the Senate for a moment. This amendment says that anyone convicted of drug possession, distribution, or use may not obtain any Federal means-tested public benefit. It includes even misdemeanor convictions.

The Conference of Mayors and the National League of Cities are strongly opposed to the amendment. This is what they say:

> It would undermine the whole notion of providing drug treatment as an alternative sentence to a first-time drug offender if the individual requires Federal assistance to obtain the treatment.

This would make drug addicts ineligible for any of the effective drug treatment programs that are being developed by the States and the Federal Government. It would eliminate any prenatal care for mothers that get convicted of drug crimes. We have seen those programs developed in community health centers all across this country; they try to get those mothers back to work and reunited with their families. Those programs will be off limits to the people who need them most.

Under this amendment, if you are a murderer, a rapist, or a robber, you can get Federal funds; but if you are convicted even for possession of marijuana, you cannot. It is overly broad and is strongly opposed by the mayors and the National League of Cities. I hope the Senator will not get the 60 votes.

Mr. MACK. Mr. President, I rise today in opposition to amendment No. 4935 offered by Senator GRAMM. This amendment would deny Federal means-tested benefits to individuals convicted of illegal drug possession, use, or distribution. Personally, I agree with the idea of not giving Government benefits to drug dealers, however, I do not think the Federal Government should continue to tell the States how to run their welfare programs.

There are provisions in the bill to ensure that criminals are not milking the system. We keep saying that we want the States to decide what is best for their States. I believe we have already

put enough mandates on the block grants, and the denial of benefits in the Gramm amendment would just increase mandates. Let the States make those decisions.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to waive the Budget Act.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The yeas and nays resulted—yeas 74, nays 25, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—74

Abraham	Exon	Lugar
Ashcroft	Faircloth	McCain
Baucus	Feinstein	McConnell
Biden	Ford	Mikulski
Bond	Frahm	Murkowski
Boxer	Frist	Nickles
Breaux	Gorton	Nunn
Brown	Graham	Pressler
Bryan	Gramm	Pryor
Bumpers	Grams	Reid
Burns	Grassley	Rockefeller
Byrd	Gregg	Roth
Campbell	Harkin	Santorum
Coats	Heflin	Shelby
Cochran	Helms	Simpson
Cohen	Hutchison	Smith
Conrad	Inhofe	Snowe
Coverdell	Johnston	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kerry	Thompson
Daschle	Kyl	Thurmond
DeWine	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden
Dorgan	Lott	

NAYS—25

Akaka	Hollings	Moynihan
Bennett	Inouye	Murray
Bingaman	Jeffords	Pell
Bradley	Kennedy	Robb
Chafee	Kerrey	Sarbanes
Feingold	Kohl	Simon
Glenn	Lautenberg	Specter
Hatch	Mack	
Hatfield	Moseley-Braun	

NOT VOTING—1

Kassebaum

The PRESIDING OFFICER. On this vote the yeas are 74, the nays are 25. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DOMENICI. Mr. President, I think it would be in order to ask unanimous consent, if Senator GRAMM will agree, to vitiate the yeas and nays and adopt the amendment by voice vote.

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

The question now occurs on agreeing to amendment No. 4935.

The amendment (No. 4935) was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, I ask unanimous consent that amendment No. 4936, known as the Graham-Bumpers amendment, be temporarily set aside and that it be the pending business when the Democrats and Republicans return after their lunch break.

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

Mr. DOMENICI. I thank the sponsor of the amendment.

I yield the floor.

AMENDMENT NO. 4930

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the motion to table amendment No. 4930 offered by the Senator from North Carolina [Mr. HELMS], by the yeas and nays, to be preceded by 2 minutes of time divided in equal manner.

Mr. HELMS. Mr. President, I hope the time will not begin running on me until we have order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HELMS. I thank the Chair.

Mr. President, on Friday afternoon, I got wind of a little effort to try to block Senators having to take a public stand——

Mr. LEAHY. Mr. President, the Senate is not order. Could we please have order.

The PRESIDING OFFICER. Senators will take their conversations to the Cloakroom.

The Senator from North Carolina.

Mr. HELMS. I believe I will wait until we have order.

This time I thank the Chair.

In order to protect myself against a little legerdemain here between Friday afternoon and the final unanimous consent, I moved to table my own amendment and asked for the yeas and nays. I did that because I want Senators to take a stand on this amendment which requires able-bodied food stamp recipients to go to work for at least 20 hours a week if they expect to continue to receive food stamps free of charge at the expense, of course, of taxpayers who have to work 40 hours a week or more to support their families.

The Congressional Budget Office says that this amendment will cause a lot of people to flake off the food stamp rolls because they do not want to work and they will go to work otherwise. It will save the taxpayers $2.8 billion over the next 6 years.

I repeat, this amendment requires able-bodied food stamp recipients to go to work for at least 20 hours a week if they expect to continue to receive food stamps free of charge.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the description sounds good but for the same reason that the Senate last year by a vote of 66 to 32 voted down a similar amendment, we ought to do it again.

What it does, it denies food stamps to unemployed workers when they are looking for work. You have a recession, you have a disaster such as a hurricane, or somebody has just been laid off from the factory that they worked in for 10 years, as they are looking for a new job, they cannot get food stamps. That is a time that they need it the most. We could actually have such a situation as we had in the earthquakes in California. People's businesses were destroyed, their homes were destroyed, somebody has been working for 10 or 15 years, and they would be told: Sorry, you are not working 20 hours a week; you do not get food stamps.

We defeated this by a 2-to-1 margin in the Senate, Republicans and Democrats, last year. We should do it again this year. If Senator HELMS' motion is to table his own amendment, this is one time I agree with him—we ought to do just that.

The PRESIDING OFFICER. All time has expired. The question occurs on agreeing to the motion to table amendment 4930. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family

The PRESIDING OFFICER (Mr. ASHCROFT). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—56

Akaka	Dorgan	Leahy
Baucus	Exon	Levin
Bennett	Feingold	Lieberman
Biden	Feinstein	Lugar
Bingaman	Ford	Mack
Bond	Glenn	Mikulski
Boxer	Gorton	Moseley-Braun
Bradley	Harkin	Moynihan
Breaux	Hatfield	Murray
Bumpers	Heflin	Nunn
Byrd	Hollings	Pell
Chafee	Inouye	Pryor
Cochran	Jeffords	Robb
Cohen	Johnston	Rockefeller
Conrad	Kennedy	Sarbanes
Daschle	Kerrey	Simon
DeWine	Kerry	Snowe
Dodd	Kohl	Wellstone
Domenici	Lautenberg	

NAYS—43

Abraham	Grams	Reid
Ashcroft	Grassley	Roth
Brown	Gregg	Santorum
Bryan	Hatch	Shelby
Burns	Helms	Simpson
Campbell	Hutchison	Smith
Coats	Inhofe	Specter
Coverdell	Kempthorne	Stevens
Craig	Kyl	Thomas
D'Amato	Lott	Thompson
Faircloth	McCain	Thurmond
Frahm	McConnell	Warner
Frist	Murkowski	Wyden
Graham	Nickles	
Gramm	Pressler	

NOT VOTING—1

Kassebaum

The motion to lay on the table the amendment (No. 4930) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4938

The PRESIDING OFFICER. The question now, under the previous order, occurs on amendment No. 4938 offered by the Senator from Florida on behalf of the Senator from Illinois [Mr. SIMON]. Under the previous order, there are 2 minutes to be divided equally between sides.

The Senator from Illinois [Mr. SIMON], is recognized.

Mr. SIMON. Mr. President, if I may have the attention of my colleagues.

Mr. DOMENICI. Mr. President we have agreed to accept the amendment.

Mr. SIMON. Mr. President, this amendment simply adds the Public Health Service Act in terms of the exemption, so not only people who plan to become lawyers and engineers, but people who become nurses and physicians can be exempt. It is acceptable, as far as I know, by everyone. I am willing to take a voice vote.

The PRESIDING OFFICER. Does anyone wish to speak in opposition? If not, the question is on agreeing to amendment No. 4938 offered by the Senator from Florida on behalf of the Senator from Illinois, [Mr. SIMON].

The amendment (No. 4938) was agreed to.

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

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

The motion to lay on the table was agreed to.

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 4939

The PRESIDING OFFICER. The question now occurs on Shelby amendment No. 4939. There will be 2 minutes equally divided between sides.

The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, first of all, I ask unanimous consent that Senator ABRAHAM be added as a cosponsor.

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

Mr. SHELBY. Mr. President, this is the same amendment which was adopted by the Senate on a vote of 93 to 5 on the welfare reform bill last year. It provides a $5,000 tax break for adoption expenses, and it will allow thousands of children to find a home in America.

The amendment is offset with savings in the underlying bill. There is no guarantee that the adoption legislation reported by the Finance Committee will be considered at all this year. This may be our last chance to pass this legislation which has overwhelming bipartisan support.

Again, Mr. President, 93 Senators in this Chamber voted for this exact amendment last fall under almost identical circumstances. If we do not adopt this adoption tax credit now, we might lose our chance this year. I ask we waive the Budget Act and adopt this amendment.

Mr. President, I ask unanimous consent that Senator D'AMATO be added as a cosponsor.

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

Mr. DOMENICI. Senator ROTH speaks in opposition.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I, like Mr. SHELBY, strongly support the use of tax incentives to promote adoption, and that is why the Finance Committee unanimously reported out of committee an adoption tax credit bill.

The distinguished majority leader has assured me that he will schedule action on the Finance Committee bill before the end of this year. Unlike the Finance Committee-passed adoption tax credit bill, Mr. SHELBY's adoption tax credit is refundable, provides no extra credit for special needs adoption, and is not paid for. I remind my colleagues that we have had tremendous problems with fraud with refundable credits. Take, for example, the earned income credit.

Furthermore, if Mr. SHELBY's amendment is adopted, we will be required to find an additional $1.5 billion over 6 years in savings from the welfare legislation.

In addition to these issues, Mr. SHELBY's amendment is not germane to the welfare bill. I believe we need incentives to promote adoption, however, now is not the time to consider such legislation. I urge my colleagues to vote against Mr. SHELBY's motion to waive the Budget Act.

I yield the remainder of my time.

Mr. MOYNIHAN. Mr. President, I concur with our chairman. The Committee on Finance reported H.R. 3286, the Adoption Promotion and Stability Act of 1996, unanimously on June 12, 1996. It is on the calendar, and the majority leader has promised prompt action on it.

As the chairman has indicated, the Finance Committee bill provides an additional credit for special needs children. This was a subject of bipartisan concern during the Finance Committee's consideration of the bill. The pending amendment fails to take special needs cases into account, and in any event the amendment is not germane to the reconciliation legislation before us.

I join Chairman ROTH in raising a point of order that the amendment of the Senator from Alabama is not germane.

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to the motion to waive the Budget Act for consideration of amendment No. 4939 offered by the Senator from Alabama, [Mr. SHELBY]. The yeas and nays have been ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I may make an announcement. It will take me 7 seconds.

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

Mr. DOMENICI. Mr. President, this is the last vote before lunch. We will return at 2 o'clock. At 2 o'clock, the pending business will be the Graham-Bumpers formula change amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The yeas and nays were ordered on the Shelby amendment No. 4939.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act on the amendment No. 4939.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The yeas and nays resulted—yeas 78, nays 21, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—78

Abraham	Glenn	Mack
Akaka	Gorton	McCain
Ashcroft	Gramm	McConnell
Baucus	Grams	Mikulski
Bennett	Grassley	Murkowski
Biden	Harkin	Murray
Bingaman	Hatch	Nunn
Bond	Hatfield	Pell
Boxer	Heflin	Pressler
Bradley	Helms	Reid
Burns	Hollings	Robb
Campbell	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Jeffords	Shelby
Cohen	Kempthorne	Simon
Coverdell	Kennedy	Simpson
Craig	Kerrey	Smith
D'Amato	Kerry	Snowe
DeWine	Kohl	Specter
Dodd	Kyl	Stevens
Dorgan	Lautenberg	Thomas
Exon	Leahy	Thompson
Faircloth	Levin	Thurmond
Ford	Lieberman	Warner
Frahm	Lott	Wellstone
Frist	Lugar	Wyden

NAYS—21

Breaux	Daschle	Johnston
Brown	Domenici	Moseley-Braun
Bryan	Feingold	Moynihan
Bumpers	Feinstein	Nickles
Byrd	Graham	Pryor
Chafee	Gregg	Rockefeller
Conrad	Inouye	Roth

NOT VOTING—1

Kassebaum

The PRESIDING OFFICER. On this vote, the yeas are 78 and the nays are 21.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, in light of that vote, I wonder if we ought to vitiate the yeas and nays and adopt the amendment.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

The question is on agreeing to Amendment No. 4939.

The amendment (No. 4939) was agreed to.

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

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

The motion to lay on the table was agreed to.

MANDATORY APPROPRIATION FOR THE SOCIAL SECURITY ADMINISTRATION

Mr. DOMENICI. Mr. President, section 2211(e)(5) of this bill provides a $300 million mandatory appropriation to the Social Security Administration.

The bill requires SSA to review the eligibility of hundreds of thousands of beneficiaries who may no longer be eligible for supplemental security income [SSI] benefits.

This mandatory appropriation is important because it is intended to give SSA the resources it needs to do this job right.

But I am concerned about the precedent of creating new entitlement spending for Federal agencies, and I understand that the House has dropped this provision from its bill because of this concern.

Last year, in the Social Security earnings test bill, we created a special process to allow the Appropriations Committee to provide additional funding for SSA to conduct continuing disability reviews—or CDR's—without forcing cuts in other discretionary spending.

For the years 1996 through 2002, this process will accommodate an additional $2.7 billion for CFR's, and all signs indicate that it is working.

Although I do not plan to strike this mandatory appropriation here on the floor, I hope that, in conference, instead of creating a new entitlement for SSA, we can build upon the CDR funding process—and give the Appropriations Committee an additional allowance to fund the work SSA must do under this bill.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m. this afternoon.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SMITH).

AMENDMENT NO. 4936

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 4936 offered by the Senator from Florida [Mr. GRAHAM]. The yeas and nays have been ordered. However, the vote will be preceded by 2 minutes of debate evenly divided in the usual manner.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, this amendment speaks to fundamental fairness by providing that a poor child will be treated the same by their Federal Government wherever they happen to live and that each State will receive the same amount of money based on the number of poor children within that State. That is not only fairness; it also, in my opinion, is fundamentally required if this bill is to achieve its objective of providing States a reasonable amount of resources in which to provide for the transition from welfare to work.

I yield the remainder of my time to my colleague, Senator BUMPERS.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, the Senator from Florida is actually the architect of this amendment, and he has done an outstanding job. Thirty-eight States are going to be penalized under this bill because what we are using is the 1991 and 1994 figures. If your State made a monumental effort during those years, you may be rewarded under this bill. If you did not because you could not, you would be punished for the next 6 years. West Virginia has a $13.34 per case administrative cost, New York has $106. So because West Virginia has been provident, they are going to get punished. Because New York has been improvident, they get rewarded. That is not equitable.

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

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am going to ask our Members to come together and do what is right for America and welfare reform. Right now we have a fair funding formula. A nongrowth State never loses from its 1994 base or its 1995 base, whichever base it chooses. The growth States are able to grow because that is essential, and we know it is fair. There are no losers in the underlying bill. The Graham-Bumpers amendment creates winners and losers. It says to California, Michigan, Minnesota, and New York, ''You are going to have to go below and actually cut the welfare in your State below the 1994 and 1995 limits.'' Mr. President, that is wrong. We came together and we made a very, very fair proposal, and it was accepted because there are no losers.

Now, Mr. President, we must keep that fairness. If we really want welfare reform, we must have fairness for all States. That is what the underlying bill is.

Please vote against the Graham-Bumpers amendment.

Mr. MCCAIN. Mr. President, the Personal Responsibility, Work Opportunity, and Medicaid Restructuring Act of 1996 (S. 1956) replaces the current AFDC Program with a new temporary assistance for needy families [TANF] block grant. The TANF block grant will distribute Federal funds to the States according to a formula which is based on recent Federal expenditures under the programs which are to be consolidated into the TANF, with supplemental funds based on population growth and low Federal expenditures per poor person in the States. By emphasizing historical funding for welfare benefits, this formula recognizes that the cost of living differs from State to State, and that certain States have historically supported generous welfare benefits through the expenditure of their own funds.

My colleagues, Senators GRAHAM and BUMPERS, have offered an amendment to S. 1956 which would significantly change the formula for the TANF block grants. Because the Graham-Bumpers formula would dramatically decrease TANF allotments in certain States and would arbitrarily and unfairly force the elimination or reduction of existing welfare benefits, I am unable to support this amendment. This vote does, however, raise the important issue of the disparities in TANF block grant allotments which the formula will create. While I recognize that differences in the cost of living and other factors necessitate some disparity in allotments, I encourage the conference committee to explore appropriate alternatives which address these disparities, further assisting States which have low Federal expenditures per poor person under the formula and which experience population growth.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 4936 offered by the Senator from Florida [Mr. GRAHAM]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota [Mr. GRAMS] is necessarily absent.

I also announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Illinois [Ms. MOSELEY-BRAUN] is necessarily absent.

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

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—37

Akaka	Faircloth	Mack
Baucus	Ford	McConnell
Biden	Frahm	Nunn
Bingaman	Graham	Pell
Breaux	Heflin	Pressler
Bryan	Helms	Pryor
Bumpers	Hollings	Reid
Byrd	Inouye	Robb
Coats	Jeffords	Rockefeller
Conrad	Johnston	Simon
Daschle	Kerrey	Warner
Dorgan	Leahy	
Exon	Lugar	

NAYS—60

Abraham	DeWine	Inhofe
Ashcroft	Dodd	Kempthorne
Bennett	Domenici	Kennedy
Bond	Feingold	Kerry
Boxer	Feinstein	Kohl
Bradley	Frist	Kyl
Brown	Glenn	Lautenberg
Burns	Gorton	Levin
Campbell	Gramm	Lieberman
Chafee	Grassley	Lott
Cochran	Gregg	McCain
Cohen	Harkin	Mikulski
Coverdell	Hatch	Moynihan
Craig	Hatfield	Murkowski
D'Amato	Hutchison	Murray

Nickles	Simpson	Thomas
Roth	Smith	Thompson
Santorum	Snowe	Thurmond
Sarbanes	Specter	Wellstone
Shelby	Stevens	Wyden

NOT VOTING—3

Grams	Kassebaum	Moseley-Braun

The amendment (No. 4963) was rejected.

AMENDMENT NO. 4940

The PRESIDING OFFICER. Under the previous order, the Senate will now consider amendment No. 4940, offered by the Senator from Kentucky, [Mr. FORD]. Under that same previous order, 2 minutes of debate will be evenly divided in the usual manner.

Mr. FORD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will come to order.

Mr. FORD. Mr. President, this amendment gives States the option of providing noncash assistance to children once their adult parents have reached the 5-year limit. It does not affect the ban on cash assistance after 5 years. It would allow States to use their block grants to provide clothing, school supplies, medicine, and other things for the poorest children.

This amendment makes this bill identical to H.R. 4, the welfare bill passed last December. It provides State flexibility. It adds no new costs.

Mr. SANTORUM. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senator will suspend. The Senate will be in order.

Mr. FORD. Mr. President, this bill adds no new costs or no new bureaucracy. It is supported by the National Governors' Association. I remind my colleagues on the other side, there are 31 Republican Governors. It is supported by the U.S. Catholic Conference, the National Conference of State Legislatures, the American Public Welfare Association.

To say we can use funds from title XX, title XX is money for homebound elderly. It has not been increased since 1991. This makes the Governors make a choice between homebound elderly and the poorest of our children. It is just bad policy.

Mr. President, let us give the Governors the flexibility they have asked for, they worked hard for. We give them responsibility. Let us not tell them how to operate.

I yield the floor.

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

The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I strongly oppose the Ford amendment as it would seriously undermine the real 5-year time limit on welfare assistance. One of the most important features of welfare reform is that recipients must understand that public assistance is temporary, not a way of life. Let us be straight about this. These benefits would go to the entire family under the Ford amendment. If you are going to give vouchers for housing, the whole family benefits. If you are giving any type of assistance, it benefits the whole family. There is no distinction between the child and the rest of the family.

Under the bill, even after the 5-year time limit, families and children would still be eligible for food stamps, Medicaid, housing assistance, WIC, and dozens more means-tested programs.

Over 5 years, a typical welfare family receives more than $50,000 in tax-free benefits. Five years is enough time to finish a high school degree or learn a skill through vocational training. It is enough for a welfare family to change course.

The PRESIDING OFFICER. The time of the Senator has expired. All time for debate on the amendment has expired.

Mr. FORD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—48

Akaka	Feinstein	McConnell
Baucus	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Heflin	Murray
Bradley	Hollings	Nunn
Breaux	Inouye	Pell
Bryan	Johnston	Pryor
Bumpers	Kennedy	Reid
Byrd	Kerrey	Robb
Conrad	Kerry	Rockefeller
Daschle	Kohl	Sarbanes
Dodd	Lautenberg	Simon
Dorgan	Leahy	Specter
Exon	Levin	Wellstone
Feingold	Lieberman	Wyden

NAYS—51

Abraham	Ford	Lugar
Ashcroft	Frahm	Mack
Bennett	Frist	McCain
Bond	Gorton	Murkowski
Brown	Gramm	Nickles
Burns	Grams	Pressler
Campbell	Grassley	Roth
Chafee	Gregg	Santorum
Coats	Hatch	Shelby
Cochran	Hatfield	Simpson
Cohen	Helms	Smith
Coverdell	Hutchison	Snowe
Craig	Inhofe	Stevens
D'Amato	Jeffords	Thomas
DeWine	Kempthorne	Thompson
Domenici	Kyl	Thurmond
Faircloth	Lott	Warner

NOT VOTING—1

Kassebaum

The amendment (No. 4940) was rejected.

Mr. FORD. Mr. President, I move to reconsider the vote, and I ask for the yeas and nays.

Mr. LOTT. I move to table the motion to reconsider, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider the Ford amendment No. 4940.

The yeas and nays have been ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—50

Abraham	Frahm	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	Murkowski
Bond	Gramm	Nickles
Brown	Grams	Pressler
Burns	Grassley	Roth
Campbell	Gregg	Santorum
Chafee	Hatch	Shelby
Coats	Hatfield	Simpson
Cochran	Helms	Smith
Cohen	Hutchison	Snowe
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
D'Amato	Kempthorne	Thompson
DeWine	Kyl	Thurmond
Domenici	Lott	Warner
Faircloth	Lugar	

NAYS—49

Akaka	Ford	Mikulski
Baucus	Glenn	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Heflin	Nunn
Bradley	Hollings	Pell
Breaux	Inouye	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Specter
Dorgan	Leahy	Wellstone
Exon	Levin	Wyden
Feingold	Lieberman	
Feinstein	McConnell	

NOT VOTING—1

Kassebaum

The motion to lay on the table the motion to reconsider was agreed to.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, in an effort to try to save time I would like to suggest that we consider—since we have four Ashcroft amendments, I wish that we would, if the Senator from Missouri would agree—that we could voice vote through the next two amendments and then have the real contest on the third of the Ashcroft amendments. I think that would save some time. I would like to ask if the Senator from Missouri would consider such a move in order to move things along.

Mr. ASHCROFT. Mr. President, I am happy to have the time reduced to 4 minutes on the amendment. But I think it is important that we have the votes.

The PRESIDING OFFICER. The Senate will be in order so the Chair can hear the comments of the Senator. Senators will please take their conversations out of Senate and to the cloakroom.

Mr. DOMENICI. We cannot reduce it 4 minutes. We tried it before. The closest they can come is somewhere between 7 and 8. The Senator is entitled to his votes. They have asked him to reduce them in number. If he does not care to, let us proceed with his amendments. He is absolutely entitled to do that.

Mr. ASHCROFT. I would be happy to reduce the time. But I would prefer to have the votes, and I would object to the unanimous-consent request.

Mr. EXON. Mr. President, I withdraw my kind offer.

[Laughter.]

AMENDMENT NO. 4944 TO AMENDMENT NO. 4941

The PRESIDING OFFICER. Under the previous order, the Senate will now consider amendment No. 4944 offered by the Senator from Missouri [Mr. ASHCROFT], to his amendment No. 4941. The debate will be limited to 2 minutes equally divided.

The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, this amendment highlights the value which is at the very heart of our culture and our nature—the importance of education and learning. This amendment really says that if you are on welfare——

The PRESIDING OFFICER. Will the Senator suspend? The Senate will be in order so the Senate may hear the Senator from Missouri on his amendment.

The Senator from Missouri.

Mr. ASHCROFT. Mr. President, it is the thrust of this amendment that if you are on welfare and you have not completed your high school diploma the best way to get a job and keep a job is to achieve a level of education that our society expects of all adults, and that is a high school education.

So this amendment would allow States to require individuals to get a high school education or its equivalent. This amendment is permissive, and it states that if you are a 20- to 50-year-old welfare recipient who does not have a high school diploma, you must begin working toward attaining a high school diploma or a GED as a condition of receiving benefits. An exception is made for people who are not capable.

Job training will not equip welfare recipients to work if they have not achieved the basic and fundamental proficiency in education skills. How can we expect to train someone to work as a cashier if they cannot add, subtract, multiply, or divide?

The facts are indisputable. A person over 18 without a high school diploma averages $12,800 in earnings; with a high school diploma, averages $18,700 in earnings. Mr. President, $6,000 is the difference between dependence and independence; between welfare and work.

This is permissive to the States.

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

The Senator from Nebraska.

Mr. EXON. Mr. President, there is no opposition to this amendment that I know of. I recommend that all Senators vote in favor of the amendment.

I would simply point out that the amendment does nothing more than what the States can already do.

I will vote for this amendment, and the one that follows. I will strongly oppose the third amendment by the Senator from Missouri.

Mr. ASHCROFT. Mr. President, in that event I would be pleased to accept a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment (No. 4944) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4943 TO AMENDMENT NO. 4941

The PRESIDING OFFICER. The question is now on amendment No. 4943 to amendment No. 4941 offered by the Senator from Missouri.

The Senator from Missouri.

Mr. ASHCROFT. Thank you, Mr. President.

As I mentioned earlier, education is the key to breaking the intergenerational cycle of welfare dependency. This amendment would allow States to require that parents on welfare be responsible for ensuring that their minor children are in school.

It would be this simple. If you are on welfare, your children should be in school. If we care about breaking the vicious intergenerational cycle of welfare we should care about making sure that individuals who are on welfare accept the responsibility of sending their children to school. We must look to the long-term in reforming welfare. We must look at what we can do to save the future of our children. Every child in America can attend school. Every child can earn a high school diploma. It costs nothing but commitment. Too often education is ignored and trashed because it is devalued by our welfare culture. Teen dropout rates soar. They skip classes. We should not pay parents to encourage lifestyles of dependency on and off welfare and in and out of minimum-wage jobs. States should be able to give children on welfare a fighting chance.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I know of no one on this side of the aisle or on the other side of the aisle that opposes this amendment by the Senator from Missouri. I would simply state what I said on the last amendment. If the Senator insists on a rollcall vote, I recommend that all Senators vote in favor of the amendment as, like the preceding amendment, it does nothing more than what the States can already do. I hope that we could move things along, and I would point out that I will strongly oppose the next amendment offered by the Senator from Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment (No. 4943) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4942 TO AMENDMENT NO. 4941

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 4942 offered by the Senator from Missouri [Mr. ASHCROFT], to his amendment No. 4941.

The Senator from Missouri.

Mr. ASHCROFT. Mr. President, we need to change welfare from a condition in which people live to a transition from which people go; a transition from dependency to independence.

Under this bill we allow most people to spend 5 straight years on the welfare rolls. Without really going to work in 5 years, think what can happen in terms of building habits, self-esteem, skills, and motivation. If you do not use a muscle for 5 weeks, it gets weak. If you do not use it for 5 months, it atrophies. If you do not use it for 5 years, it disappears. It is forever useless.

This amendment says that 2 years in a row—24 months—is long along enough for able-bodied recipients without infants or children to be able to receive welfare without starting down a path of work. We need to change the character of welfare from the condition of welfare to a transition toward independence and work. Mr. President, 5 straight years on welfare only reinforces a dependent lifestyle that we are trying to change.

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

Mr. ASHCROFT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, the amendment offered by the Senator from Missouri provides that a family may not receive welfare assistance for more than 24 months consecutively, unless the adult is working, or the State has an exemption of the adult for hardship. I would support this amendment if the Senator would require States to offer work to parents. There may be many parents who are willing to work and who want

to work but cannot find a job, or perhaps they cannot find child care for their children so that they can be at work.

The underlying bill says that a mother should not be penalized if she has a child under 11, or if she cannot afford to find child care. This amendment would be inconsistent with the underlying bill. It aims right at the mother. But it hits the child.

I urge my colleagues to defeat this amendment. It goes too far.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—37

Abraham	Gramm	McCain
Ashcroft	Grams	McConnell
Bond	Grassley	Murkowski
Brown	Hatch	Nickles
Burns	Hatfield	Pressler
Coats	Helms	Roth
Cochran	Hollings	Santorum
Coverdell	Hutchison	Shelby
Craig	Inhofe	Smith
D'Amato	Kempthorne	Thompson
Faircloth	Kyl	Thurmond
Frahm	Lott	
Frist	Lugar	

NAYS—62

Akaka	Feingold	Mikulski
Baucus	Feinstein	Moseley-Braun
Bennett	Ford	Moynihan
Biden	Glenn	Murray
Bingaman	Gorton	Nunn
Boxer	Graham	Pell
Bradley	Gregg	Pryor
Breaux	Harkin	Reid
Bryan	Heflin	Robb
Bumpers	Inouye	Rockefeller
Byrd	Jeffords	Sarbanes
Campbell	Johnston	Simon
Chafee	Kennedy	Simpson
Cohen	Kerrey	Snowe
Conrad	Kerry	Specter
Daschle	Kohl	Stevens
DeWine	Lautenberg	Thomas
Dodd	Leahy	Warner
Domenici	Levin	Wellstone
Dorgan	Lieberman	Wyden
Exon	Mack	

NOT VOTING—1

Kassebaum

The amendment (No. 4942) was rejected.

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

Mr. ASHCROFT. 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 Nebraska.

AMENDMENT NO. 4941, AS AMENDED

Mr. EXON. Mr. President, because the substitute has failed, what remains is—and I believe the Senator from Missouri agrees—what remains is the underlying amendment, as amended by the amendments that we adopted by voice vote.

Consequently, I suggest we now simply adopt the underlying amendment as amended by voice vote as well.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, that is consistent with my understanding of where we are. I am pleased to agree with the ranking member.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended.

The amendment (No. 4941), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4950

Mr. EXON. Mr. President, Senator MURRAY is now scheduled for recognition, I believe. Is that correct? The Senator from Washington should be recognized, I suggest.

The PRESIDING OFFICER. The question now occurs on amendment No. 4950. The Senator from Washington is recognized for up to 1 minute.

Mrs. MURRAY. Mr. President, the amendment before us strikes the provision in the bill that cuts the reimbursement rate on the Summer Food Program dramatically. The bill proposes to cut 23 cents from every school lunch provided in this critical summer program. This will have a dramatic effect, especially in our rural areas.

I think we have had the debate on this floor. Everyone understands the need to have good, strong nutrition for our children in order for them to learn. The Summer Food Program is especially critical. Children are not bears. They do not hibernate. They need to eat in the summer as much as they do in the school year.

I urge my colleagues to vote for this amendment and put back in effect the important Summer Food Program. I understand the majority is willing, perhaps, to accept this on a voice vote. If that is the case, I am more than happy to oblige.

Mr. EXON. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order so we may proceed.

Mr. EXON. Mr. President, the Senate may not have heard the closing remarks by the Senator from Washington. I believe she suggested the amendment has been cleared on both sides and she will accept a voice vote.

Mr. SANTORUM. That is our understanding. The amendment has been cleared on this side. We are willing to accept the amendment.

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

The amendment (No. 4950) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4952

The PRESIDING OFFICER. The question now occurs on amendment No. 4952, offered by the Senator from Florida [Mr. GRAHAM].

The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, the amendment I offer strikes an amendment which was adopted in the Senate Finance Committee. The current bill as it was submitted to the committee contains a sanction against the States in the hands of the Secretary of HHS.

The Secretary, at the Secretary's discretion, can levy up to a 5-percent withholding of a State's welfare funds if the State fails to meet the work requirements. The amendment offered in the committee provides that if a State fails to meet that standard for 2 straight years, then it shall be penalized, without discretion in the hands of the Secretary, by a mandatory 5 percent. And although there is some confusion, it is assumed that this is a cumulative 5 percent, up to a total of 25 percent of the State's welfare payments.

This is strongly opposed by the State and local organizations, from the National Governors' Association, the National Conference of State Legislators, the National Association of Counties, all of whom feel it denies to the Secretary the necessary discretion.

This also will severely penalize those low-benefit States which are the most likely to be unable to meet the work requirements.

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

The Senator from Texas.

Mr. GRAMM. Mr. President, if there is a hallmark of this bill, it is work. If there is one thing that every Democrat and every Republican boasts about in this bill, it is that it requires able-bodied men and women to work.

Last year's bill simply had a one-time penalty for not meeting the work requirements. Members of the Finance Committee were concerned that a State, or the District of Columbia, would simply take the 5-percent penalty each year rather than make a good-faith effort to meet the work requirements in this bill—even with the ability to exempt 20 percent of welfare recipients. Without this compounding provision, we have no real ability to produce a good-faith effort on the part of the States.

We have had meetings between the House and the Senate on this issue. We met with the Governors. We worked out what we believe is a compromise. I hope my colleagues will stay with this provision. If you want a work requirement, you have to enforce it.

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

Mr. SANTORUM. Mr. President, I move to table the Graham amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 4952. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—56

Abraham	Ford	Mack
Ashcroft	Frahm	McCain
Bennett	Frist	McConnell
Bond	Gorton	Murkowski
Bradley	Gramm	Nickles
Brown	Grams	Pressler
Burns	Grassley	Roth
Campbell	Gregg	Santorum
Chafee	Hatch	Shelby
Coats	Hatfield	Simpson
Cochran	Helms	Smith
Cohen	Hollings	Snowe
Coverdell	Hutchison	Specter
Craig	Inhofe	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kohl	Thompson
Domenici	Kyl	Thurmond
Faircloth	Lott	Warner
Feingold	Lugar	

NAYS—43

Akaka	Glenn	Moseley-Braun
Baucus	Graham	Moynihan
Biden	Harkin	Murray
Bingaman	Heflin	Nunn
Boxer	Inouye	Pell
Breaux	Jeffords	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Lautenberg	Simon
Dodd	Leahy	Wellstone
Dorgan	Levin	Wyden
Exon	Lieberman	
Feinstein	Mikulski	

NOT VOTING—1

Kassebaum

The motion to lay on the table the amendment (No. 4952) was agreed to.

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 4955

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4955 offered by the Senator from Massachusetts [Mr. KENNEDY].

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for up to 1 minute.

Mr. KENNEDY. Mr. President, this amendment is about children. It is about the children of legal immigrants. It is also about deeming. What we are saying is, under this program, legal immigrant children are not going to be excluded from the range of benefits. We are saying you are deemed to the person that is going to sponsor you. If that person that sponsors you runs into hard times, we will not deny the children the benefits they would otherwise receive. That is half the legal immigrants' children.

The other half have no sponsor—no sponsor—have no one to deem to because they are the children of those who come here under the work permit. We should not exclude those individuals. They will become Americans, one; and two, more frequently than not, they are with divided households where brothers and sisters would be eligible. The cost will be $1 billion in 6 years, affecting 450,000 children that at one time or another might take advantage of the system.

The PRESIDING OFFICER. The Senator from Delaware has 1 minute.

Mr. ROTH. Mr. President, I oppose the Kennedy amendment. It would seriously erode fundamental welfare reform as it relates to noncitizens. The amendment does not just apply to children who are already here. The exemption applies to those who will come to the United States in the future, as well.

The bill provides for a 5-year ban on Federal means-tested benefits, including cash, medical assistance, housing, food assistance, and social services. The Kennedy amendment creates a new exception to all these benefits to aliens under age 18. It is the taxpayer, not the families and sponsors of the children, who will assume the responsibility for their needs. This is the wrong signal to send to those who would come here for opportunity, not a handout, and for the families here who pay for those benefits.

The Kennedy amendment would result in a loss of substantial savings in the bill. I urge my colleagues to vote against the Kennedy amendment and uphold the budget point of order against it.

The PRESIDING OFFICER. The question is on the motion to waive the Budget Act.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—51

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Hatfield	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Campbell	Jeffords	Reid
Chafee	Johnston	Robb
Cohen	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Specter
Dorgan	Lautenberg	Wellstone
Exon	Leahy	Wyden

NAYS—48

Abraham	Craig	Grassley
Ashcroft	D'Amato	Gregg
Bennett	DeWine	Hatch
Bond	Domenici	Heflin
Brown	Faircloth	Helms
Burns	Frahm	Hutchison
Byrd	Frist	Inhofe
Coats	Gorton	Kempthorne
Cochran	Gramm	Kyl
Coverdell	Grams	Lott
Lugar	Pressler	Snowe
Mack	Roth	Stevens
McCain	Santorum	Thomas
McConnell	Shelby	Thompson
Murkowski	Simpson	Thurmond
Nickles	Smith	Warner

NOT VOTING—1

Kassebaum

The PRESIDING OFFICER. On this vote, the yeas are 51, and the nays are 48. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected, and the amendment falls.

Mr. KENNEDY addressed the Chair.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. KENNEDY. 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 Massachusetts.

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 4956

Mr. KENNEDY. Mr. President, I believe that it is in order now for the consideration of my other amendment. Am I correct that the time allocated is 1 minute and 1 minute in opposition? Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, this amendment is a very simple and fundamental amendment, but it is one that is desperately important to county hospitals and to rural hospitals around the country.

The effect of this amendment would be to defer the Medicaid prohibitions of the welfare provisions for legal immigrants for 2 years so that the local hospitals are able to accommodate the provisions of this legislation. Under the provisions of the legislation, all immigrants would be prohibited from the day that they enter the United States, and all of those who are in this country, any State could knock them out in January of next year.

Probably the most important health facilities that we have in this country in many respects are not the teaching hospitals but the county hospitals that provide emergency assistance. If we put this enormous burden—and it estimated to be $287 million over the period of the next 2 years; that is the cost of it—it is going to have an impact on Americans because the county hospitals are going to deteriorate in quality; they are going to be inundated with additional kinds of cases that they are not going to be compensated for; and they are not going to be able to treat Americans fairly or equitably.

All we are asking for is a 2-year period.

This is endorsed by the American Hospital Association, the National Association of Public Health Hospitals, the National Associations of Children's Hospitals, community health centers, and the Catholic Health Association.

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

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Delaware.

Mr. ROTH. Mr. President, the Kennedy amendment would delay Medicaid restrictions on noncitizens for 2 years. In effect, the Kennedy amendment says we need welfare reform but not quite yet. That is not good enough for those who bear the cost of these programs.

Let us not lose sight of this debate. These welfare programs were not designed to serve noncitizens. The restrictions that we have placed on noncitizens have broad bipartisan support. This is no time to turn our backs on reform. The Kennedy amendment would result in a loss of substantial savings in the bill.

So I, therefore, urge my colleagues to vote against the Kennedy amendment and uphold the budget point of order against it.

The PRESIDING OFFICER. The question is on the motion to waive the Budget Act. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The yeas and nays resulted—yeas 35, nays 64, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—35

Akaka	Graham	Mikulski
Biden	Hatfield	Moseley-Braun
Bingaman	Hollings	Moynihan
Boxer	Inouye	Murray
Chafee	Jeffords	Pell
Conrad	Johnston	Robb
Daschle	Kennedy	Sarbanes
Dodd	Kerry	Simon
Exon	Kohl	Specter
Feingold	Lautenberg	Wellstone
Feinstein	Leahy	Wyden
Glenn	Levin	

NAYS—64

Abraham	Faircloth	McCain
Ashcroft	Ford	McConnell
Baucus	Frahm	Murkowski
Bennett	Frist	Nickles
Bond	Gorton	Nunn
Bradley	Gramm	Pressler
Breaux	Grams	Pryor
Brown	Grassley	Reid
Bryan	Gregg	Rockefeller
Bumpers	Harkin	Roth
Burns	Hatch	Santorum
Byrd	Heflin	Shelby
Campbell	Helms	Simpson
Coats	Hutchison	Smith
Cochran	Inhofe	Snowe
Cohen	Kempthorne	Stevens
Coverdell	Kerrey	Thomas
Craig	Kyl	Thompson
D'Amato	Lieberman	Thurmond
DeWine	Lott	Warner
Domenici	Lugar	
Dorgan	Mack	

NOT VOTING—1

Kassebaum

The PRESIDING OFFICER. On this vote, the yeas are 35, the nays are 64. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected and the amendment falls.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I believe this finishes the amendments that were on our list as of Thursday night. Those who wanted votes have had their votes. Those have been disposed of.

Yesterday, Senator EXON raised an omnibus Byrd rule point of order against a number of provisions contained in the bill. In order to preserve our rights, I moved to waive the Budget Act with respect to each point of order individually.

At this time, I now withdraw my motions to waive with respect to all but the following three provisions: No. 1, section 408(a)(2), which is known as the family cap; No. 2, section 2104, which deals with services provided by charitable organizations; and, No. 3, section 2909, which deals with abstinence education.

It is our intention to have a separate vote on each of these three. Therefore, I ask unanimous consent that it be in order for me to request the yeas and nays on the three at this point.

I ask for the yeas and nays.

Mr. EXON. Reserving right to object, I would simply say to my friend and colleague from New Mexico, I appreciate the fact he has expedited things a great deal by, I think, eliminating 22 of the 25 points of order that we raised.

Mr. DOMENICI. Correct.

Mr. EXON. I simply remind all that, for any or all of these three to be agreed to, it would require 60 votes. Is that correct?

Mr. DOMENICI. That is correct.

Mr. EXON. In view of that, and in view of the fact that time is running on, and I think we all recognize we are going to be on this bill—with closing statements from the managers and the two leaders and then final passage—it looks to me like we are going to run up toward 6 o'clock if we do not expedite things.

I am just wondering—I make the suggestion to expedite things—rather than have three separate votes, could we package these three into one vote? I remind all, the chance of these motions being agreed to, with the 60-vote point of order, is not very likely. But if there is strong feeling in the Senate on these, then the 60 votes would be there.

Will the Senator consider packaging the three into one vote?

Mr. DOMENICI. First, I thank Senator EXON for all the cooperation he has exhibited and the efforts he made to expedite matters. But we have, on our own, taken 22 of your 25 points of order and said they are well taken. So, in that respect, we have already eliminated an awful lot of votes that could have taken place.

Frankly, this is done without anybody whimpering about them on this side of the aisle. They have all agreed with my analysis and said that is good, save the three.

Conferring with the chairmen of the Finance Committee and the Agriculture Committee, I arrived at that conclusion; 22 are gone. We would like just three votes on those three waivers. I would like to do them quickly. We will only ask for 2 minutes on a side to debate the issues, since none of them have been before the Senate as a substantive matter. That is the best I can do. I hope the Senator will agree with that, I ask Senator EXON.

Mr. EXON. What you are saying is three is the minimum?

Mr. DOMENICI. Three is the minimum, but obviously we sure got rid of plenty of them.

Mr. EXON. I withdraw my objection.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that there be 4 minutes equally divided on each of these points of order—two for those in opposition and two for those who support it.

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

MOTION TO WAIVE THE BUDGET ACT—SECTION 408(A)(2)

Mr. DOMENICI. Mr. President, the first of our waivers will be the family cap. I have already moved to waive it in the previous motion, and I now yield the time to argue in favor of the waiver to Senator GRAMM of Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, first of all, only a tortured view of the Byrd rule would say that our language on the family cap does not save money. But what I want to focus on here is that this is not a controversial provision of the bill but is an integral part of the overall welfare reform measure.

As I am sure colleagues on both sides of the aisle will remember, we have had serious debate over this issue. We have gone back and forth. There have been differences. There are some people who believe—I am one of those people—that we should have a family cap and that we ought not to give people more and more money in return for having more and more children while on welfare. There are other people who believe that we should have no family cap and that the current incentives built into the system should continue.

What we have in this bill is a crafted compromise that was adopted in committee with broad support. We allow States, at their option, through their action, to opt out of the family cap if they choose. This is a broad-based compromise. It has been supported on a bipartisan basis, and for that reason, I feel very strongly that to preserve common sense in this bill in a way that is coherent and can work, we need to preserve this compromise language.

So I ask Members on both sides of the aisle to vote to waive the Byrd rule and keep this provision in place. This provision simply says the family cap exists unless the State opts out. If States decides that they want to continue to give additional cash payments

to those who have more and more children while on welfare, the States can do that.

The PRESIDING OFFICER. The Senator's 2 minutes has expired.

Mr. GRAMM. This is compromise language. I hope on a bipartisan basis that we will preserve this compromise.

Mr. EXON addressed the Chair.

Mr. EXON. Mr. President, I yield our time to the Senator from Louisiana.

Mr. BREAUX. Mr. President, I will say, in response to the Senator from Texas, that there is bipartisan agreement, and the bipartisan agreement is that this is a bad idea: The National Governors' Association, the NGA, headed by Gov. Tommy Thompson, who I think is a leading Republican, opposes this measure. The NGA, in their letter to all Members of the Congress, say very clearly:

The NGA supports a family cap as an option rather than as a mandate to prohibit benefits to additional children born or conceived while the parent is on welfare.

What this amendment does is to require that the States affirmatively pass legislation to get out from under this mandate that people in Washington are sending down to the States. That is why the bipartisan NGA strongly opposes the provisions in the bill as it is written.

They would like the option to do that if they want to, but they certainly do not want Washington to mandate that they cannot have assistance to children of a family who are born while they are on welfare, simply because they do not want to penalize the children.

Be as tough as we want to be on the mothers and the parents, but not on the children. In addition to that, the Catholic Bishops' Conference, which has been very active, along with a number of other groups, feels very strongly this legislation should not have the mandate the bill currently has. They say very clearly that this provision would result in more poverty, hunger and illness for poor children. This is something that gets me. They say, ''We urge the Senate to reject this measure which would encourage abortions and hurt children.''

I am not sure everybody comes down on these, but I think when you have the Catholic Bishops' Conference saying, if a mother is faced with that choice, abortion becomes a real option, they think they should not be encouraged and, therefore, they do not support Washington mandating that States have to take a certain action. Let them have the option.

If we strike this provision, the State has the option to deny additional benefits to additional children if they want to, but we should not be dictating to the States on a block grant welfare program how they have to handle this situation.

I strongly urge that we not move to waive the Byrd rule.

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

The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The yeas and nays resulted—yeas 42, nays 57, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—42

Abraham	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Pressler
Brown	Gregg	Roth
Burns	Helms	Santorum
Coats	Hutchison	Shelby
Cochran	Inhofe	Simpson
Coverdell	Kempthorne	Smith
Craig	Kyl	Stevens
D'Amato	Lieberman	Thomas
Faircloth	Lott	Thompson
Frahm	Mack	Thurmond
Frist	McCain	Warner

NAYS—57

Akaka	Exon	Leahy
Baucus	Feingold	Levin
Biden	Feinstein	Lugar
Bingaman	Ford	Mikulski
Boxer	Glenn	Moseley-Braun
Bradley	Graham	Moynihan
Breaux	Harkin	Murray
Bryan	Hatch	Nunn
Bumpers	Hatfield	Pell
Byrd	Heflin	Pryor
Campbell	Hollings	Reid
Chafee	Inouye	Robb
Cohen	Jeffords	Rockefeller
Conrad	Johnston	Sarbanes
Daschle	Kennedy	Simon
DeWine	Kerrey	Snowe
Dodd	Kerry	Specter
Domenici	Kohl	Wellstone
Dorgan	Lautenberg	Wyden

NOT VOTING—1

Kassebaum

The PRESIDING OFFICER. On this question, the yeas are 42, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, and the point of order is sustained.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LOTT. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that immediately following the third reading of H.R. 3734, the following Senators be recognized for up to 5 minutes each for closing remarks: Senator MOYNIHAN, Senator ROTH, Senator EXON, Senator DOMENICI; I further ask that following the conclusion of these remarks, the floor managers be recognized, Senator DASCHLE to be followed by Senator LOTT, for closing remarks utilizing their leader time.

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

Mr. LOTT. I further ask immediately following passage of H.R. 3734, the Senate request——

The PRESIDING OFFICER. If the majority leader will suspend.

Mr. EXON. My apologies. We thought things were cleared. They are not. We will have to object, pending a few moments. Could the Senator hold off for 5 minutes for a chance to work this out?

Mr. LOTT. Mr. President, I am willing to do that, but I thought we had an agreement whereby we could get an understanding of how much time—after all the days and hours that have gone into this bill—and we could have closing statements.

That is fine, to have final statements as to the position of the various Senators on what is in this legislation; it was with the understanding that we would also go ahead and get the agreement and go to conference.

Mr. EXON. We also thought that we had an agreement, but I am sure you have had exceptions on your side, as we have, and in the best of times they do not always work out.

I do not think it is a lengthy delay. I simply say we will try and give the Senator an answer in 5 minutes.

Mr. LOTT. Can we proceed with the next vote?

I yield the floor.

MOTION TO WAIVE THE BUDGET ACT—SECTION 2104

The PRESIDING OFFICER (Mr. THOMPSON). The question is on the motion to waive the point of order, section 2104. The yeas and nays have been ordered.

Mr. ASHCROFT. In moving to waive the Budget Act, the point of order regarding the charitable organizations, I yield 30 seconds to my colleague from Indiana.

Mr. COATS. I thank the Senator. I urge my colleagues to support the Ashcroft provision, which allows for delivery of social services through religious charities. I urge this for two compelling reasons.

First, it is much more cost effective than the current Federal bureaucratic system. Utilization of facilities that are already there, that are neighborhood based and utilizating volunteers makes delivery of those services far more efficient than the Government can do.

Second, they get better results. Survey after survey, in hearing after hearing that we have conducted in the Children and Families Subcommittee on Labor and Human Resources has proven the effectiveness in doing this. I urge my colleagues to support the Ashcroft amendment.

I yield back the balance of my time.

Mr. ASHCROFT. Mr. President, there is a real reason to employ the services of nongovernmental charitable organizations in delivering the needs of individuals who require the welfare state. Despite our good intentions, our welfare program and delivery system have been a miserable failure. Yet, America's faith-based charities and nongovernmental organizations, from the Salvation Army to the Boys and Girls Clubs of the United States have been very successful in moving people from welfare dependency to the independence of work and the dignity of self-reliance.

The legislation that we are considering is a provision that was in the Senate welfare bill that passed last year. It passed the Senate by an 87 to 12 margin. President Clinton's veto of that bill last year was not related to this measure. I spoke to the President about it personally. In his State of the Union Address, just a few weeks later, he indicated the need to enlist the help of charitable and religious organizations to provide social services to our poor and needy citizens.

Based upon the record of this Senate, which voted 87–12 in favor of such a concept last year after a thorough debate and consideration, based upon the support of the Executive, based upon the record of welfare as a failure and the need to employ and tap the resource of nongovernmental, charitable, religious, and other organizations, I urge the Senate to pass this motion to waive the Budget Act.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I speak in opposition to the amendment. I simply point out to all that, in my opinion, this is a direct violation of the church-and-state relationship.

I yield the remainder of my time to my colleague from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I think we have to look at this very carefully. It provides that States can contract for welfare delivery with charitable, religious, or private organizations. I have no objection to charitable or private organizations, but we have been very careful in this church-and-state area.

My father happened to be a Lutheran minister. I believe in the effectiveness of religion not only in our personal lives, but in giving stability to our Nation. We have been careful. For example, we permit religious schools to have some school lunch money. We permit some title I funds. We permit, under certain circumstances, assistance for disabled people that can be provided to religious organizations. But, under this, what we do is we not only say that religious organizations do not need to alter their form of internal governance—I have no objection to that—or remove icons, Scripture, or other symbols—I personally have no objection to that, though I know some who do—we permit churches and religious organizations to propagate people before they can get assistance. I think that clearly crosses the line in church/state relations. I think a hungry person should not have to be subjected to a religious lecture from a Lutheran, a Catholic, a Jew, or a Muslim before they get assistance. What if someone objects? If someone objects——

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

Mr. SIMON. I will close by saying, within a reasonable period, you appeal to the State, and the State eventually makes a decision. I think we should not waive this.

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

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

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

The yeas and nays resulted—yeas 67, nays 32, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—67

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Baucus	Gramm	Mikulski
Bennett	Grams	Moynihan
Biden	Grassley	Murkowski
Bingaman	Gregg	Nickles
Bond	Hatch	Nunn
Bradley	Hatfield	Pressler
Breaux	Heflin	Roth
Brown	Helms	Santorum
Burns	Hutchison	Sarbanes
Campbell	Inhofe	Shelby
Coats	Inouye	Simpson
Cochran	Johnston	Smith
Cohen	Kempthorne	Snowe
Coverdell	Kerrey	Stevens
Craig	Kerry	Thomas
D'Amato	Kohl	Thompson
DeWine	Kyl	Thurmond
Dodd	Lieberman	Warner
Domenici	Lott	Wellstone
Faircloth	Lugar	
Frahm	Mack	

NAYS—32

Akaka	Feinstein	Moseley-Braun
Boxer	Ford	Murray
Bryan	Glenn	Pell
Bumpers	Graham	Pryor
Byrd	Harkin	Reid
Chafee	Hollings	Robb
Conrad	Jeffords	Rockefeller
Daschle	Kennedy	Simon
Dorgan	Lautenberg	Specter
Exon	Leahy	Wyden
Feingold	Levin	

NOT VOTING—1

Kassebaum

The PRESIDING OFFICER. On this vote the yeas are 67, the nays are 32. Three-fifths of the Senate duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I opposed the motion to waive the Byrd rule point of order against the language of section 2104 which would provide a specific authorization for States to contract with charitable, private, or religious organizations to provide services under this act. States, without this provision, are able to enter into such contracts provided that they are consistent with the establishment clause of the Constitution and the State constitution and statutes of the State involved. Therefore, I believe this provision is unnecessary.

I also voted against the language because it could inadvertently actually create a headache for religious organizations that currently deliver social services under Federal contract. Religious organizations currently contract to deliver social services for the Federal Government. They do so separate from their religious activities, keeping separate accounts, for instance.

Under the bill's language, neither the Federal Government nor a State may refuse to contract with an organization based on the religious character of the organization, but if a recipient of those benefits objects to the religious character of an organization from which that individual would receive assistance, the State must provide that individual with assistance from an alternative provider that is ''accessible'' to the individual. So if a religious organization is currently delivering services in a way that is consistent with the Constitution but an individual objects to that institution having the contract, that individual could precipitate an expensive bureaucratic second track for the delivery of services for that one individual. While this may not be the intent of the bill's language, it could easily lead to that.

It is ultimately the Constitution which determines under what conditions religious organizations can be contracted with by the Federal or State governments for the delivery of publicly funded social services. The statute cannot amend the Constitution. Indeed, this bill's language purports to require, in section 2104c, that programs be implemented consistent with the establishment clause of the U.S. Constitution. What the bill's language therefore unwittingly does is confuse rather than expand.

MOTION TO WAIVE THE BUDGET ACT—SECTION 2909

The PRESIDING OFFICER. The question is now on agreeing to the motion to waive section 2909. There are 4 minutes equally divided. The Senate will come to order.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I believe the regular order would be Senator FAIRCLOTH, and he has 2 minutes. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Regular order, please, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Mr. President, in 1994, when President Clinton sent his first welfare reform bill to Congress, he said that preventing teenage pregnancy and out-of-wedlock births was a critical part of welfare reform. I hope we all could agree with the President on that point and also agree to waive the point of order against the funding for abstinence education programs.

Abstinence education programs across the country have shown very promising results in reducing teenage pregnancies and reducing the teenage pregnancy rate, and it deserves to be expanded with Federal assistance. This provision does not take funds from existing programs and will be a critical

help in meeting the bill's goal of reducing out-of-wedlock births.

Mr. President, our colleagues on the other side have asked us repeatedly to consider the children. Abstinence education is an effective means to help children avoid the trap of teenage pregnancy. I urge my colleagues to vote to waive the Budget Act on this provision.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I yield our time to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

The Senate will come to order, please.

Mrs. MURRAY. I thank the Chair.

Mr. President, the bill before us takes $75 million from the Maternal and Child Health Block Grant Program to fund the abstinence program. I am sure that everyone here can agree abstinence is important. However, I strongly urge my colleagues not to allow us to rob the Maternal and Child Health Block Grant Program to fund this abstinence program.

The maternal and child health block grant provides critical dollars for prenatal care, newborn screening, and care for children with disabilities. It provides for vital resources like parent education, health screenings and immunization, children preventive dental visits, and sudden infant death syndrome counseling.

I am sure my colleagues will agree we should not reduce these vital resources by 13 percent. I have a chart here showing how much that will reduce each State's allocation if you are interested.

Let me read quickly to you from the Association of State and Territorial Health Officials, who say:

> State health officers object to the new set-aside on the grounds that states, not the federal government, are better able to decide what programs are necessary and effective for their communities. State health officials share the laudable goals of reducing unintended pregnancies and exposure to sexually transmitted diseases. In fact, abstinence education is an integral component of most maternal and child health programs. Ironically, due to the new administrative costs states will incur and the reduction of overall block grant funds, this set-aside will actually do harm to states' overall abstinence promotion efforts.

Mr. President, if we agree that abstinence——

Mr. EXON. Mr. President, the Senate is not in order. I can hardly hear the Senator.

The PRESIDING OFFICER. The Senate will please come to order.

The Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair.

Mr. President, if we agree abstinence programs are vital, fine; let us pay for them. But let us not steal from the critical maternal and child health programs that are so important to so many parents across this country. I urge my colleagues to vote no on the motion to waive the Budget Act.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, Senator FAIRCLOTH has yielded me his remaining 30 seconds.

Mr. President and fellow Senators, Senator FAIRCLOTH is suggesting something here that I believe we ought to try. What he is saying is we have tried so many things with reference to teenage pregnancy, why not try a program that says to our young people: We would like to give you the advantages of abstinence.

Now, you do not have to believe in that; you do not have to be an advocate of it, but you ought to give it a try.

We have tried all kinds of things under the rubric of Planned Parenthood and yet anybody that tries to suggest and receive funding for a program that does this cannot be funded. I believe it ought to be funded, and I think we ought to waive the Budget Act. I commend the Senator for this suggestion.

I yield the remainder of my time.

The PRESIDING OFFICER. The question is now on agreeing to waive the Budget Act.

Mr. DOMENICI. Mr. President, I am sorry; I should have gotten your attention sooner. On behalf of the majority leader, we are now prepared to enter into an agreement.

The PRESIDING OFFICER. The Senate will please come to order.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. I ask unanimous consent that immediately following the third reading of H.R. 3734, the following Senators be recognized for up to 5 minutes for closing remarks: Senators MOYNIHAN, ROTH, EXON, and DOMENICI. Further, I ask that following the conclusion of the remarks of the four managers, Senator DASCHLE be recognized to be followed by Senator LOTT for closing remarks utilizing leaders' time.

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

Mr. DOMENICI. I ask unanimous consent that immediately following the passage of H.R. 3734, the Senate insist on its amendments, request a conference with the House on the disagreeing votes thereon, and the Chair be authorized to appoint conferees on the part of the Senate, all without further action or debate.

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

VOTE ON MOTION TO WAIVE THE BUDGET ACT—SECTION 2909

The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—52

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Biden	Grams	Nunn
Bond	Grassley	Pressler
Brown	Gregg	Roth
Burns	Hatch	Santorum
Campbell	Hatfield	Shelby
Coats	Heflin	Simpson
Cochran	Helms	Smith
Coverdell	Hutchison	Specter
Craig	Inhofe	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Exon	Lugar	Warner
Faircloth	Mack	
Frahm	McCain	

NAYS—46

Akaka	Feinstein	Mikulski
Baucus	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Harkin	Pell
Breaux	Hollings	Pryor
Bryan	Jeffords	Reid
Bumpers	Johnston	Robb
Byrd	Kennedy	Rockefeller
Chafee	Kerrey	Sarbanes
Cohen	Kerry	Simon
Conrad	Kohl	Snowe
Daschle	Lautenberg	Wellstone
Dodd	Leahy	Wyden
Dorgan	Levin	
Feingold	Lieberman	

NOT VOTING—2

Inouye	Kassebaum

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, and the point of order is sustained.

Mrs. MURRAY. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

POINTS OF ORDER

The PRESIDING OFFICER. The Chair informs the Senate that there are 22 points of order remaining. The Chair sustains all but the 15th point of order raised against section 409(a)(7)(C).

Mr. KEMPTHORNE. Mr. President, yet again during the 104th Congress we find ourselves debating welfare reform on the floor of the Senate. It is regrettable that we even have to take the time to debate this issue. We have already twice passed solid welfare reform plans which would give States the necessary flexibility to truly provide for the unique needs of the less fortunate in their States. Unfortunately, the President's vetoes of the two previous welfare reform proposals has left us with no real reform and has left States floundering.

Just over 10 months ago, I stood here on the Senate floor and said that welfare reform was long overdue. It still is. We all know the welfare system in

this Nation is seriously flawed. Maintaining the status quo is not only not an option, I believe it is morally wrong. We must break the cycle of poverty which our current system has perpetuated. As Franklin Delano Roosevelt once said, ''The lessons of history show conclusively that continued dependence upon relief induces a spiritual and moral disintegration fundamentally destructive to the national fiber. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit.'' If we are to restore that spirit, we must give those on welfare a fighting chance—a chance I believe they want—to once again become contributing members of our society.

After debating this issue for months, I believe it is safe to say that a majority of Members of Congress recognize that the only true way to reform the welfare system is to turn it over to the States. True reform, innovative reform, will come from the States, and we should give them the opportunity to prove that they are capable of making the changes the system needs. Turning these programs over to the States will provide them with the opportunity to shape poverty-assistance programs to meet local needs. It will provide States and local officials with the change to use their own creativity and their own intimate knowledge of the people's needs to address their problems. And we do not make them go through a series of bureaucratic hoops in order to get a waiver to do so.

Mr. President, my home State of Idaho is currently in the process of applying for just such a waiver. In order to get to this point, the Governor appointed a Welfare Reform Advisory Council which met with people in communities around the State to solicit suggestions on how the current system could be reformed. From those meetings came 44 specific proposals for making welfare work. These recommendations fall into four categories: Making welfare a two-way agreement and limiting availability; mandatory work requirements and improvements to the child care system which will allow recipients with young children to work; new eligibility standards which focus on maintaining the integrity of the family structure; and improving child support enforcement.

The people of Idaho have spoken on the directions in which they wish to go with welfare reform. Unfortunately, the requirement to attain waivers is preventing these reforms from being enacted. To make matters worse, not only is the system not being reformed, but limited, vital resources are being used to apply for the waivers instead of for helping the needy. The current process is slow, time consuming, and inefficient. This is why block grants are so necessary. The people of Idaho want a system which helps the truly needy, and they have worked diligently to plan just such a system. Instead, they are given additional bureaucracy. It is time we let the States, like Idaho, implement reforms, rather than just write about them.

Idaho's concerns are not unique. Many of the States see the same problems with the current welfare system. At the same time, the best manner in which to address these concerns varies considerably across the Nation. A cookie-cutter, one-size-fits-all approach simple does not fit in a diverse nation. That is why we must finally let go of Federal control.

I believe the welfare reform debate is about one word—freedom. It is the freedom of State and local governments to decide how best to provide assistance to the needy. It is the freedom of the various levels of government to create innovative ways to meet the unique needs of the downtrodden in their city, county or State. It is the freedom to follow local customs and values rather than Federal mandates. I have said for some time that when the Government tries to establish a one-size-fits-all, cookie-cutter approach to address a perceived need, it ignores the unique circumstances which are so important in developing the best way to address that need.

I do not want anyone in this country who is struggling to make something of themselves, regardless of the State in which they reside, to be hampered in their efforts because of rules and regulations which ignore the fact that this Nation is not uniform—that people in all areas of the country have unique circumstances which simply cannot be addressed in one prescriptive Federal package. What I hope to do, what I believe this legislation does, is give current and future welfare recipients the freedom to break out of poverty.

Mr. President, this bill is also about freedom for those who are already on welfare, or who are at risk of entering the welfare rolls. Under the current system, generations have grown up without knowing the satisfaction of work and personal improvement. The value of family has been ignored, aiding the increasing rate of illegitimacy. And possibly worst of all, children have been raised without hope in a system that does more to continue poverty than to break the welfare cycle. For far too many, the system offers no incentives and no promise of a better future.

For more than 30 years, we have tried to dictate to the States how best to take care of their needy. After 30 years, it is time to accept that the experiment is a failure. And thus, it is time we let the States take control and develop their own solutions to the problem of poverty in this Nation.

Mr. HATCH. Mr. President, three times in the last year we have stood on this floor to debate welfare reform. The first time, the bill passed the Senate by a large bipartisan majority, 87 to 12.

Yet, the President has vetoed it. He has since vetoed welfare reform legislation twice more.

Today, we are standing here again. We have yet again passed legislation to reform a failed and broken welfare system, a system which has dragged the most vulnerable of our population into a pit of dependency.

We must stop this cycle. We must give these families the hope and help they deserve. This legislation would do just that.

This legislation reforms the old system into a new one. This legislation will take a system of degrading, esteem depleting handouts and transform it into a transitional system of support that helps families gain work experience, training, and self-sufficiency. This bill creates a system that gives beneficiaries a leg up and not a shove down.

In watching the Olympic long-distance cycling event a few nights ago, my heart went out to those athletes who had trained so hard, but who had hit ''the wall,'' that point in an endurance contest when the goal seems overwhelming and when it seems impossible to take another step or pedal another foot.

Mr. President, many of our welfare recipients under our current system have faced the wall. Our current system is one that simply encourages dependence; an individual's self-esteem is shattered; when a better life seems beyond reach; and it becomes easier to quit and accept the help of others.

This legislation will help American families climb over the wall of poverty. It will build self-confidence and hope for the future on a foundation of work and accomplishment.

Yet, Mr. President, welfare recipients are not the only ones who have hit the proverbial wall with our welfare system. The taxpayers have hit it too. Frankly, while they are a compassionate people, while they want to help those who are less fortunate, they also want to see personal responsibility and individual effort restored as a quid pro quo to receiving help.

Americans have become frustrated that the increasing billions of dollars we spend on the war on poverty is not reducing poverty. It is not building strong families. It is just not working.

Mr. President, the legislation before us today would create a transitional system. One that stresses temporary assistance and not a permanent handout. It requires that beneficiaries go to work and get the training and educational skills they need to get and keep a job. No longer will beneficiaries be able to get something for nothing. This system will give them the help they need to get into a job and move into self-sufficiency.

Mr. President, this bill gives the States the flexibility they need to design the best systems they can to address their unique mix of economic climate, beneficiary characteristics, and resources available. The Federal Government cannot be responsive to local conditions but the States can.

This bill moves the decisionmaking and system design authority to the States where it belongs. It doesn't simply leave Federal funds on the stump

as some have suggested. States are required to submit their plans and live up to them. They must serve their needy populations and provide them the resources necessary to move them into jobs and self-sufficiency.

This legislation is the fourth time the Senate has passed welfare reform legislation. This is yet another chance for the President to honor his pledge to ''reform welfare as we know it.'' It is another chance for all of us to throw over a system that provides no real hope, no real help, no real progress. American low-income families deserve more and so do the American taxpayers.

Mr. LEVIN. Mr. President, the present welfare system does not serve the Nation well. It does not serve families and children well. It does not serve the American taxpayer well.

This bill contains several provisions which I hope can be moderated in the conference between the House and the Senate and in discussion with the President.

Meaningful reform should protect children and establish the principle that able-bodied people work. It should tighten child support enforcement laws and be more effective in getting absent fathers to support their children. The bill before us represents a constructive effort. It is an improvement over the bill the President vetoed last year because it provides more support for child care, requires a greater maintenance of effort from the States, and does not block grant food stamp assistance. And, the Senate has improved the bill which the Finance Committee reported by passing amendments which maintain current standards for Medicaid and which eliminate excessive limits on food stamp assistance.

The funding levels in this bill are aimed at assuring that adequate child care resources will be available for children as single parents make the transition into work. Those levels are significantly improved. This strengthens the work requirement because it better assures that States can effectively move people into job training, private sector employment, and community service jobs.

I am particularly pleased that the Senate approved my amendment, offered with Senator D'AMATO, which greatly strengthens the work requirement in the bill. The original legislation required recipients to work within 2 years of receipt of benefits. My amendment adds a provision which requires that unless an able-bodied person is in a private sector job, school or job training, the State must offer, and the recipient must accept community service employment within 2 months of receipt of benefits.

I would prefer a bill which did not end the Federal safety net for children, a bill like the Daschle work first legislation which failed in the Senate narrowly and which I cosponsored. I would prefer a bill which permitted noncash voucher assistance targetted to the children of families where the adult parent is no longer eligible for assistance. I would prefer a bill which protects legal immigrants who have become disabled.

So the decision is a difficult and a close one. On balance, however, I believe that it is so critical that we reform the broken welfare system which currently serves the American taxpayer and America's children poorly, that it is necessary to move this legislation forward to the next stage.

I believe that it is particularly important that partisanship not dominate the conference between the House and Senate. I am hopeful that the congressional leadership work with the President to forge a final bipartisan welfare reform bill behind which we can all close ranks.

Mr. GLENN. Mr. President, I rise today to oppose what is called welfare reform but is really radical change and a surrender of the Nation's responsibility to our children. This measure ends our 60-year national guarantee of aid to the poor and the disadvantaged. Make no mistake, the poor and the disadvantaged to whom we refer are our children. Today one in five children live in poverty and I am not convinced that this bill will improve our problem and I fear that it will only make it worse.

I want our welfare system reformed and I voted for an alternative Democratic welfare reform plan, the Work First Act of 1996, which was based upon last year's Democratic welfare proposal. Work First promotes work while protecting children. It requires parents to take responsibility to find a job, guarantees child-care assistance and requires both parents to contribute to the support of their children. When this alternative failed, I supported many of the amendments to improve the bill and guarantee assistance to poor children.

I am concerned that there are already far too many poor children in this country. I believe that this bill will cause many more children to live in poverty. It is estimated that 130,185 children in Ohio will be denied aid in 2005 because of a mandated 5-year time limit; 52,422 babies in Ohio will be denied cash aid in 2000 because they were born to families already on welfare; 79,594 children in Ohio will be denied benefits in 2000 should assistance levels be frozen at 1994 levels. In total, at least 262,000 children in Ohio would be denied benefits when these welfare provisions are fully implemented.

Last year's Senate-passed bill would have pushed an additional 1.2 million children into poverty. In Ohio alone, 43,500 children will be pushed into poverty by the bill now before us. Mr. President, I cannot support legislation that would cause this kind of unacceptable harm.

I have been concerned from the start that simply washing our hands of the Federal responsibility for welfare and turning it over to States is no guarantee of success. This is very risky policy and we will no longer have a mechanism for guaranteeing a national safety net for our poorest families.

Perhaps if we were more concerned with moving people from welfare to work rather than just moving people off welfare we would be making a real start. However, I am not convinced that merely putting a time limit on benefits will lead to employment. I am not convinced that this legislation ends welfare as we know it, it just ends welfare.

In the end Mr. President, the changes we contemplate today will take away from those least able to afford it and will have a devastating impact on children's health, education, nutrition, and safety. Providing adequate assistance for our children will save money in the long run and be cost effective. I oppose this bill.

Mr. WELLSTONE. Mr. President, the people of Minnesota and of the Nation have made it clear that they want a welfare system that helps people make a successful transition from welfare dependency to work. I support that goal. That is why I voted for a workfare proposal with a tough, 5-year time limit on welfare benefits. That workfare proposal would move recipients quickly into jobs, requiring all able-bodied recipients to work and turning welfare offices into employment offices. It would provide adequate resources for child care, recognizing that families can't realistically transition to the workplace unless their kids are being looked after. The bill was called work first because it provided the tools needed to get welfare recipients into jobs and to keep them in the workplace.

Unfortunately, work first, the workfare proposal I voted for, did not prevail in the Senate. Instead, we in the Senate are faced with a bill that would punish innocent children. By sending an underfunded block grant to States, this bill would obliterate the already frayed safety net for children. Last year during this debate, the Office of Management and Budget estimated that 1.2 to 1.5 million children would be pushed into poverty by such a welfare reform proposal. About the same number would suffer under this year's plan. The deep cuts in food stamps in this bill would mean that many thousands of children would go hungry. I will not sit back and vote for consigning 1 million children to poverty. I will not be party to actions that mean that there will be more hungry and homeless children in the most prosperous Nation on Earth.

Unfortunately, the majority in the Senate did not agree to crucial improvements to the legislation. When I asked that we look at the effect of this legislation on poor children and revisit this legislation after 2 years if we find out that it is pushing more children into poverty, my colleagues turned me down. That was a clear signal to me that the suffering of children is not being taken as seriously as it should be

by this Congress. When several Democratic Senators tried to allow States to use their grants to provide vouchers for children's necessities like disperse and clothes after their parents reached the time limits for aid, we were turned down by the majority. When several Democratic Senators tried to place more humane limits on the aid legal immigrants could receive, we were again turned down by the majority. And although we were successful in ensuring that food stamps are not block granted, I continue to have serious concerns about a bill that cuts $28 billion from food stamps, which provide the most basic necessities.

In addition, I am very concerned that this bill will drop or deny SSI benefits to over 300,000 children during the next 6 years. This was also a concern I had with the work first bill I supported earlier. While I admit that there are some problems in the SSI Program, we can certainly address the problems through more targeted reforms and regulatory changes.

I have voted for workfare. Indeed, I voted for an amendment to strengthen the work requirements in this bill by requiring able-bodies welfare recipients to participate in community service jobs within 2 months of receiving aid. I support moving families from welfare to work. I believe we can accomplish that in a just and humane way. I do not believe, however, that the bill we have before us today is just and humane, and I will not vote to punish innocent children.

Mr. KERREY. Mr. President, I rise today to state my opposition to final passage of the Republican welfare reform legislation. I will vote against this legislation simply because although it portends welfare reform, it is about neither welfare nor reform.

Let me be clear—I am certainly not against reforming our welfare system. Indeed, I have voted for welfare reform in the past because I agree that the current system is clearly broke and in dire need of repair. But if we are going to have reform it should be meaningful and not reform for reform's sake.

For me, meaningful welfare reform means concentrating on preparing individuals to enter the work force. And by preparing individuals to enter the work force we must prepare them for all the challenges that lie ahead. It is important to note that the No. 1 reason people enroll for AFDC benefits is divorce or separation.

No doubt, the American taxpayers who pay for this system and those who are recipients of welfare programs want and deserve a better system. However, reform without the thought of consequence will do more harm than good.

Already 20 percent of our Nations children live in poverty, and undoubtedly this bill will add to that total—by the millions. And while AFDC caseload has decreased in Nebraska, child poverty continues to rise. Last year 3 percent of children in Nebraska were on AFDC, yet 11 percent of children lived in poverty.

My friend, colleague and noted expert Senator MOYNIHAN took to the floor last week to report that more than one million children will be thrown off the welfare roles should this legislation become law. He said, ''It is as if we are going to live only for this moment, and let the future be lost,'' Mr. President, surely what is before us is not true welfare reform. It is merely a way to cut the deficit on the backs of the neediest under the guise of welfare reform.

Indeed, this legislation does have its work provisions. I offered an amendment accepted by both the Republican and Democratic leadership that would allow states to contract—on a demonstration basis—with community steering committees [CSC's] to develop innovative approaches to help welfare recipients move in to the workforce. The CSC's, created by the amendment, would be locally based and include educators, business representatives, social service providers and community leaders. The main charge of the CSC's would be to identify and develop job opportunities for welfare recipients, help recipients prepare for work through job training, and to help identify existing education and training resources within the community. As well, CSC's would focus on the needs of the entire family rather than just on the needs of adult recipients.

This is the type of work provision that works—and I support—because it encourages individuals on welfare to move into the work force. It provides much needed resources so that once these individuals get into the work force, it works to ensure they stay in the work force. But this measure alone is not enough.

To keep a job, individuals—especially parents—need other things. We need to make certain that every person who is moving into the ranks of the employed has high-quality, affordable child care; otherwise, they are not going to be able to be successful in the workplace. We need a system that gives individuals the opportunity to earn reasonable wage, and to have access to health care, education and training. These are the elements of a system that works and this is the kind of system we should be working toward.

As a nation we need to focus our efforts on job creation, education and personal savings, as well as on meaningful reform to our entitlement programs. These elements, more than anything else, will help to ensure a brighter future for all working Americans.

Mr. President, the legislation before us today endeavors to move welfare mothers into the work force, but it removes valuable resources that would help the individuals achieve the goal of employment because it lessens their access to child care and health insurance.

There is a tremendous differential between the relative cost of child care for somebody who is in the ranks of the poor and people who are not poor. Above poverty, American families spend about 9 percent of their income for child care. Below poverty, it is almost 25 percent of their income. As well, as of 1993, 38 percent of working households under the poverty line are uninsured. While health care reform legislation that passed the Senate unanimously languishes, this legislation, regrettably, makes health care pressures even harder to bare.

My Democratic colleagues offered an amendment that would have converted funding formulas to help States—like Nebraska—with larger proportions of children on poverty. This provision would have provided aid to States and individuals truly in need. The Senate voted this measure down, showing the true failings of this legislation—it denies aid to those who are truly in need.

Other amendments designed to help children, but which failed, included an amendment that would have ensured health care and food stamps for children of legal immigrants, and an amendment that would have provided vouchers for children whose families have hit the 5-year term limit so that they may care for the children. But these important measures—which would have made the reform legislation more humane—failed on party-line votes.

Mr. President, the people of the state of Nebraska—indeed most Americans—are strongly in favor of welfare rules that give work a greater priority than benefits. But much of this legislation is being driven solely by the need to reduce the deficit and it has an ideological bent to it that says it has to be one way or the other. The impetus of this reform is not driven by a desire to say that the system is going to work better—it is sadly about matters of political expediency.

By pushing mothers and an alarming amount of children off the welfare roles and further onto the fringe of society, this legislation will do more harm than good. From a taxpayer standpoint, a beneficiary standpoint, and a provider standpoint, we need a welfare system that operates in a more efficient, effective and hopefully humanitarian fashion. Unfortunately, this legislation does not offer the necessary reforms to bring us that system.

I yield the floor.

Mr. KYL. Mr. President, since President Johnson declared his War on Poverty, the Federal Government, under federally designed programs, has spent more than $5 trillion on welfare programs. But, during this time, the poverty rate has increased from 14.7 to 15.3 percent.

After trillions of dollars spent on welfare over the past 30 years, we are still dealing with a system that hurts children, rather than helps them. The current system discourages work, penalizes marriage, and destroys personal responsibility and, oftentimes, self-worth.

According to the Public Agenda Foundation, 64 percent of welfare recipients agree that ''welfare encourages teenagers to have children out of wedlock,'' and 62 percent agree that it ''undermines the work ethic.''

And, there are serious negative consequences when a child is born out-of-wedlock. Children born out-of-wedlock have a substantially higher risk of being born at a very low or moderately low birth weight. Children born out of wedlock are more likely to experience low verbal cognitive attainment, as well as more child abuse, and neglect. Children born out of wedlock are more likely to have lower cognitive scores, lower educational aspirations, and a greater likelihood of becoming teenage parents themselves. Children born out of wedlock are three times more likely to be on welfare when they grow up.

Who would not be full of despair and without hope for the future when presented with such a scenario?

S. 1956 seeks to change this by allowing States to design programs that counter these trends, and to change general welfare policy so that it promotes work and marriage.

STATE BLOCK GRANTS

S. 1956 replaces the current AFDC and related child care programs with a general block grant and a child care block grant.

Limited success in reforming welfare has occurred when States and localities have been given the opportunity to go their own way. In Wisconsin, for example—and we all know that Wisconsin is waiting for approval of a waiver to continue to reform its welfare system—a successful program there diverts individuals from ever getting on welfare. Under a local initiative in the city of Riverside, CA, individuals on welfare are staying in jobs permanently. In both Wisconsin and Riverside, welfare rolls have been reduced.

Arizona is a good example of why reform is still needed. Arizona applied in July 1994 to implement a new State welfare program, EMPOWER, based on work, responsibility, and accountability. It took the U.S. Department of Health and Human Services bureaucracy a full year to approve the waiver.

A shift to block grants to States make sense. By allowing States to design their own programs, decisions will be more localized, and the costs of the Federal bureaucracy will be reduced.

NONWORK AND ILLEGITIMACY

It must be emphasized over and over that there are two fundamental driving forces behind welfare dependency that must be addressed in any welfare reform bill: nonwork and nonmarriage.

Nonwork and illegitimacy are key underlying causes of our welfare crisis and, even with the effective elimination of the Federal welfare bureaucracy, they will remain as its legacy if we choose not to address them. People will never get out of the dependency cycle if federal funds reinforce destructive behavior.

NONWORK

Let us deal with the facts: To escape poverty and get off welfare, able-bodied individuals must enter and stay in the workforce. As Teddy Roosevelt said, ''The first requisite of a good citizen in this Republic of ours is that he shall be able and willing to pull his own weight.''

Another fact: The JOBS program that passed as a part of the Family Support Act of 1988 moves a far too small number of welfare recipients into employment. Less than 10 percent of welfare recipients now participate in the JOBS program.

In order to receive all of their block grant funding, under S. 1956, States will be required to move toward what should be their primary goal: self-sufficiency among all their citizens.

S. 1956 requires that 50 percent of a caseload be engaged in work by the year 2002. There are work components of this bill that could be strengthened but it provides a good beginning toward these goals. In addition, under S. 1956 welfare recipients must be engaged in work no later than 2 years after receiving their first welfare payment. States must also lower welfare benefits on a pro rata basis for individuals who fail to show up for required work.

ILLEGITIMACY

Our Nation's illegitimacy rate has increased from 10.7 percent in 1970 to nearly 30 percent in 1991. Eighty-nine percent of children receiving AFDC benefits now live in homes in which no father is present.

It must be reemphasized what role the breakdown of the family has played in our societal and cultural decline. This is not really even a debatable point. The facts support a devastating reality. According to a 1995 U.S. Census Bureau report, the one-parent family is six times more likely to live in poverty than the two-parent family.

S. 1956 provides measures to combat illegitimacy, including providing an incentive fund for states to reduce illegitimacy rates.

In addition, Federal funds under the block grants, unless a State opts out, may not be used to provide additional assistance for mothers having additional children while on welfare. If the rules of welfare are stated clearly to a mother in the beginning, and if allowances are made for noncash essentials like diapers and other items, then such an approach is fair. If such a rule reduces out-of-wedlock births, it may turn out to be more fair than most other aspects of welfare.

Mr. President, the Congress has passed welfare reform two other times, and twice the President has vetoed the legislation. There is an urgency to the task at hand. Children's lives are being compromised—it is time to work toward a system that is recognized for the number of children that never need to be on welfare, rather than the number of children who are brought into the failed welfare state. The Senate should pass S. 1956.

Mr. COATS. Mr. President, in 1962, President Kennedy, in his budget message to Congress, noted:

> The goals of our public welfare program must be positive and constructive. It must contribute to the attack on dependency, juvenile delinquency, family breakdown, illegitimacy, ill health, and disability. It must replace the incidence of these problems, prevent their occurrence and recurrence, and strengthen and protect the vulnerable in a highly competitive world.

This statement presents the strong, initial common ground that we share: that Government has a legitimate role in supporting our most helpless and desperate families with dependent children.

Certainly, our second ground of agreement is that an appropriate welfare policy should do nothing to harm the family being supported. Families are the foundation of our Nation's values. They teach us the principles of economics, the value of relationships, and the importance of moral truths. They define our view of work, responsibility, and authority. They teach us the meaning of trust, the value of honesty, and are the wellspring of every individual's strength against alienation, failure, and despair.

During countless eras when no other organized unit of society even functioned, the family was the institution that made survival of the cultural, political, economic, and social order possible.

We should agree on what a welfare policy should protect—the family—and what it should protect against—dependence on the State. We should also agree that this Nation's current welfare policy has diverged greatly from President Kennedy's vision.

The Government has attempted to end poverty by establishing an engorged bureaucracy and writing checks, all told pouring over $5 trillion into the war on poverty. At the same time, individual dependence on the Government has increased, individual dignity has declined, and the family has been dealt a near fatal blow.

Today, there are more people living in poverty than ever before—and the only thing the Government welfare state has succeeded at doing is spawning generations of people who will be born, live, and die without ever having held a steady job, owned a home, or known the strength of a two parent family.

Individual dependence on the State has increased with every Government intervention. Indeed, the population receiving welfare payments receives checks for extraordinarily long periods of time. Under current law, 25 percent of women can expect to receive those payments for more than 8 years. The typical recipient receives payments for almost 4 years. Forty percent of recipients return to the welfare rolls at least once.

Government intervention has distorted the economic incentive system that, at least in part, motivates a person to give of his labor. Government

intervention eliminates the need to work to support oneself and one's family by providing money regardless of whether one works. Dependence on such a system is all but inevitable.

Given time, a cash payment that is not tied to a requirement to work will undermine the second motivation to work; namely, the desire to produce some benefit, whether tangible or intangible, for oneself or for society. Who can doubt that a person experiencing such a disconnection for any protracted period of time will eventually suffer a loss of individual dignity as the welfare system undermines the moral and personal responsibility of the recipient?

Today however, we are turning to the issue of solutions. Whatever the proposed solution, we must gauge its effectiveness and desirability in terms of the three common grounds discussed throughout this debate. Does our policy foster dependence on the Government or promote independent action by the individual? Does it promote the dignity of the human person or undermine it? Does it destroy the family or build it up?

I am convinced that we will only achieve successful welfare reform when we begin to emphasize personal responsibility. Unfortunately, for far too long welfare programs supported by the Federal Government have failed to acknowledge and promote personal responsibility, and many other core American values.

I would argue that the key goal of welfare reform must be to promote self-sufficiency. A beginning step toward self-sufficiency is to change people's expectations about welfare. A recent GAO study noted that a key challenge for States is to learn how to break the entitlement mentality—the view that public assistance is a guaranteed benefit. States had to start helping individuals understand that a job was in their best interests.

One successful approach to encourage greater responsibility which is being experimented with by several States is the use of personal responsibility agreements. I am proud to say that Indiana has been at the forefront of helping individuals and families achieve long-term stability and self-sufficiency through the use of personal responsibility agreements. With personal responsibility agreements, Indiana's welfare reform plan moves families away from dependence and toward work. More than 39,000 individuals and families in Indiana have signed personal responsibility agreements as of April 1996.

Indiana's agreements require that families who receive AFDC understand that welfare is temporary assistance, and not a way of life. They must develop a self-sufficiency plan and go to work as quickly as possible, recognizing sanctions will be imposed for quitting a job, refusing to accept a job or dropping out of the job program. Families must also take responsibility for their children's timely immunizations and regular school attendance. Furthermore, their AFDC benefits will be limited to the number of children in the family within the first 10 months of qualifying for AFDC. Teenage recipients must live with parents or other adults. And finally, families are limited to a 2-year period of AFDC assistance a job placement track.

The amendment proposed by Senator HARKIN and myself last Thursday makes it clear that States must develop these personal responsibility agreements, such as those required of families in both Indiana and Iowa. This amendment is necessary because under current law States who wish to enter into this agreement with their residents, must first apply to Washington for a waiver of current welfare laws. This requirement to get permission from Washington for such common sense reforms not only steals valuable time from a State's reform efforts, but also represents a completely unnecessary Government intrusion. This amendment frees States from the extended negotiations that are now necessary to receive a Federal waiver, and enables States to move forward from failed, dependence-ridden, welfare programs to programs which promote independence, self-sufficiency, and long-term economic stability.

Senator HARKIN has been a real leader in the area of personal responsibility agreements, having recognized early their success in the State of Iowa. He introduced a very similar amendment to H.R. 4 last year which was ultimately dropped in conference. This year, personal responsibility agreements are found in both the House welfare reform package, H.R. 3507, and in the President's welfare bill. The amendment adopted here last Thursday requires States to adopt this common sense reform measure which ensures that everyone who receives assistance understands from day one that the assistance is a temporary measure intended to help the family achieve self-sufficiency and independence through employment.

Personal responsibility agreements help raise people's expectations while at the same time, giving them a clear goal and positive vision for their future.

The time has come for us to reform our Nation's welfare system. A year ago we passed legislation that is nearly identical to the bill before us today. We have adjusted the bill in many ways in an effort to find the magic formula that would satisfy the opponents of real reform. We have produced a solid package that is best described as a good first step. And we are told that President Clinton may—just may—actually sign this bill.

This welfare bill makes several important changes to the existing system. It ends the Federal entitlement and places strict time limits and work requirements on welfare recipients. Most importantly, this bill turns the task of redesigning public welfare systems over to the States. We will no longer be treated to the spectacle of Governors coming to the Department of Health and Human Services to ask permission for common-sense welfare reform measures.

The lesson for this protracted political exercise is that President Clinton has abdicated leadership on welfare. In 1992, he promised to end welfare as we know it. In 1995 and 1996 he fought to preserve the status quo at every turn. Now, when pollsters and consultants tell him that signing a welfare reform bill might help his reelection campaign, the President has begun to edge his way toward the Rose Garden for a signing ceremony—a ceremony that should have been held a year ago.

Welfare reform is simply too important for this kind of gamesmanship. If President Clinton had signed this bill a year ago, we could have begun the difficult task of changing a culture of dependence and despair into a culture of self-sufficiency and hope. A year later our path has gotten longer and steeper and rockier. For tens of thousands the habit of dependence has grown stronger while hope and will to change have grown fainter. The burden of this failure falls not on Congress—we have done our job not once, not twice, but three times. The burden of failure falls squarely on the shoulders of the President. The very least he can do now is sign this bill.

Mr. KOHL. Mr. President, I want to say that I believe the chairman and ranking member of the Subcommittee have done an excellent job in putting together this bill under very difficult budgetary circumstances. They have done an exceptional job of protecting core programs that are of utmost importance to the Nation's farmers, consumers, and communities.

There is one provision in this bill that I think is of great importance and deserves special mention, and that is the language with regard to cost containment for the WIC program.

I think it's fair to say that every Member of the Senate supports the WIC program. The long-term benefits accruing to society from ensuring adequate pre-natal and neo-natal nutrition have been well documented and uncontested.

A large portion of the cost of the WIC program is associated with the purchase of infant formula for WIC recipients. Fortunately, in recent years competition between formula manufacturers bidding for WIC contracts has led to significant savings in the program, with companies offering rebates on infant formula in order to win WIC contracts. Unfortunately, the competition that led to these rebates has been greatly diminished by the recent withdrawal by one of the competitors, Wyeth Laboratories, from the WIC infant formula market. Fortunately, another formula manufacturer, Carnation, has recently entered the WIC formula market, which could help ensure competition and therefore help contain

the costs of the program. However, in many States, the price of Carnation formula is significantly cheaper than other brands of infant formula, which makes it difficult for Carnation to offer rebates as high as their competitors. However, Carnation may still be able to offer the lowest bid, if measured on a lowest net price basis.

Unfortunately, some States are awarding WIC formula contracts simply on the basis of which company offers the highest rebate, as opposed to the lowest net price bid. The detriments of this simplistic approach are two-fold. First, by focusing on highest rebate instead of lowest net price, States are spending more for infant formula than they should. Second, by biasing the WIC formula bid process toward the companies offering the highest rebate, States are effectively excluding additional competitors, such as Carnation, from the WIC formula market, and thus jeopardizing future cost containment efforts.

To address this problem, the Senate Agriculture appropriations bill includes language that requires States to award infant formula contracts to the bidder offering the lowest net price, unless the State can adequately demonstrate that the retail price of different brands of infant formula within the State are essentially the same.

I commend the managers of the bill for including this common-sense language, which I believe will help secure the long-term viability of the WIC program. It is my hope that this provision will be maintained in conference.

Mr. WARNER. Mr. President, I am pleased to rise in support of S. 1956, the Senate's latest attempt to reform the Nation's welfare system. On two occasions in the last year, the Congress has sent welfare reform legislation to the White House, and on both occasions, our efforts have only been met with the veto pen. I sincerely hope that, as the saying goes, the third time will be the charm.

S. 1956 is in many respects identical to H.R. 4, the welfare reform bill approved in the Senate with my support by a vote of 87 to 12 on September 19, 1995. Again we are proposing to block grant the AFDC [Aid to Families with Dependent Children] program, giving over the responsibility of day-to-day administration to the Nation's Governors, while requiring strict work requirements for able-bodied AFDC recipients, 5 year maximum eligibility, limitations on non-citizens, and home residency and school attendance requirements for unmarried teenage mothers.

I am proud to report that these actions are in keeping with the important steps the Commonwealth of Virginia has already taken to reform our own State welfare system. What we in Virginia have accomplished under Governor George Allen through a laborious process of gaining Federal waiver authority, the Senate is now poised to approve for the entire Nation.

In Virginia we call our welfare reform plan the Virginia Independence Program, and we have successfully been in the implementation stage since July 1, 1995. Our goals are simple and to the point: To strengthen disadvantaged families, encourage personal responsibility, and to achieve self-sufficiency.

On a quarterly basis, and as resources become available in different State locales, we are requiring all able-bodied AFDC recipients to work in exchange for their benefits. Increased income of up to 100 percent of the poverty level is allowed while working toward self-sufficiency. Those unable to find jobs immediately will participate in intensive community work experience and job training programs.

To ease the transition from dependence to self-sufficiency, we are also making available an additional 12 months of medical and child care assistance. We understand that these benefits must be provided if single parents, in particular, are going to be able to fully participate in job training and new work opportunities.

Mr. President, let me sum up by saying that the Federal Government has been fighting President Lyndon Johnson's War on Poverty for 30 years. Aggregate Government spending on welfare programs during this period has surpassed $5.4 trillion in constant 1993 dollars. Despite this enormous spending our national poverty rate remains at about the same level as 1965.

Mr. President, the welfare system we have today is badly broken and we must fix it.

I'd like to add a personal note to this debate. Yesterday, I had the good fortune to visit a true laboratory of welfare reform in Norfolk, VA. This laboratory is entitled the ''Norfolk Education and Employment Training Center'', otherwise known as NEET.

Mr. President, my visit with Norfolk city officials and the NEET employees and students truly strengthened my belief that States and local communities—not the Federal bureaucrats in Washington—are best equipped to help individuals break out of welfare.

The city of Norfolk has done a superb job overseeing the NEET Program. There is real cooperation between the city and the contracting private entity that is running the job training center. There was a genuine pride in the faces of the city workers, NEET employees, and the NEET graduates and students.

I commend the city employees who work with the NEET Center, and in particular, Ms. Suzanne Puryear, the director of the Norfolk Department of Human Services. I would also like to commend Ms. Sylvia Powell and the other fine employees at the NEET Center. There is outstanding talent in these two operations, and I believe the business community in Norfolk recognizes this.

Without getting into all of the details, I would like to note that individuals referred to the center are given opportunities to develop a number of job skills, including computer work, and if necessary, the students are assisted with studying for and earning a GED. They are also provided help with job interview preparation as well as actual job search and post-employment support.

Mr. President, there is tremendous talent among the NEET students and graduates. Arlene Wright came to NEET as a welfare recipient. Today, after some 7 months of training and a loan from NEET, Ms. Wright is the proud owner and director of the Tender Kinder Care day care center.

I also spoke with some of the students. One of the most poignant comments came from Ray Rogers. In her words, Mr. President, Ms. Rogers said that NEET is the kind of program that ''helps you pick yourself up. You learn that you can take the things that you know and apply them to a job.''

Pick yourself up. These are very powerful words. It is time that more Americans are helped to pick themselves up and not just be another statistic waiting for another Government check. If we provide opportunity and instruction at the State and local level, there will be more Ms. Wrights and Ms. Rogers and Nicole Steversons and others whom I met yesterday in Norfolk.

Mr. FEINGOLD. Mr. President, I intend to vote in favor of the pending welfare reform bill.

Last September, I voted for the Senate-passed welfare reform bill.

I did so then with substantial reservations about many of the provisions in that bill. I do so today with many of the same kinds of reservations.

I am voting for this measure for two principal reasons.

First, I believe that the current welfare system is badly broken, and we must find an alternative to the status quo. No one likes the current system, least of all the families trapped in an endless cycle of dependency, poverty, and despair. The current system is plagued by perverse incentives that discourage work. Reforming such a complex system requires taking some risks, and this bill, any welfare reform measure, entails some risks. However, some assumption of risk is necessary to change the status quo.

Second, I am concerned that continuation of a system dominated by detailed prescriptions from Federal officials in Washington may stifle the innovative approaches from State and local governments that can help change the status quo.

The basic premise behind this bill, and much of the reform movement today, is that the current system has failed and that we ought to allow the States the opportunity to try to do a better job and give them the flexibility to try new approaches to these seemingly intractable problems. This approach places a great deal of faith in the good will of State governments to implement programs designed to help, not punish, needy citizens.

Under the framework provided by this legislation, States like Wisconsin would have the opportunity to implement programs like the Wisconsin W–2 program without the necessity of securing numerous waivers from the requirements of current law. Indeed, passage of this measure will render moot much of the need for the current voluminous waiver application filed by the State of Wisconsin earlier this year which has caused much controversy. Although some aspects of the W–2 program, particularly those dealing with Medicaid services, may still require review by HHS, the block grant authority provided for under this legislation is designed to allow the broad flexibility and State control needed to implement State initiated welfare reform programs.

As a former State legislator myself, I have a good deal of respect for the desire of State and local officials to reform this system and help break the cycle of poverty for low-income families. I believe that there need to be certain underlying protections that are national in scope. For example, I believe civil rights protections must be uniform throughout our Nation to assure that the guarantees of our Federal Constitution are extended to all citizens, regardless of their place of residence. I also believe that where Federal funds are being expended, the Federal Government has an obligation to impose certain requirements that should be universal. But States should have sufficient flexibility to design how services are actually provided to allow them the opportunity to try out new ideas and approaches.

For these reasons, I voted last September for the Senate-passed welfare reform bill; at that time, however, I indicated that if the bill returned from conference with punitive, inequitable provisions, I would withdraw my support. Unfortunately, the conference returned a bill which incorporated provisions that were simply unacceptable. The bipartisan welfare reform measure that the Senate had crafted was discarded in favor of a measure based upon the House-passed bill, which was punitive in nature rather than focused upon helping families move from welfare to the workforce. I therefore voted against that measure.

I am pleased to say that the Senate, over the course of this debate, has crafted a measure which will make fundamental changes in the Federal role in the welfare area and at the same time has rejected various provisions which would be harmful to those most in need. The Senate has addressed several important issues and corrected some of the flaws in the legislation.

First, in the area of child care, the Senate bill provides more resources for child care services than contained in the bill we passed last fall. Specifically, the bill increases funding for child care services by almost $6 billion to $13.8 billion from $8 billion contained in last year's bill. The Senate also adopted Senator DODD's amendment by a vote of 96 to 0 which reinstated critical health and safety standards for licensed child care facilities.

Second, by adopting the Chafee-Breaux amendment relating to Medicaid coverage for needy children, the Senate provided a critical safety net. As we endeavor to reform cash grant programs, it is important that access to medical care is not inadvertently sacrificed. The Chafee-Breaux amendment reestablished these protections. Had Chafee-Breaux not been adopted, I would not have been able to accept this bill.

Third, the Senate bill retains a State maintenance of effort requirement at 80 percent of the 1994 contribution. That is the provision the Senate adopted last fall which was unfortunately diluted in the conference version. Restoration of this provision was also key for me. Without such a maintenance of effort requirement, Federal dollars would simply replace State contributions and States like Wisconsin which make substantial contributions to investing in welfare programs would have simply seen their dollars shifted to States which fail to make these kinds of commitments from their State treasuries.

I am also pleased that the Senate struck the language providing for imposition of a family cap which would prohibit States from providing assistance for children born while a family is on welfare. This is another example of where the conference report that the President vetoed contained language that had been rejected by the Senate. Moreover, the bill that was presented to the Senate last week contained this unfortunate language. However, this family cap language was struck by a Byrd point of order.

The Senate also wisely adopted the Conrad amendment that struck provisions that would have allowed block granting of foods stamps. Food stamps have been the mainstay of many families who have been thrown into dire circumstances because of a sudden job loss, an unexpected illness that has sidelined the family breadwinner, or other family misfortunes. Although the bill provides strong work incentives to make sure that individuals receiving these benefits are working toward self-sufficiency, it no longer allows this safety net program to be withdrawn entirely from needy families.

Mr. President, although the Senate rejected many onerous amendments and provisions, there remain provisions in the bill that I don't support.

This is not a reform bill that I would have drafted if I had been the author.

I believe the immigration provisions are too harsh and fail to provide the kind of balanced response that we strived to achieve in the immigration reform legislation now pending in conference. While I support the concept of deeming, the kind of absolute ban on assistance for many legal immigrants which is contained in this bill is not carefully tailored to preserve scarce resources while still providing humane, essential services to those individuals who have come to this country legally.

I am concerned that the Senate narrowly rejected the Ford amendment which would have allowed States to provide noncash vouchers to provide services for children when their families reached the 5-year time limit of eligibility for cash assistance. I have repeatedly voted to support allowing vouchers in such circumstances. I think it is a reasonable response to make sure that young children are not denied basic support when their parents fail to make the transition into the work force within the designated time period. I recognize that the bill allows a State to exempt 20 percent of their caseloads from the time-limit provisions, but I do not believe that this is adequate protection for the children involved.

I also fear that the level of cuts in food stamp funds may be too deep, and will hurt needy families. These cuts may need to be revisited, either in conference or in other legislation.

I remain uncertain about ultimate wisdom of terminating our 60-year Federal commitment of a guaranteed Federal safety net for young children. The Senator from New York [Mr. MOYNIHAN] has been an eloquent leader in articulating the dangers of eliminating this entitlement protection for needy children and replacing it with a patchwork quilt of State programs. Clearly, there will be States that will fail to use this opportunity to enact real welfare reform measures and instead, pursue punitive measures designed to stigmatize those who seek welfare assistance in times of need. Children in these States will be harmed by not having the Federal safety net that exists today in the AFDC program. On the other hand, if a number of the States use this opportunity to help devise effective ways to help families move out of welfare and into the work force, many children will benefit from the higher incomes and better opportunities they will have.

We are faced with a difficult choice, Mr. President. On the one hand, children are hurt by the current system; yet, many may be hurt by the loss of this Federal safety net. The bill does contain assessment provisions that will allow Congress to make changes, if necessary, if eliminating the entitlement under Federal law causes undue hardships. I think those of us who vote for this experiment need to watch carefully how it is implemented and be prepared to take action if the results fall short of what we hope will occur.

Mr. President, as I said at the outset, I am voting for this bill because we cannot continue the current system. I am hopeful that the States will seize this opportunity to develop approaches that will help welfare recipients and their families become economically self-sufficient, rather than punishing those who fall through the system. I

believe that the problems of welfare policy are so complex and difficult that it is a mistake to believe that there is only one approach that will work. This bill is intended to encourage State experimentation with approaches that will work.

In the final analysis, Mr. President, this vote challenges us to decide whether or not we want to perpetuate the status quo. In my view, the status quo is unacceptable. Therefore, I will support this legislation and the effort to bring about fundamental welfare reforms.

SOUTH DAKOTA'S WORKFARE WORKS

Mr. PRESSLER. Mr. President, as the Senate once again nears final action on a workfare bill, I am reminded of an old commonsense saying, ''Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime''. This sums up the clear, fundamental difference between today's failed liberal welfare system and the commonsense reform bill before us. The current welfare system has failed. We all know it. Instead of assisting needy Americans, the current system holds Americans down, perpetuates a cycle of dependency, increases moral decay, and cripples self-respect. Welfare was meant to be a safety net, not a way of life. The bill before us would change the system and the lives of many Americans for the better. This bill would restore the values of personal responsibility and self-sufficiency by making work, not Government benefits, the centerpiece of welfare. I am proud to be a part of the team that has brought this historic legislation to the floor.

Why does the current system not work? Generations of able-bodied families have stayed on the dole rather than work. The rationale is simple: Welfare recipients today can sit at home and make more each week than individuals working full time on the minimum wage. This disincentive to work is an insult to hardworking Americans. In essence, we have a Government program that challenges the American work ethic. South Dakotans demonstrate that a hard work ethic provides for themselves and their families. Many work long hours, seek overtime, or have two, even three jobs to make ends meet. Imagine how they must feel when their tax dollars are used to support Americans who need not work. I can tell you how they feel—upset. If we work for our wages, welfare recipients should work for benefits. That is why we need workfare.

I am pleased Chairman ROTH included my workfare amendments during the Finance Committee's markup consideration of welfare reform. These amendments would ensure that welfare recipients put in a full work week, just as other Americans do, in order to receive benefits. These entitlements would increase the number of welfare recipients who must work and avoid a liberal loophole to avoid real work.

Workfare is not a new idea. Fifteen years ago, South Dakotans wanted to address their own special needs and develop real solutions for their welfare system. South Dakota wanted workfare, not welfare. The problem is, Federal law makes it difficult to experiment with workfare, especially since the current administration has sought to protect the current, failed system. For example, in August 1993, South Dakota sought a Federal waiver to operate a workfare program. That waiver took nearly a year to approve. Today, South Dakota has a system that requires recipients to sign a social contract and imposes a tough 2-year time limit on benefits. This approach has worked. South Dakota has successfully decreased its welfare caseload by 17 percent since January 1993 and saved more than $5.6 million. South Dakota's experience is proof that workfare works.

Just as important are the success stories behind the statistics—the South Dakotans who have moved from welfare to work. Let me share two such stories about two very special ladies with unique circumstances: Marilou Manguson of Rapid City and Belinda Mayer of Sioux Falls. They deserve our praise. Marilou and her 10-year-old son were receiving AFDC and food stamps. When she applied for welfare, she was informed she would have to get a job. For 4 months, Marilou attended computer and accounting courses, and prepared every day for interviews with the South Dakota Job Service Job Club. Two weeks later she found a full time job with a government sales agency. In contrast, 20 years ago, when Marilou was on welfare, she says all one needed to do is show up to get a check. Marilou now knows the old system didn't help her. She said, ''You can't just sit at home and do nothing. You have to get out and do something for yourself.'' She's absolutely right. Today, Marilou is not receiving any welfare assistance.

When Belinda Mayer's ex-husband quit paying child support, she was left to care for a child, but was only earning $6 per hour. Belinda applied for welfare benefits so she could obtain a 2-year accounting degree from Western Dakota Technical Institute [WDTI] and, hopefully, find a better job. She continued to receive benefits while she went to school and was able to obtain child support. This May, Belinda graduated and found a job right away as a commercial service specialist with Norwest Bank in Sioux Falls. For Belinda, welfare reform is a very important issue. As she says, help should be there, ''but it should not become a crutch'' for people. Both of these women can look forward to a very stable, solid future for themselves and their families. I am very proud of their hard work and applaud their efforts.

Their success is South Dakota's success. South Dakota has reached out to enable those in times of difficulty to regain control of their lives.

These examples demonstrate that workfare is achieving success at the local level. South Dakota was fortunate to get its waiver approved to run a workfare program. Other States are still waiting for waiver approval. This waiver process reflects a basic problem: a one-size-fits-all system run by Federal bureaucrats. Welfare cannot be solved one waiver at a time. Federal bureaucrats have worked to preserve the current, failed system by being slow to approve State waivers. That must change. States should be given the flexibility to seek solutions and alternatives to welfare problems. I have more faith in South Dakotans' dedication to welfare reform than I do in Washington bureaucrats.

Clearly, we need greater State flexibility also because there is not a grand, ''one-size'' solution to ending welfare dependency. Welfare reform programs in Oglala, Fort Thompson, or Rapid City, SD may not necessarily work in Los Angeles or New Orleans. South Dakota's welfare problems are unique, and even differ greatly from our nearest neighbors. My State has three of the five poorest counties in the country. We have some of the lowest wages in the country. We also have the highest percentage of welfare recipients who are Native Americans. In some reservation areas, unemployment runs higher than 80 percent. Long distances between towns and a lack of public transportation and quality child care are further barriers to gainful employment.

To promote greater State flexibility, the bill before us would provide welfare assistance in the form of block grants to the States. Block grants would give States the freedom to craft solutions that best serve local needs. It has been proven time and again that Washington bureaucrats cannot understand unique local needs from thousands of miles away. The distance, both literally and figuratively, that separates Washington from our cities and towns prevents the most appropriate solutions from being tailored to our problems.

Workfare is not just about restoring responsibility at the individual and State level, it is about protecting children in need. The workfare bill before us would ensure that children have quality food and shelter. This bill would increase our investment in child care by $4.5 billion and increase child protection and neglect funds by $200 million over current law. What this bill eliminates is cumbersome bureaucracy and needless regulations.

The bill also would strengthen child support enforcement and give States new tools to crack down on deadbeat parents. These reforms represent the toughest child support laws ever passed by Congress. One woman in South Dakota has informed me that her ex-husband owes her thousands of dollars in overdue child support. For her and many other parents in the same difficult situation, this bill would help. The current system fosters illegitimacy and discourages marriage and

parental responsibility. Real welfare reform should promote the basic family unit, and crack down on those who deliberately walk away from meeting the needs of their children. The disincentives to a sound family structure also must be changed. More and more children are growing up without the moral guidance and financial support of parents, especially fathers. This is a tragedy of our time.

We also no longer can tolerate the blatant abuses of the system. Last year, I was shocked to learn the extent to which prisoners are able to continue to receiving welfare benefits. The workfare bill we passed last year included my amendment to crack down on prisoner welfare fraud. I am pleased this provision is in the current bill. It would put an end to cash payments to alcohol and drug addicts, which only subsidizes their habits.

Several years ago, President Clinton promised America he would change welfare as we know it. Two years ago, Congress made the same promise. Last year Congress delivered on that promise and passed workfare. Unfortunately, President Clinton vetoed that workfare bill. I hope the President will do the right thing this time and support our workfare legislation.

Again, I am proud to be part of this effort to enact workfare legislation. The workfare bill before us would end welfare dependency by requiring work and placing a time limit on benefits. We can change the welfare system and encourage people to become self-sufficient and productive members of society, once again. We can provide more protection for children. I hope my colleagues on both sides of the aisle will show the same support for workfare that we demonstrated last year. Americans deserve more than a handout for today, they deserve the hope and happiness that come through personal financial independence and the self-realization of work.

Mr. GRAMS. Mr. President, I rise today in support of the legislation before us to reform our failed welfare system. I commend the majority leader for getting this legislation to the floor—I know it has taken a concentrated effort to bring us to this point.

Since the beginning of the 104th Congress, we have been debating the state of this Nation's welfare system. Everyone understands that the system is broken. It encourages illegitimacy. It fails to recognize the importance of marriage and family. It offers no hope or opportunity for those Americans who are trapped within its layers of bureaucracy.

Of course, it was not supposed to be this way.

After signing the 1964 Welfare Act, President Lyndon Johnson proclaimed, ''We are not content to accept the endless growth of relief rolls or welfare rolls,'' and he promised the American people that ''the days of the dole in our country are numbered.'' The New York Times predicted the legislation would lead to the restoration of individual dignity and the longrun reduction of the need for Government help.

In 1964, America's taxpayers invested $947 million to support welfare recipients—an investment which President Johnson declared would eventually, quote, ''result in savings to the country and especially to the local taxpayers'' through reductions in welfare caseloads, health care costs, and the crime rate. Yet, 30 years later, none of those predictions have materialized, and the failure of the welfare system continues to devastate millions of Americans every day—both the families who receive welfare benefits and the taxpayers who subsidize them.

Despite a $5.4 trillion investment in welfare programs since 1964, at an average annual cost that had risen to $3,357 per taxpaying household by 1993:

One in three children in the United States today is born out of wedlock.

One child in seven is being raised on welfare through the Aid to Families with Dependant Children Program.

And our crime rate has increased 280 percent.

Mr. President, those are the kinds of devastating statistics which until the 104th Congress were ignored by the bureaucratic establishment in Washington. Those are the statistics this legislation will finally address. By rewriting Federal policies and working in close partnership with the States, we can create a welfare system which will effectively respond to the needs of those who depend upon it, at the same time it protects the taxpayers.

Our legislation sets in place the framework for meeting those needs by offering opportunity, self-respect, and most importantly, the ability for those who are down on their luck to take control of their own lives.

And yes, we are asking something of them in return.

The most significant change in our welfare system is that we will require able-bodied individuals to work in exchange for the assistance they receive from the American taxpayers.

Mr. President, my colleagues and I have come to the floor repeatedly this session to suggest that our present welfare system promotes dependency by discouraging recipients from working. In fact, the Government routinely makes it so easy for a welfare recipient to skip the work and continue collecting a Federal check that there's absolutely no incentive to ever get out of the house and find work. And if someone actually takes the initiative to get a job, they risk forfeiting their welfare benefits entirely.

Last year, during Senate consideration of the ''Work Opportunity Act,'' Senator SHELBY and I joined forces to ensure that welfare recipients receive benefits only after they work. After all, American taxpayers are putting in at least 40 hours on the job each week, and are sometimes forced to take an additional job or work overtime hours just to make ends meet. I believe welfare recipients should be held to the same standards, the same work ethic, to which the taxpayers are held. Those beliefs are reflected in this legislation.

Under our pay-for-performance provisions, welfare recipients will be required to work in exchange for their benefits. If an adult is not employed within 2 years, the benefits will stop. Is that enough of a push to make a difference? Yes, according to the Congressional Budget Office. It released a report this month which estimates these tough work requirements will put 1.7 million people who are currently on welfare into the work force. That is almost four times the number of welfare recipients who are working today.

To ease their transition into the job market and help single parents find accessible and affordable child care, we fold seven major Federal child-care programs into a child care and development grant, with total funding of $22 billion over 7 years.

In addition, Mr. President, our bill recognizes that locally elected officials—our State legislators and Governors—are more capable than their unelected counterparts in far-off Washington to administer effective programs on the State and local level. And so this welfare reform legislation will give States like Minnesota the flexibility to make their own rules and develop their own innovative programs, and in doing so assist those who need our help most.

But despite all the good this legislation will accomplish, I must temper my enthusiasm with my disappointment that the only way to move this bill forward was to strip away its Medicaid reform provisions. Mr. President, the administration cannot hope to resolve the problems with the Medicaid system by turning its back and pretending these problems do not exist. At some point, they will be forced to deal with a system that is too unwieldy and unable to fully serve the needy. By demanding, by threat of veto, that we tackle Medicaid another day, the administration has ensured that political gamesmanship has won out over political will.

The sensible Medicaid reforms outlined in the original reconciliation package would strengthen the system by increasing Medicaid spending from $96.1 billion in 1996 to $137.6 billion in 2002. That is an average annual rate of growth of 6.2 percent. States would be given additional flexibility in delivering care, while Federal protections would be maintained to ensure that those who need Medicaid's assistance will not be denied.

Unfortunately, those reforms will now have to wait. But I can assure you that they will be revisited—if not by this Congress and this administration, then certainly by the next.

Mr. President, the legislation before us today to overhaul our failed welfare programs is a positive step away from a system which has held nearly three

generations hostage with little hope of escape. Only through its enactment can we offer these Americans a way out, and a way up.

As Americans, we need to look within ourselves rather than continuing to look to Washington for solutions. Does anybody really believe the Federal Government embodies compassion, that it has a heart? Of course not—those are qualities found only outside Washington, in America's communities.

Mr. President, there is no one I can think of who better exemplifies heart and compassion than Corla Wilson-Hawkins, and I was fortunate to have had the opportunity to meet her. She was one of 21 recipients of the 1995 National Caring Awards for her outstanding volunteer service to her community.

Corla is known as Mama Hawk because, more than anything else, she has become a second mother to hundreds of schoolchildren in her West Side Chicago community, children who, without her guidance, might go without meals, or homes, or a loving hug.

Mama Hawk gives them all that and more, and she and the many caring Americans like her represent the good we can accomplish when ordinary folks look inward, not to the Government—and follow their hearts, not the trail of tax dollars to Washington.

Mama Hawk tells a story that illustrates how the present welfare system has permeated our culture and become as ingrained as the very problems it was originally created to solve.

These are her words:

When I first started teaching, I asked my kids, what did they want to be when they grew up? What kind of job they wanted. Most of them said they wanted to be on public aid. I was a little stunned. I said, ''Public aid—I did not realize that was a form of employment.'' They said, ''Well, our mom's on public aid. They make a lot of money and, if you have a baby, they get a raise.''

Mr. President, that is the perception—maybe even the reality—we are fighting to change through the Personal Responsibility and Work Opportunity Act of 1996. While there is more to accomplish, this bill is a good first step toward fulfilling a promise to truly end welfare as we know it.

● Mrs. KASSEBAUM. Senator ROTH, the budget reconciliation bill (S. 1795) includes a proposal that is in the jurisdiction of the Senate Committee on Labor and Human Resources. As you know, last year during debate on the welfare bill, the Child Care and Development Block Grant Amendments Act of 1995 (S. 850), which was approved unanimously by the Labor Committee on May 26, 1995, was incorporated into H.R. 4. And H.R. 4 was then included in last year's budget reconciliation bill. During the conference on last year's budget reconciliation bill, conferees from the Labor Committee and the Finance Committee reached agreement on a unified system for all Federal child care assistance, including child care assistance for low-income working families as well as for welfare families and for families at risk of becoming dependent on welfare. This consolidation and unified system for child care is a major improvement over current law.

I would also like to bring to your attention a proposal contained in the House reconciliation bill that falls within the jurisdiction of the Labor Committee. The House bill incorporates the Child Abuse Prevention and Treatment Act Amendments of 1995 (S. 919), which was unanimously approved by the Labor Committee on July 18, 1995. Although this proposal was not included in S. 1795, it will be considered during the budget reconciliation conference.

Because of the unique procedures that apply to budget reconciliation bills, the Labor Committee was not given the opportunity to mark up the child care proposal in S. 1795 and the child abuse authorizations in the House bill. I am concerned that members of the Finance Committee will be negotiating changes in these Labor Committee programs during the budget reconciliation conference without any input from the committee of jurisdiction.

Senator ROTH. Let me assure the distinguished chairman of the Senate Committee on Labor and Human Resources that I recognize that the child care and development block grant is within the jurisdiction of the Labor Committee, with the Finance Committee retaining jurisdiction over the entitlement funds for child care that flow through this program. As you know, the Finance Committee's entitlement funds must be used to provide child care services to families receiving assistance under the new TANF block grant, families transitioning from welfare to work, and families at risk of becoming dependent upon welfare. I also recognize that the Labor Committee has jurisdiction over the Child Abuse Prevention and Treatment Act.

Mrs. KASSEBAUM. I thank the distinguished Chairman of the Finance Committee. Mr. President, I request that a copy of a letter sent to Chairman ROTH by myself, Senator KENNEDY, Senator COATS, and Senator DODD and a copy of S. 850, the Child Care and Development Block Grant Amendments Act of 1995, as approved by the Senate Committee on Labor and Human Resources, be made a part of the RECORD. The text of S. 919, the Child Abuse Prevention and Treatment Act Amendments, as approved by the Senate appears in the CONGRESSIONAL RECORD of Friday, July 19, 1996.

The material follows:

U.S. SENATE, COMMITTEE ON
LABOR AND HUMAN RESOURCES,
Washington, DC, June 24, 1996.

Hon. WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR BILL: It is our understanding that the Committee on Finance intends to mark-up reconciliation language based on S. 1795, the ''Personal Responsibility and Work Opportunity Act of 1996.'' We presume that the Committee on Finance intends to include provisions in Title VIII on child care and provisions in Title VII on child abuse and neglect that were part of last year's conference agreement on welfare reform. Because this language will be reported by the Finance Committee to the Senate Committee on the Budget as part of budget reconciliation, it will have special status during floor consideration of the legislation. One of the conditions of that special status is that extraneous provisions are not in order. Section 313(b)(1)(C) of the Congressional Budget and Impoundment Control Act of 1974, as amended by the ''Byrd Rule,'' creates a point of order against extraneous provisions that are ''. . . not in the jurisdiction of the Committee with jurisdiction over said title or provision.''

We are making recommendations to the Committee on Finance in an effort to facilitate the reconciliation process. However, we strongly believe that it must be made clear that the budget procedures in no way alter existing jurisdiction over child care and child abuse/neglect. In order to make this clear, we expect to engage in a colloquy when the reconciliation bill comes to the floor, rather than using the Byrd rule to preserve the committee's jurisdiction.

Titles VII and VIII of S. 1795 include extraneous provisions in the form of changes in authorizations under the jurisdiction of the Senate Committee on Labor and Human Resources. Last year, during the development and consideration of the welfare provisions in the Balanced Budget Act of 1996 and the welfare reform bill, members of the Labor Committee were active participants. The child care and child abuse and neglect provisions in the Senate-passed welfare reform bill were, in fact, Labor Committee-passed bills and were included in the conference negotiations for both the Balanced Budget Act of 1996 and the welfare reform legislation. Both of these Labor Committee bills were passed with strong bipartisan support. To meet the requirements of the Congressional Budget and Impoundment Control Act, the Labor Committee's child abuse and neglect provisions were dropped from the conference report for the Balanced Budget Act of 1996, but were included in the welfare reform legislation.

Members of the Senate Committee on Labor and Human Resources were conferees on the Balanced Budget Act of 1996, due to the inclusion of the child care provisions and House inclusion of the child abuse and neglect provisions. If this bill were going through the normal legislative process for changes in authorization bills, the Committee on Labor and Human Resources would be entitled to make modifications to the provisions under its jurisdiction. However, because the Finance Committee has included changes in Labor Committee programs in the Medicaid-welfare reconciliation bill, the Committee on Labor and Human Resources will be precluded from the opportunity to make changes in the bill.

Under these circumstances, we recognize that the only way that revisions can be made to programs under the jurisdiction of the Labor Committee is to have these changes made during Finance Committee consideration of the Medicaid-welfare reconciliation bill. In anticipation of the mark-up of the legislation by the Finance Committee, we would like to recommend several modifications to the Labor Committee provisions in the bill.

In ''Title VIII—Child Care:''

1. Maintain the health and safety standards in current law;

2. Increase the set-aside for activities to improve the quality of child care from 3 percent to 4 percent;

3. Increase the age from under six (6) to under eleven (11) when a single custodial parent could not be sanctioned for failing to meet the work requirements if adequate, affordable child care is not available; and

4. Require the states to maintain 100 percent of 1995 child care funding to be eligible for additional child care funds.

All of the recommended modifications to Title VIII were passed by the House Committee on Economic and Educational Opportunities.

In ''Title VII—Child Protection Block Grant Programs and Foster Care, Adoption Assistance and Independent Living Programs'' of the Finance Committee bill, a number of authorizations that are in the jurisdiction of the Committee on Labor and Human Resources are rewritten to be consolidated into block grants. These changes have never been formally considered, or debated by the full Labor Committee. In addition, the Medicaid-welfare reconciliation bill even strikes several important provisions that were included in the last year's reconciliation conference report and reported out by the relevant House committees in this year's reconciliation bill. Specifically, those provisions concern the prompt expungement of child abuse records on unsubstantiated or false cases; the appointment of guardian ad litems; and the inclusion of material in support of the state's certification concerning the reporting of medical neglect of disabled infants.

We look forward to working with the members of the Finance Committee on this legislation and being formally included in the conference negotiations on provisions under the jurisdiction of the Committee on Labor and Human Resources.

Sincerely,

NANCY LANDON KASSEBAUM,
Chairman, Committee on Labor and Human Resources.
DAN COATS,
Chairman, Subcommittee on Children and Families.
EDWARD M. KENNEDY,
Ranking Member, Committee on Labor and Human Resources.
CHRISTOPHER DODD,
Ranking Member, Subcommittee on Children and Families.

S. 850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Care and Development Block Grant Amendments Act of 1995''.

SEC. 2. AMENDMENTS TO THE CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

''SEC. 658B. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subchapter $1,000,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 2000.''.

(b) LEAD AGENCY.—Section 658D(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''State'' and inserting ''governmental or nongovernmental''; and

(B) in subparagraph (C), by inserting ''with sufficient time and Statewide distribution of the notice of such hearing,'' after ''hearing in the State''; and

(2) in paragraph (2), by striking the second sentence.

(c) APPLICATION AND PLAN.—Section 658E of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c) is amended—

(1) in subsection (b), by striking ''implemented—'' and all that follows through ''plans.'' and inserting ''implemented during a 2-year period.'';

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (iii) by striking the semicolon and inserting a period; and

(II) by striking ''except'' and all that follows through ''1992.''; and

(ii) in subparagraph (E)—

(I) by striking clause (ii) and inserting the following new clause:

''(ii) the State will implement mechanisms to ensure that appropriate payment mechanisms exist so that proper payments under this subchapter will be made to providers within the State and to permit the State to furnish information to such providers.''; and

(II) by adding at the end thereof the following new sentence: ''In lieu of any licensing and regulatory requirements applicable under State and local law, the Secretary, in consultation with Indian tribes and tribal organizations, shall develop minimum child care standards (that appropriately reflect tribal needs and available resources) that shall be applicable to Indian tribes and tribal organization receiving assistance under this subchapter.''; and

(iii) by striking subparagraphs (H) and (I); and

(B) in paragraph (3)—

(i) in subparagraph (C)—

(I) in the subparagraph heading, by striking ''AND TO INCREASE'' and all that follows through ''CARE SERVICES'';

(II) by striking ''25 percent'' and inserting ''15 percent''; and

(III) by striking ''and to provide before-'' and all that follows through ''658H)''; and

(ii) by adding at the end thereof the following new subparagraph:

''(D) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the aggregate amount of payments received under this subchapter by a State in each fiscal year may be expended for administrative costs incurred by such State to carry out all its functions and duties under this subchapter.''.

(d) SLIDING FEE SCALE.—

(1) IN GENERAL.—Section 658E(c)(5) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(5)) is amended by inserting before the period the following: ''and that ensures a representative distribution of funding among the working poor and recipients of Federal welfare assistance''.

(2) ELIGIBILITY.—Section 658P(4)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(4)(B)) is amended by striking ''75 percent'' and inserting ''100 percent''.

(e) QUALITY.—Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''A State'' and inserting ''(a) IN GENERAL.—A State'';

(B) by striking ''not less than 20 percent of''; and

(C) by striking ''one or more of the following'' and inserting ''carrying out the resource and referral activities described in subsection (b), and for one or more of the activities described in subsection (c).'';

(2) in paragraph (1), by inserting before the period the following: '', including providing comprehensive consumer education to parents and the public, referrals that honor parental choice, and activities designed to improve the quality and availability of child care'';

(3) by striking ''(1) RESOURCE AND REFERRAL PROGRAMS.—Operating'' and inserting the following:

''(b) RESOURCE AND REFERRAL PROGRAMS.—The activities described in this subsection are operating'';

(4) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(5) by inserting before paragraph (1) (as so redesignated) the following:

''(c) OTHER ACTIVITIES.—The activities described in this section are the following:''; and

(6) by adding at the end thereof the following:

''(5) BEFORE- AND AFTER-SCHOOL ACTIVITIES.—Increasing the availability of before- and after-school care.

''(6) INFANT CARE.—Increasing the availability of child care for infants under the age of 18 months.

''(7) NONTRADITIONAL WORK HOURS.—Increasing the availability of child care between the hours of 5:00 p.m. and 8:00 a.m.

''(d) NONDISCRIMINATION.—With respect to child care providers that comply with applicable State law but which are otherwise not required to be licensed by the State, the State, in carrying out this section, may not discriminate against such a provider if such provider desires to participate in resource and referral activities carried out under subsection (b).''.

(f) REPEAL.—Section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f) is repealed.

(g) ENFORCEMENT.—Section 658I(b)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g(b)(2)) is amended—

(1) in the matter following clause (ii) of subparagraph (A), by striking ''finding and that'' and all that follows through the period and inserting ''finding and may impose additional program requirements on the State, including a requirement that the State reimburse the Secretary for any funds that were improperly expended for purposes prohibited or not authorized by this subchapter, that the Secretary deduct from the administrative portion of the State allotment for the following fiscal year an amount that is less than or equal to any improperly expended funds, or a combination of such options.''; and

(2) by striking subparagraphs (B) and (C).

(h) REPORTS.—Section 658K of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i) is amended—

(1) in the section heading, by striking ''ANNUAL REPORT'' and inserting ''REPORTS''; and

(2) in subsection (a)—

(A) in the subsection heading, by striking ''ANNUAL REPORT'' and inserting ''REPORTS'';

(B) by striking ''December 31, 1992, and annually thereafter'' and inserting ''December 31, 1996, and every 2 years thereafter'';

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting before the semicolon ''and the types of child care programs under which such assistance is provided'';

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(D) by striking paragraph (4);

(E) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively;

(F) in paragraph (4), as so redesignated, by striking ''and'' at the end thereof;

(G) in paragraph (5), as so redesignated, by adding ''and'' at the end thereof; and

(H) by inserting after paragraph (5), as so redesignated, the following new paragraph:

''(6) describing the extent and manner to which the resource and referral activities are being carried out by the State;''.

(i) REPORT BY SECRETARY.—Section 658L of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858j) is amended—

(1) by striking ''1993'' and inserting ''1997'';

(2) by striking ''annually'' and inserting ''bi-annually''; and

(3) by striking ''Education and Labor'' and inserting ''Economic and Educational Opportunities''.

(j) ALLOTMENTS.—Section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m) is amended—

(1) in subsection (c), by adding at the end thereof the following new paragraph:

''(6) CONSTRUCTION OR RENOVATION OF FACILITIES.—

''(A) REQUEST FOR USE OF FUNDS.—An Indian tribe or tribal organization may submit to the Secretary a request to use amounts provided under this subsection for construction or renovation purposes.

''(B) DETERMINATION.—With respect to a request submitted under subparagraph (A), and except as provided in subparagraph (C), upon a determination by the Secretary that adequate facilities are not otherwise available to an Indian tribe or tribal organization to enable such tribe or organization to carry out child care programs in accordance with this subchapter, and that the lack of such facilities will inhibit the operation of such programs in the future, the Secretary may permit the tribe or organization to use assistance provided under this subsection to make payments for the construction or renovation of facilities that will be used to carry out such programs.

''(C) LIMITATION.—The Secretary may not permit an Indian tribe or tribal organization to use amounts provided under this subsection for construction or renovation if such use will result in a decrease in the level of child care services provided by the tribe or organization as compared to the level of such services provided by the tribe or organization in the fiscal year preceding the year for which the determination under subparagraph (A) is being made.

''(D) UNIFORM PROCEDURES.—The Secretary shall develop and implement uniform procedures for the solicitation and consideration of requests under this paragraph.''; and

(2) in subsection (e)—

(A) in paragraph (1), by striking ''Any'' and inserting ''Except as provided in paragraph (4), any''; and

(B) by adding at the end thereof the following new paragraph:

''(4) INDIAN TRIBES OR TRIBAL ORGANIZATIONS.—Any portion of a grant or contract made to an Indian tribe or tribal organization under subsection (c) that the Secretary determines is not being used in a manner consistent with the provision of this subchapter in the period for with the grant or contract is made available, shall be reallocated by the Secretary to other tribes or organization that have submitted applications under subsection (c) in proportion to the original allocations to such tribes or organization.''.

(k) DEFINITIONS.—Section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) is amended—

(1) in paragraph (2), in the first sentence by inserting ''or as a deposit for child care services if such a deposit is required of other children being cared for by the provider'' after ''child care services''; and

(2) in paragraph (5)(B)—

(A) by inserting ''great grandchild, sibling (if the provider lives in a separate residence),'' after ''grandchild,'';

(B) by striking ''is registered and''; and

(C) by striking ''State'' and inserting ''applicable''.

(l) APPLICATION OF SUBCHAPTER.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by adding at the end thereof the following new section:

''SEC. 658T. APPLICATION TO OTHER PROGRAMS.

''Notwithstanding any other provision of law, a State that uses funding for child care services under any Federal program shall ensure that activities carried out using such funds meet the requirements, standards, and criteria of this subchapter and the regulations promulgated under this subchapter. Such sums shall be administered through a uniform State plan. To the maximum extent practicable, amounts provided to a State under such programs shall be transferred to the lead agency and integrated into the program established under this subchapter by the State.''.

SEC. 3. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the availability and accessibility of quality child care will be critical to any welfare reform effort;

(2) as parents move from welfare into the workforce or into job preparation and education, child care must be affordable and safe;

(3) whether parents are pursuing job training, transitioning off welfare, or are already in the work force and attempting to remain employed, no parent can be expected to leave his or her child in a dangerous situation;

(4) affordable and accessible child care is a prerequisite for job training and for entering the workforce; and

(5) studies have shown that the lack of quality child care is the most frequently cited barrier to employment and self-sufficiency.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Federal Government has a responsibility to provide funding and leadership with respect to child care.

SEC. 4. REPEALS AND TECHNICAL AND CONFORMING AMENDMENTS.

(a) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—The State Dependent Care Development Grants Act (42 U.S.C. 9871 et seq.) is repealed.

(b) CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP ASSISTANCE ACT OF 1985.—The Child Development Associate Scholarship Assistance Act of 1985 (42 U.S.C. 10901 et seq.) is repealed.

(c) ADDITIONAL CONFORMING AMENDMENTS.—

(1) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of the Congress and the Director of the Office of Management and Budget, the Secretary of Health and Human Services shall prepare and submit to the Congress a legislative proposal in the form of an implementing bill containing technical and conforming amendments to reflect the amendments and repeals made by this Act.

(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit the implementing bill referred to under paragraph (1).●

Mr. WELLSTONE. Mr. President, I ask the chairman if it is his understanding that this bill should not undermine or contradict the violence against women act?

Mr. ROTH. Yes, that is my understanding.

RECONCILIATION, THE DEFICIT AND SENATE PROCEDURE

Mr. DOMENICI. Mr. President, on the Democrat side of the aisle, the charge has been made that we are abusing reconciliation in a way that has never been done before. Reconciliation is a process that is designed to allow expedited consideration of the budget. The budget has become an extremely controversial issue and efforts to include extraneous matter in reconciliation has led to abuse in the past by both Republicans and Democrats.

We adopted in the Byrd rule in 1985 to prohibit the inclusion of extraneous matter in reconciliation. Making determinations on whether something is extraneous falls on the shoulders of the Parliamentarians. This is a small office, comprising just three Parliamentarians, that must make judgments on very controversial and complicated issues in a very short period of time. I think they do their best to apply a very ambiguous standard against very complicated and lengthy reconciliation legislation.

With Republicans in control of the Senate and the House, we have heard from Democrats that reconciliation is being abused. Just for the record, let me read a couple of statements made by Senators CHAFEE and Danforth during consideration of the 1993 omnibus reconciliation bill, a reconciliation bill that was considered when the Democrats were in control of the Senate.

The conference report on the 1993 reconciliation bill comprised President Clinton's controversial budget package. This legislation included provisions that had nothing to do with deficit reduction regarding bovine growth hormones and a national vaccination program. Senator Danforth raised a point of order and the Chair ruled against him. Senator Danforth then appealed the ruling of the Chair.

During the debate on the appeal, Senator CHAFEE effectively stated that the Chair's ruling made a ''complete joke out of the Byrd rule'' and Senator Danforth implied that the Byrd rule was being applied on a ''whimsical basis'' and that ''anything goes'' under the standard that was being used for the Byrd rule's enforcement in 1993.

Mr. President, during consideration of the budget resolution, the distinguished minority leader raised a point of order against the budget resolution because it ''creates a budget reconciliation bill devoted solely to worsening the deficit''. The Presiding Officer did not sustain that point of order and the Senate upheld the Chair's ruling on an appeal. I do not want the Senate to be left with the impression that the budget act allows Congress to use reconciliation to generate an unlimited number of bills that would increase the deficit under reconciliation procedures. Such a use of reconciliation would be clearly abusive.

We had no intention of using reconciliation to increase the deficit. In

fact, the budget resolution we adopted and the reconciliation instructions it includes will not only reduce the deficit, it will balance the budget. Even if an effort was made to use reconciliation solely to increase the deficit, the budget rules would have prohibited it.

The budget act grants special status in the Senate to reconciliation legislation and any effort to abuse this process represents an abuse of the Senate. While I do not think we have abused reconciliation, I was troubled by the minority leader's point of order and I want to review with the Senate what has occurred since the minority leader made his point of order and inquiries of the Chair. I think this is particularly important as we proceed with reconciliation legislation.

The minority leader's chief concern was that reconciliation should not be used to increase the deficit. The Senate-reported budget resolution included three sets of reconciliation instructions to generate three individual reconciliation bills. The first bill would reduce outlays by $124.8 billion and the second by $214.8 billion. The two bills combined would reduce the deficit by $339.6 billion. If, and only if, these two bills were enacted, then a third reconciliation instruction would be triggered to reduce revenues by not more than $116.1 billion. In addition, under the Senate's pay-as-you-go point of order legislation cannot cause an increase in the deficit unless it is offset by previously enacted legislation. Even undue the Senate-reported resolution, reconciliation could not increase the deficit. In fact, reconciliation had to result in an overall reduction in the deficit.

Mr. President, the minority leader's concern focused on the third instruction in the resolution that called for a reconciliation bill that would reduce revenues by not more than $116.1 billion and would reduce outlays by $11.5 billion. The minority leader was correct that third reconciliation bill viewed alone would increase the deficit; however, we would never have gotten to that third bill without first having done the first two bills.

In conference, we modified the reconciliation instructions to permit a reduction in revenues in the first instruction. Since the outlay reductions in this first instruction exceeded the revenue reduction, this first bill could not increase the deficit. Therefore, reconciliation could not be used in this first bill to increase the deficit. The resolution also provides a revenue reduction instruction for the third reconciliation bill if the revenue reductions are not included in the first bill.

As the minority leader pointed out during consideration of the budget resolution, under one of the Byrd rule points of order—section 313(b)(1)(E) of the Budget Act—a provision of a reconciliation bill is subject to the Byrd rule if it would cause an increase in the deficit in a year after the period covered by the reconciliation instructions and it is not offset by other provisions in the bill. In addition, the pay-as-you-go point of order prohibits consideration of legislation that would increase the deficit unless it was offset by the enactment of other legislation that reduced the deficit. The Parliamentarian made it clear to us that the budget resolution could not and the fiscal year 1997 budget resolution does not include provisions to exempt reconciliation from any Senate rule, the Byrd rule, budget act rules, or even the pay-as-you-go rule.

While this first instruction called for a reduction in revenues, both the House of Representatives and the Senate have chosen not to include revenue reductions in their first reconciliation bills. While the Senate did agree to an amendment that would cause a reduction in revenues from an adoption tax credit, this amendment was only adopted after the Senate voted 78 to 21 to waive a budget act point of order against this amendment.

This first reconciliation bill will reduce spending and the deficit by over $50 billion. We have spend almost a week on this legislation and considered over 50 amendments. In addition, the minority has exercised its rights under the Byrd rule and the presiding officer has sustained points of order against 23 provisions in the bill.

Mr. President, the resolution calls for two more reconciliation bills. I do not know if we will complete action on these two subsequent reconciliation bills. If we do, these subsequent bills must comply with the Byrd rule, budget act guidelines, and the pay-as-you-go point of order. Therefore, our resolution never allowed and Senate rules would not have permitted using reconciliation to increase the deficit.

ABANDONING OUR CHILDREN

Mr. LAUTENBERG. Mr. President, this is a historic and unfortunate time for the U.S. Senate. This body is on the verge of ending a 60 year guarantee that poor children in this country would not starve.

For 60 years, we could rest easier at night knowing children across the country had a minimal safety net. The bill before us will take away this peace of mind and throw up to 1.5 million children into poverty.

Mr. President, I agree that the welfare system is in need of repair. I believe that it needs to help promote work and self sufficiency. I think it should also protect children. Unfortunately, the Republican welfare bill does none of this.

First, the Republican bill does not promote work. The bill calls for work requirements for welfare recipients, but it does not provide the resources to put people to work. In fact, the CBO said that ''Most states would be unlikely to satisfy this [work] requirement for several reasons.''

One major reason is that this bill cuts funding for work programs by combining all welfare programs into a capped block grant.

Second, the Republican bill hurts children. It would make deep cuts in the Food Stamp Program which millions of children rely on for their nutritional needs. It would also end the guarantee that children will always have a safety net.

Under the Republican bill, a State could adopt a 60-day time limit and after that the children would be cut off from the safety net entirely. The State would not even be required to provide a child with a voucher for food, clothing, or medical care.

When you take all of these policies together, this bill will throw approximately 1.5 million children into poverty.

And this is a conservative estimate. It could be much higher.

Mr. President, my conscience will not let me vote for a bill that would plunge children into poverty. I cannot vote to leave our children unprotected. I was 1 of only 11 Democrats to vote against the original Senate welfare bill that would have put 1.2 million children into poverty.

I voted against the conference report on this bill that would have doomed 1.5 million children to the same fate. And I will vote against this bill for the same reason. We must not abandon our children.

Mr. President, I hold a different vision of what the safety net in this country should be. I am afraid that this bill will leave children hungry and homeless.

I am afraid that the streets of our Nation's cities might some day look like the streets of the cities of Brazil. If you walk around Brazilian cities, you will see hungry children begging for money, begging for food, and even engaging in prostitution. I am not talking about 18 year olds, I am talking about 9 year olds.

Tragically, this is what happens to societies that abandon their children.

When we don't protect our children, they will resort to anything to survive.

I don't want to see this happen in our country.

I want to see this country invest in its children. I think we should invest more in child care, health and nutrition so that our children can become independent, productive citizens. I want to give them the opportunity to live the American dream like I had to good fortune to do.

If we don't, we will create a permanent underclass in this country. We will have millions of children with no protection. We will doom them to poverty and failure.

Mr. President, as a member of the Budget Committee, I also want to comment on the priorities that are reflected in this reconciliation bill. Despite the fact that this bill is only limited to safety net programs, it is still considered a reconciliation bill. This bill receives the same protections as a budget balancing bill but there is no balanced budget in it.

This reconciliation bill seeks to cut the deficit only by attacking safety net

programs for poor children. There are no cuts in corporate loopholes or tax breaks. Despite the fact that tax expenditures cost the Federal Treasury over $400 billion per year, there are no such savings in this bill.

There are no grazing fee increases or mining royalty increases. There are no savings in the military budget or in NASA's budget.

The only cuts in this bill come from women and children. This reconciliation bill gives new meaning to putting women and children first.

Mr. President, I urge my colleagues to vote against this bill. I urge all Senators to stand for the 1.5 million children and reject this bill.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I believe our welfare system desperately needs reform, and most Americans agree. It is obvious that there is a strong consensus that parents seeking public assistance must be required to work or prepare for work. I wish it were more obvious that innocent children should be protected, and I have worked hard to make this case over the years as welfare reform has been debated.

As Governor of West Virginia in 1982, I started one of the first workfare programs of the country because I believe in work, and I am proud that West Virginia continues to use this community work program today. I have met parents who are proud to do community service and who have used their experience to gain skills that ultimately got them a paying job. This is what we should do. Moving from welfare dependency to work is hard, but it is the best path for families and their future.

While the debate about welfare reform is full of slogans and simplistic claims, it is far from easy to achieve the fundamental goals of promoting work and protecting children. The details of welfare reform do count, and that's why the Congress has consumed so much time and energy on this topic.

I regret that the Senate found itself acting on welfare reform under the rules of budget reconciliation legislation, which has strictly limited our debate to just 20 hours and has drastically constrained our ability to consider amendments to modify the proposal. Using reconciliation procedures, the majority has taken advantage of a special way to prevent its notion of welfare reform from being subject to true debate and alterations.

Last year, when the Senate worked on a bipartisan welfare reform bill, we spent 8 days debating welfare reform and held 43 rollcall votes. In an important signal of bipartisanship, an additional 62 amendments were accepted. While Democrats did not prevail with all of our amendments, we did have the chance to present our ideas and arguments for a genuine test of the Senate's will. It is unfortunate that the Republican leadership was not willing to take up welfare reform this year in the same fair, open process.

But even under the rules and constraints of reconciliation, some bipartisan progress has been made on the Senate floor. We have restored the Federal health and safety standards for child care by a rollcall vote of 96 to 0. We agreed to another amendment to invest more money to enhance the quality and availability of child care. Child care is the key to helping parents work, and parents need to have confidence in the care that their child is receiving.

I was also proud to cosponsor the Chafee-Breaux amendment to ensure continued Medicaid coverage to poor women and their children. Welfare reform should not be about reducing health care to needy families, and thanks to the bipartisan vote of 97 to 2, we know that health care coverage will be available for families with parents who are making the struggle to go from welfare to work—now and into the future.

We eliminated the optional food stamps block grant which had the potential to unravel this country's commitment to ensuring decent nutrition for all poor children, needy families, and dependent senior citizens, no matter what State they reside in. An optional block grant of food stamps could have weakened the country's nutrition programs. One of my greatest fears is that States that choose the block grant would be forced to reduce benefits in times of recession or other times of need, like national disasters. With our agricultural resources, America should not go backward and become a nation where some of its people and children go hungry.

And, I cosponsored the Breaux voucher amendment which assured basic support for innocent children for at least 5 years, and then gave States the option to provide non-cash assistance to children after a family reached the 5 year time limit. This amendment got 51 votes, but the rules of reconciliation demanded 60—so it fell.

An alternative amendment was offered by Senator FORD, but it also failed by a a single vote. Because both of the voucher amendments failed, States are prohibited from using block grant funding to provide vouchers for children, and this is disturbing. Previous welfare bills from last year offered greater flexibility to States on vouchers.

But some of the amendments that passed are important bipartisan efforts to improve the bill. There is more we should do to protect innocent children, and I can only hope that our colleagues will understand this in conference or in the near future.

But time has run out under the rules of reconciliation, and we now are faced with a final vote on this legislation.

In my view, this welfare reform bill poses a huge experiment—and something that must be watched and evaluated carefully.

Proponents express full confidence that this new, bold welfare reform bill will change the system and put parents to work, quickly allowing children to benefit as their parents move from dependency to self-sufficiency.

Opponents of the legislation charge that millions of children may be cast into poverty, and potentially end up on streets.

Because people end up on welfare for such different reasons and in different circumstances, it is not clear what the results will be. This legislation charts a new course for welfare, but it is untested.

I hope that proponents are right, and that this legislation has the right incentives. My hope is that the new pressure of a time limit will effectively and efficiently move parents into work, and families will benefit.

To help ensure this, I fought hard throughout this Congress to secure the proper funding for child care, which is essential for single parents to go to work. Thanks to the effort of many dedicated Members, this legislation invests $13 billion in child care—more money than we are now spending, and this is a major accomplishment.

The legislation we are now considering has a larger contingency fund than the previously passed Senate bill to offer help to States in times of economic downturns and recessions, which is especially needed for States like West Virginia that are vulnerable to economic ups and downs.

Under the new block grant, States will have enormous flexibility—and strict requirements—to move families from welfare to work.

Will the combination of more child care money and the incentive of time limits be the right mix? Will our economy continue to grow, and unemployment rates stay low so welfare recipients truly have a real chance to compete and get jobs?

We will never know the answers, unless we try.

Because the American people want and expect welfare reform, I will vote to try this new approach—and hope that Congress does its part to push for the desired results.

But I also believe that this effort must be watched carefully and closely to ensure that the innocent children, who represent two-thirds of the people who depend on welfare, are not hurt.

This is why I fought so hard with others last year to secure $15 million for research and evaluation. Every Member who votes for this legislation has an obligation to work with their State to ensure that this new system works, and to monitor the national progress as well.

Throughout this debate, I have tried to focus my attention on the needs of children. As usual in today's political environment, areas of bipartisan agreement do not attract attention, but they are still important.

In key areas for children, progress has been made. The Senate bill retains current law on foster care and programs to protect abused and neglected

children. Such children are the most vulnerable group in our country, and I was active in a bipartisan group dedicated to retaining the foster care entitlement and prevention programs for abused and neglected children.

The child support enforcement provisions in the legislation are another example of positive, bipartisan efforts. And because it was bipartisan, little attention has been given to these accomplishments. But these provisions include bold action to crack down on deadbeat parents who shirk their obiligation to pay child support. Currently, over $20 billion is uncollected in child support payments and arrearages. Strengthening child support enforcement will truly help children of all income levels, and this is meaningful action to underscore the importance of families, and support children.

There has been a sincere effort to improve this bill, and the positive changes are the result of untold hours of hard work and dedication.

The key point is that the current system does not have public support or confidence, and this is not healthy for the country. The cynicism and frustration we see among Americans toward Government stems partly from their anger about welfare. Even families dependent on our existing system admit that they are frustrated and that the system can trap families into a cycle of dependency. We need to make the leap with real changes, tougher rules, and more common sense. We have an opportunity to help families and build more support for the protections that should stay in place, if the job is done right. A great deal has been promised by the architects of this bill and others such as many Governors, and I hope we will see the hard work, skill, and compassion required to bring about the right kind of results.

Today, I cast my vote for change.

Mrs. BOXER. Mr. President, today I am forced to vote against a welfare reform measure that I believe is bad for children and bad for the State of California, costing my State billions of dollars.

This is a difficult vote for me because I stand in favor of welfare reform. I want to get people off welfare and put them to work. I voted in favor of the Senate welfare reform bill last year because I support this principle.

I also continue to support giving States additional flexibility to run their welfare programs, cracking down on deadbeat parents and reducing teen pregnancy.

COSTS TO CALIFORNIA

In California today, we have approximately 4 million legal immigrants residing in our State—40 percent of the Nation's legal immigrants. Thus, the proposed cuts in benefits to legal immigrants will have a dramatic and disproportionate impact on California, which Senator FEINSTEIN and I have quantified as best we can.

This bill saves nearly $60 billion over 6 years. Where do these savings come from? More than one-third of the savings will come from restricting benefits to legal immigrants. Of this amount, California will have to shoulder 40 percent of the losses. This is simply unfair to California.

It has been estimated that California's loss of Federal funds under this bill could be up to $9 billion over 6 years due to the restrictions on benefits to legal immigrants.

This will mean a massive cost shift to California's 58 counties. For example, over half of the immigrants on Supplemental Security Income [SSI] and Aid to Families with Dependent Children [AFDC] live in California. According to the California State Senate Office of Research, over 230,000 aged, blind and disabled legal immigrants could lose their SSI benefits almost immediately. The Congressional Budget Office estimates that 1 million poor legal immigrants would be denied Food Stamps under the bill, with many of them living in California.

If legal immigrants are made ineligible for Federal and State programs, California's counties will be responsible for providing social services and medical care to them. Under California law, counties are legally and fiscally responsible to provide a safety net to indigent persons.

The safety net is already overburdened in many counties. Some of the counties most heavily impacted by legal immigrants have already faced issues of bankruptcy. This welfare bill will only further threaten the financial viability of these counties.

The largest county in the Nation, Los Angeles County, will be severely impacted by these provisions. Los Angeles County estimates that under this bill, 93,000 legal immigrants would lose their SSI benefits in their county alone. If these legal immigrants applied for county general assistance, it would cost Los Angeles County $236 million.

California counties further fear damage to their health system if the State exercises its option to deny all Medicaid coverage, including emergency care, to most legal immigrants.

That is why I cosponsored an amendment with my distinguished colleague from California, Senator FEINSTEIN, to mitigate some of the impact of the legal immigrant provisions on California. The Feinstein-Boxer amendment would have applied legal immigrant provisions of the bill prospectively. This would allow us to make changes for immigrants who have yet to enter the country, but keep the rules of the game unchanged for those legal immigrants already present.

I think it is important to note who some of these legal immigrants are. Many of them are children. Many of them are disabled and unable to work. Many of them are refugees, with no sponsor to fall back on if they are cut off from the assistance they desperately need. According to the California State Senate Office of Research, approximately 60 percent of legal immigrants receiving AFDC in California are refugees.

The Feinstein-Boxer amendment would have decreased the outflow of Federal dollars from California, while maintaining what I believe is a fair approach for legal immigrants already in our country. Unfortunately, our amendment failed.

VOUCHERS FOR CHILDREN

A second reason why I cannot support this bill is the prohibition on providing vouchers for noncash items to children if their family's time limit for assistance has expired. Vouchers could be used to pay for items such as school supplies, diapers, food, clothing and other necessary items for children. An amendment to require States to give vouchers to children whose families exceed time limits shorter than 5 years did not pass in the Senate. An amendment to give States the option to do this failed as well with only two Republicans voting in favor.

I believe the bill's language goes too far to penalize children for their parents' inability to find work. What kind of country are we when we deny such necessities to innocent children?

FOOD STAMPS

In addition, the bill would make major cuts in funding to the existing Food Stamp Program. Reductions in the bill for food stamps amount to approximately $27.5 billion over 6 years—nearly half of the bill's savings. By the year 2002, food stamp spending would be reduced by nearly 20 percent. The poorest households would be affected since nearly half of the cuts in food stamps would come from households with incomes below half of the poverty line.

CONCLUSION

The drafters of this latest welfare reform bill wisely improved certain provisions of the bill to increase child care funding, retain the Federal guarantee to school lunch programs—although funding for school lunch has been unwisely cut, and maintain child protective services for abused and neglected children.

In addition, key amendments to maintain Medicaid coverage for current welfare recipients, strike the optional food stamp block grant, and ensure Federal health and safety standards for child care successfully passed the Senate.

I wholeheartedly support all of these improvements to the underlying legislation.

However, for the reasons I have stated above, I cannot support this welfare reform bill that shifts major costs to the State of California and shreds the safety net for poor children. I hope that in conference my concerns will be addressed. One State should not be unfairly penalized as California is, and no child should suffer as a result of our work.

Mr. DORGAN. Mr. President, I will vote for the welfare reform bill before

us today because I believe the welfare system in this country is broken and needs to be fixed.

The welfare system serves no one well—not recipients and not taxpayers. We need to preserve a safety net for those who truly need help, but that safety net should be one that encourages work, facilitates self-reliance, and doesn't punish innocent kids.

The legislation before us is not perfect, and I have concerns about many aspects of the bill.

Despite my reservations, this bill permits us to move the welfare reform process forward. This bill requires recipients to work after receiving welfare for 2 years, and set a 5–year limit on total assistance. It permits recipients to use some of their time on assistance to get the education and training they need to find and keep a job. It provides child care for welfare recipients who want to work. It places a priority on preventing teen pregnancies. And it requires absent fathers to help pay for the costs of raising their children.

And we have made some important improvements since this bill was introduced. We increased the requirement that States continue to make their own contributions to maintaining a strong safety net. We strengthened provisions to guarantee that the Food Stamp Program will provide assistance when people need it most. And we restored money for the summer food program for kids.

I will support this legislation despite my reservations, and advance the bill to conference with the hope that it will be further improved in conference. If the final bill does not maintain a strong safety net for children, I will not support it.

Ms. MIKULSKI. Mr. President, I was ready to vote for a welfare reform bill today. I believe we need welfare reform. I have fought for a tough welfare reform bill, and I have voted for welfare reform.

It is deeply disappointing to me that I must vote against final passage of this bill.

I voted for the bill which the Senate passed last year. I hoped at that time that the conference on that bill would make even further improvements in the bill, and that we would be able to send a good bill to the President for his signature.

I was disappointed when the conferees last year took an acceptable bill and turned it into an unacceptable and punitive one. Welfare reform was within our grasp last year. But we let it slip away by placing political considerations ahead of sound policy decisions. I hope we will not make the same mistake this year.

I have not only voted for welfare reform, but I am one of the coauthors of the work first bill, which would have ended welfare as we know it. Along with my coauthors, the Democratic leader, Senator DASCHLE and Senator BREAUX, I am proud that we crafted a plan that is tough on work but not tough on children.

Our plan called for a time-limited and conditional entitlement. It would have required all able-bodied adults to go to work. Our plan provided people with the tools to move from welfare to work; tools like job training, job search assistance, and most importantly, child care.

We recognized that the No. 1 barrier to work is the lack of affordable child care. So our bill provided sufficient funds to ensure that child care would be available to families as parents moved into the work force.

The work first bill also protected children. We made sure that our reform was targeted at adults not at children. We included provisions to ensure that no child would go hungry or go without needed health care because a parent had failed to find and keep a job.

So let me be clear. I support welfare reform. Throughout this Congress, I have fought for welfare reform. I have coauthored not one, but two, major welfare initiatives. And I had hoped to be able to vote for a welfare reform bill today.

Unfortunately, I cannot vote for this bill. This bill does not provide adequate protection for children. What will happen to children once their parents reach the time limit for benefits? Without vouchers to ensure that the basic subsistence needs of children are met, we know that children will suffer if their parents have not found jobs. We simply cannot punish children for the shortcomings of their parents.

Although we adopted a good amendment today to prevent the Food Stamp Program from becoming a block grant, this bill still contains deep cuts in food stamps. Families who depend on the Food Stamp Program to meet their basic nutritional needs will suffer from the cuts in this bill. Even families with full-time workers sometimes need food stamps because their full-time jobs don't provide enough money to feed their families. This bill will hurt them too.

This bill does not provide enough money for child care. In fact, it is likely that States will be unable to meet the work requirements of the bill because of the inadequate level of child care funding. Parents who are ready to work and who want to work will not be able to work if there is not child care which is both affordable and available.

These holes in the safety net for children are of deep concern to me. If protecting children is a priority for this Congress, how can we take a chance on a bill which is sure to hurt innocent children. We cannot.

Mr. President, I have not given up on welfare reform. While I cannot vote ''yes'' for this bill today, I hope that the conference on the bill will continue to build on the progress we have made on this issue. Unlike last year's conference, which took an adequate bill and made it unacceptable, I hope that this year's conference will make a good, strong bill out of this unacceptable bill.

I urge the conferees on the bill to continue to work with the White House and with the best minds from both parties to reach agreement on a plan we can all support, and that the President will sign. We can do it. We can have a plan that saves lives, saves tax dollars, creates opportunities for work, and protects children.

I hope the conferees will negotiate in good faith to achieve a plan that is tough on work and protects kids. I would be proud to vote for that plan.

PROTECT CHILDREN

Mr. KERRY. Mr. President, there is nothing more important to this debate today than constantly reminding ourselves that our focus ought to be this Nation's children and their well-being. That was the focus when, under Franklin Roosevelt's leadership over 60 years ago, title IV–A of the Social Security Act was originally enacted. As we proceed in this debate about children—and it is a debate about children because over two-thirds of current welfare recipients indeed are children—their interests should be uppermost in our minds.

There is no disagreement that I can find in this Chamber, and very, very little across the Nation, that our welfare system needs reform. Despite what on the part of many who have been involved in legislating, implementing, and administering the existing welfare program is good faith and intentions, that welfare system has been buffeted by the forces of society and culture; for far too many it offers little real help or incentives for movement toward self-sufficiency. Instead, for far too many, it has become at best an indifferent means of providing a bare subsistence income.

In many ways, our world and our Nation are very different places than when the original Federal welfare program was established in the thirties. The objective, Mr. President, ought to be the same. But the means must be adjusted. The objective is to prevent human misery, to give Americans, especially children, a helping hand when they otherwise face destitution and poverty. A handout may once have functioned with considerable effectiveness to help those in poverty toward that objective. Now we understand the importance of child care, training, work search assistance, health care, and other ingredients if families are to move toward self-sufficiency.

We know that 15.3 million children in this Nation live in poverty. This means that 21.8 percent of our children—over one in five children—are impoverished. In Massachusetts, there are more than 176,000 in this category. Despite the stereotypes, Mr. President, the majority of America's poor children are white—9.3 million—and live in rural or suburban areas—8.4 million—rather than in central cities where 6.9 million of them reside.

The other point on which we can agree, because it is a fact rather than an opinion, is that the child poverty

rate in this Nation is currently dramatically higher than the rate in other major industrialized nations. According to an excellent, comprehensive recent report by an international research group called the Luxembourg Income Study, the child poverty rate in the United Kingdom is less than half our rate—9.9 percent, the rate in France is less than one-third our rate—6.5 percent, and the rate in Denmark—3.3 percent—is about one-sixth our rate.

We know that poverty is bad for children. This for many would qualify as a truism, but perhaps others require to be shown. Nobel Prize-winning economist Robert Solow and the Children's Defense Fund recently conducted the first-ever study of the long-term impact of child poverty. They found that their lowest estimate was that the future cost to society of a single year of poverty for the 15 million poor children in the United States is $36 billion in lost output per worker. When they included lost work hours, lower skills, and other labor market disadvantages related to poverty, they found that the future cost to society was $177 billion.

Mr. President, the way in which the Republicans who control both the Senate and the House of Representatives repeatedly have attempted to reform welfare is not what I believe this Nation wants or believes is the proper way, the best way, or the moral way to address poverty and millions of families that are not self-sufficient in our late 20th century society. A number of the components of Republican cocalled welfare reform proposals, even charitably, can best be described as punitive, or budget driven. I simply recoiled as I reviewed proposals, for example, to eliminate the access of children to health care. I shook my head in disbelief as I read provisions that would deny food stamps—and very probably a minimally nutritious diet—to children whose parents in some cases have made unacceptable choices, no matter how misguided and unacceptable they are.

But we are faced here, in the institution that has been elected by the people of the United States to make the Nation's major policy decisions and to design its major government interactions with those people, with the necessity to work together to produce change. Either we struggle successfully to reach some kind of middle ground which a majority can accept, or we do nothing at all.

Surely, in welfare as in all other areas, there are those who so fear change—for any of a host of reasons—that they prefer the status quo. I do not believe the status quo best serves this Nation and its people. I do not believe the status quo best serves this Nation's future. And I do not believe the status quo best serves those who are the unfortunate, the impoverished, the destitute, the left out in our Nation.

Democrats have labored mightily to turn a punitive bill into one that will work, one that would be desirable for the country. I was personally involved in that effort. Last week, I offered an amendment that the Senate approved by voice vote which makes what I believe to be an important change. In keeping with my belief that we must keep our eye on the ball as we legislate—and that objective in this case is to reduce poverty and increase the self-sufficiency of America's poor families—my amendment provides that if a State's child poverty rate increase by 5 percent, then the State must file a corrective action plan with the Secretary of Health and Human Services. If States can—as they and the Republican authors of this bill fervently maintain they can—achieve economies of scale never realized when the program was overseen by the Federal Government, and successfully refocus the program on moving the family heads in welfare families and other impoverished families toward self-sufficiency, then child poverty should decrease. More children, and more families, will be better off if this new approach works. But if that is not the outcome—if child poverty increases, then my amendment will require States to confront that reality and to adjust in an attempt to meet the program's objectives. I and many others will be watching extremely closely to see how the program works, and to see how this adjustment mechanism I authored functions.

And if neither the program nor the adjustment mechanism functions acceptably, I will be the first to fight to devise a new approach. Ultimately, if we are sending Federal money to the States to combat poverty, we must demand that poverty recede.

When I came to the Senate floor this morning, I was gravely concerned that the democratic process, as it often will, had produced an unacceptable product. Despite the addition of my amendment and some amendments by others, this bill still tore huge holes in the safety net.

Today, repair stitches were made in two of the most distressing of these holes. The Senate voted to maintain the current eligibility standards for Medicaid, ensuring that those who now qualify for medical assistance, including those who do so by virtue of their eligibility for the welfare program the legislation would abolish, will continue to qualify for medical assistance. The repair made by the Chafee-Breaux amendment was of great importance.

The Senate also voted to preserve the Food Stamp Program as a Federal assistance program that will be available to all Americans on the basis of the same income and assets limits that now apply. That means the Food Stamp Program will continue to operate as a safety net on a national basis, ensuring that, at the very least, Americans can eat—and that the assistance will fluctuate as it must based on economic conditions across the Nation. The Department of Agriculture had estimated that, if the block grant originally proposed in this legislation had been in place during the last national recession, 8.3 million fewer children would have been served by the program. Under this bill, not only would they not have had food stamps, many of them would have had no welfare either. Where would they have been, Mr. President? Fortunately, we stitched up this hole today.

When I cast my vote for final passage, I will be very mindful of these critical changes today. I also will be mindful of the fact that this bill was in several ways better than the welfare reform legislation that the Senate passed last fall. This bill includes nearly $4 billion more for day care for the children of parents required to find and hold jobs. It includes a $2 billion contingency fund to help States as they try to help what inevitably will be a growing number of impoverished people when recessions hit, as they unquestionably will.

I also will be acutely mindful, Mr. President, of the limits to which I am willing to go with this experiment called for by President Clinton during the 1992 Presidential campaign and endorsed by the Republican Party in the 1994 congressional elections. Ideally, this bill will be improved and strengthened in conference committee. That is certainly possible if the President, who has been very quiet when asked how he believes this bill must be augmented, will clearly enunciate what he believes to be essential ingredients if he is to sign welfare reform legislation into law. I maintain hope that we can provide vouchers that will continue to provide basic human necessities for children whose parents hit the lifetime assistance limit imposed by this bill. I also hope that the cutoff of legal immigrants will be rethought and at the very least made less severe. The President can and I hope will lead the way in both these matters and others.

At the very least, Mr. President, there must not be reversion or erosion in this legislation. We must not see retrenchment with regard to those few hard-won improvements that make this bill a marginally acceptable risk. It is time for an experiment that we hope will improve the lives and opportunities of millions of families and their children. It is not time to take frightful risks with those lives, based on a groundless faith that harsh discipline will remedy all social ills. I must serve notice that if the legislation that returns for final Senate approval increases those risks, I will oppose it.

If this bill becomes law, Mr. President, no one should prepare to relax. We have much, much more to do and this is only the opening chapter. As this new picture unfolds, I will be watching intently—and I will not be alone—to be certain that our efforts and resources have a positive effect on children and families, and that they have real opportunities to realize their potential as human beings. That is the

objective we seek, and it is on reaching that objective that we must insist.

Mrs. FEINSTEIN. Mr. President, I had truly hoped that I could support legislation that could deliver meaningful and historic reform of our Nation's welfare system, but this bill forces California to bear far more than our fair share of the burden.

Last year I voted for the Senate bill and against the conference bill because California's concerns were not met. This year, I would hope that some of these items could be fixed in conference committee, so that we are able to vote for a bill at the end of this process.

Nearly one-third of the net reductions contained in this bill fall on just one State: California. California is being asked to shoulder $17 billion in cuts—one-third of the entire savings. The question is, what is the State able and willing to provide to fill in the gap? An examination of Governor Wilson's budget indicates that dollars budgeted for food stamps, AFDC, and benefits for legal immigrants drop from an estimated $1.9 billion in the current fiscal year to just over $1.5 billion in 1997—therefore, counties cannot expect a large bailout from the State.

Consequently, for those who deserve special help, whether they be aged, blind, developmentally disabled or mentally ill, an increased burden will most certainly fall on the counties.

NO SAFETY NET FOR CHILDREN

S. 1795 ends the Federal guarantee of cash assistance for poor children and families, and provides no safety net for children whose parents reached the 5-year time limit on benefits. There are approximately 2.7 million AFDC recipients in California, of which 68 percent are children. Under the time limit, 3.3 million children nationwide and 514,000 children in California would lose all assistance after 5 years.

The Children's Defense Fund estimates that under this bill, 1.2 million more children would fall into poverty. California's child poverty rate was 27 percent for 1992–94, substantially above the national average of 21 percent. Under this bill, even more children in California would be living in poverty.

FOOD STAMPS DRASTICALLY REDUCED

California will lose $4.2 billion in cuts to the Food Stamp Program, reducing benefits for 1.2 million households. Nearly 2 million children in California receive food stamp benefits. Children of legal immigrants would be eliminated from food stamp benefits immediately.

CHILD CARE FUNDING INADEQUATE

Currently in California, paid child care is not available to 80 percent of eligible AFDC children. The Senate welfare reform bill awards child care block grants to States based on their current utilization of Federal child care funds. But California's current utilization rate is low, so California would be institutionally disadvantaged under this bill.

NO HEALTH COVERAGE FOR CHILDREN

The Senate bill ends the Federal guarantee of health insurance or Medicaid for women on AFDC and their children. In California, 290,000 children and 750,000 parents would lose coverage, according to the Children's Defense Fund. California has the third highest uninsured rate in the Nation at 22 percent of the population.

DENIAL OF BENEFITS TO LEGAL IMMIGRANTS

The Senate welfare reform bill would deny SSI and flood stamps to most legal immigrants, including those already residing in California. In 1994, 15.4 percent, or 390,000, of AFDC recipients in California were noncitizens.

Fifty-two percent of all legal immigrants in the United States who are on SSI and AFDC reside in California. Los Angeles County estimates that 234,000 aged, blind, and disabled legal immigrants would lose SSI benefits, 150,000 people would lose AFDC, and 93,000 SSI recipients would lose benefits under this bill. The county estimates that the loss of SSI funds could result in a cost shift to the county of more than $236 million annually. Loss of Medicaid coverage for legal immigrants would shift an additional $100 million per year.

With this in mind, I cannot support this bill, because I believe it unfairly disadvantages California. It would be my hope that as the conference process continues, this can be taken into consideration and the bill that emerges can be fair across the board and not single out any one State for one-third of the burden of the cuts.

It is especially important that individual counties in California take a close look at the impact this legislation will have on their jurisdiction. For example, Los Angeles County continues to be the most devastated county in the Nation under this bill with almost $500 million in added costs each year. California counties must help us press our case with the House-Senate conferees on the impact of this bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 3734.

The assistant legislative clerk read as follows:

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

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause of H.R. 3734 is stricken and the text of S. 1956, as amended, is inserted in lieu thereof.

The question is on the third reading of the bill.

The bill (H.R. 3734), as amended, was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized for 5 minutes.

Mr. MOYNIHAN. Mr. President, I have the honor to yield 2 minutes to my distinguished friend from New Jersey, Senator BRADLEY.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I do not think we have really even started to talk about the consequences of this act on the lives of people who actually live in American cities. If this bill passes and we look ahead 5 years into the future, city streets will not be safer, urban families will not be more stable, new jobs will not be created and schools will not be better. None of these things will happen. Instead, this bill will simply punish those in cities least able to cope.

With the repeal of title IV of the Social Security Act, the Federal Government would have broken its promise to children who are poor. It will have washed its hands of any responsibility for them. It will have passed the buck.

What we need to do to change the broken welfare system is not block grants. What we need is not transferring pots of money from one group of politicians to another group of politicians without regard to need, rules or accountability.

In fact, with the block grant, we will even be paying for people who have been shifted off the State welfare rolls onto the Federal SSI rolls. In 22 States that have cut welfare rolls, 247,000 adults went off AFDC and 206,000 went on to SSI.

Because Governors are good at gaming Federal funding systems, we will be paying for these 206,000 people through the block grant at the same time we are paying for them through SSI. What we need is a steady Federal commitment and State experimentation so that we can change welfare in a way that will encourage marriage, get people off welfare rolls and into jobs for the long term. Sadly, this bill will produce the opposite result.

Mr. MOYNIHAN. Mr. President, I have the honor to yield 2 minutes to my distinguished friend from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I thank very much the Senator from New York.

Mr. President, I believe that the Senate will rue the day that we pass this legislation. This day, this bill opens up the floor under poor children which in our lifetimes no child has ever had to fall no matter how poor, how irresponsible its parents might be. This day, in the name of reform, this Senate will do actual violence to poor children, putting millions of them into poverty who were not in poverty before.

No one in the debate on this legislation has fully or adequately answered the question: What happens to the children? They are, after all, the greatest number of people affected by this legislation.

Mr. President, 67 percent of the people who are receiving welfare today are children, and 60 percent of those children are under the age of 6 years old. This bill makes a policy assault on nonworking parents, but it uses the children as the missiles and as the weapons of that assault.

I believe that this bill does not—does not—move in the direction of reform. Reform would mean that we give people the ability to work, to take care of their own children. It would have a commitment to job creation, to adequate child care, to job training, to job placement. But this legislation, Mr. President, does none of those things.

This legislation does not give able-bodied people a chance to work and support their own children. It simply is election-year politics and rhetoric raised to the level of policy. I believe this bill cannot be fixed—not in conference committee, not on anybody's desk—and I believe that this bill is a shame on this U.S. Senate.

The PRESIDING OFFICER. The Senator from New York has 30 seconds remaining.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent for an additional 20 seconds.

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

Mr. MOYNIHAN. Mr. President, Senators such as I, such as Senator PAUL WELLSTONE, cannot conceive that the party of Social Security and of civil rights could support this legislation which commences to repeal, to undermine both. Our colleagues in the House did not, nor should we.

The Washington Post concluded this morning's editorial, I quote:

> This vote will likely end up in the history books, and the right vote on this bill is no.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware is now recognized for up to 5 minutes.

Mr. ROTH. Mr. President, S. 1956 is a good package, and just as this Congress has begun to reverse 30 years of liberal-spending policies, this welfare reform proposal reverses 30 years of social policy.

Mr. President, 30 years of welfare policy has demonstrated that Government cannot promote policies that divide families and expect healthy children; Government cannot centralize power and expect strong communities; Government cannot challenge and undermine religion and then expect an abundance of faith, hope, and charity.

This reform initiative is largely based on the proposals made by our Nation's Governors, and it mirrors the Personal Responsibility and Work Opportunity Act of 1995. Remember, Mr. President, that act was reported out of the Finance Committee and passed the Senate by a vote of 87 to 12 before being vetoed by Bill Clinton.

This legislation is much the same. While it doesn't have everything it should—while it does not, for example, contain any provision to reform Medicaid—it represents a good start. There have been compromises, Mr. President. Welfare reform is so important to the American people that they have let us know that there should be compromise, if that's what it takes.

This legislation, I believe, represents a good compromise. It contains real work requirements. It contains real time limits. It cancels welfare benefits for felons and noncitizens. It returns the power to the States and communities, and it encourages personal responsibility toward combating illegitimacy.

Mr. President, this welfare reform proposal is the first step in a necessary effort to bring compassion and sensibility to a process that has gotten out of hand. It benefits children by breaking the back of Government dependency; it requires sincere effort on the part of their parents—effort that will restore respect, pride, and economic security within the home—effort that will lay a new foundation for future generations.

Our current failed system has not done this. Prof. Walter Williams shows how the money spent on poverty programs since the 1960's could have bought the entire assets of the Fortune 500 companies and virtually all U.S. farm land. Consider that again—all the assets of the Fortune 500 companies and virtually all U.S. farm land. With all this, where are we? Welfare rolls are at record highs, problems are mounting and the attendant consequences are worse than ever.

Our reform legislation ends this destructive cycle. It replaces the hopelessness of the current system that engenders dependency with the hope that comes from self-reliance. Thirty years is long enough. The safety net has become a snare. Freedom for the families trapped in dependency comes only through responsibility—through personal accountability—and that is the step we take today with this legislation.

I appreciate all who have worked on both sides of aisle to bring us to this point. We have established a reform proposal that the President should be able to sign. I ask him to make good on his promise. Mr. president, please take this first, important step toward ending welfare as we know it.

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska is now recognized for 5 minutes.

Mr. EXON. Mr. President, the welfare reform bill before us will win no beauty contests. It is not the fairest of them all—and I intend the double meaning.

With reservations, I voted in committee to send the measure to the floor. I wanted changes for fairer treatment of children and other stated concerns. We have made some improvements, but more are needed.

In the opinion of this Senator, we have already voted on the best welfare reform bill. That distinction belongs to the Democratic work first plan that regrettably, in my view, did not pass the Senate.

I believe, Mr. President, that the bill before us is maybe, just maybe, the framework for a welfare plan that can win the support of a majority in both Houses, and just as important, the approval of the President. It is near the best plan we can pass and bring to bear on a welfare system that cries out for change.

I will not strike my tent now because I did not get everything I wanted in this bill. I believe that it goes a long way to reforming much that is wrong with the welfare system. We cannot lose this opportunity to break welfare's bitter cycle of dependency.

It is my sincerest hope that the majority will work with those of us appointed as minority conferees and with the President during conference to improve this measure, and to push that process forward. I hope, as well, that the Senate will insist on its more moderate positions in the conference with the House.

Mr. President, in my 18 years in the Senate, this Senator has always sought the middle ground. I do so again today. I will vote for this bill today and reserve my final determination until the conference report returns to the Senate.

In closing, let me take a moment to thank the Democratic staff, and in particular, Bill Dauster, Joan Huffer, Jodi Grant, and Mary Peterson. They have provided invaluable service to this Senator and our caucus.

I yield the balance of my time to the Senator from California.

Mrs. FEINSTEIN. I thank the Senator.

Mr. President, how I wish I could vote for this bill. I voted for the last Senate bill and then voted against the conference committee report because I did not think the conference committee report was an improvement on the Senate bill.

Today I, and I believe my colleague from California, will vote against this bill in hopes that when the bill comes out of conference it is a bill that does not so severely disadvantage one State in this Union, and that State is California.

Mr. President, as I look at the savings of this bill, a net of about $55 billion, $17 billion of those savings come from the largest State in the Union and the State I believe most impacted by poor people. We know $9 billion comes from the cutoff of legal immigrants, including refugees and asylees who have no sponsor—the aged, the halt and the blind—$3.5 billion of AFDC, and $4.2 billion of food stamps, totaling about a $17 billion impact on the State of California.

Now, I ask the State legislature, the State of California, look at the budget. Are they prepared to pick up some of the difference? I ask the counties to let Senator BOXER and I know how this bill impacts your county, because I

suspect it is going to be a major transfer, particularly on counties like Los Angeles. I suspect Los Angeles County will be the county most impacted by the passage of this bill in the United States of America.

A fair bill, OK, I vote for; but a bill that says, OK, we will take from the biggest State in the Union as much as we possibly can—and that is what this bill has done to date. I do not believe it is a fair-share bill. I do not believe we see communities across the Nation doing their share. Perhaps because we have the two largest metropolitan areas in the Nation is one of the reasons why this bill will fall very hard on poor people and cities, and particularly on cities that have large numbers of dispossessed.

Mrs. BOXER. Will the Senator yield?

Mrs. FEINSTEIN. I am happy to yield to the Senator.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. I ask unanimous consent for 30 additional seconds, if I might.

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

Mrs. BOXER. In my 30 seconds, I want to underscore, first of all, what my senior Senator said, which is that we are very willing to make changes in welfare. We want to reform welfare. We both said that when we ran for the U.S. Senate. We have both supported our Democratic leader's bill, and we even voted for a Senate bill.

The fact of the matter is that this, essentially, is paid for by one State. I will tell you, that is unfair. Yes, we are the largest State, and we have a lot of the population, but not to the extent that we are hit.

Also, when this country cannot pay for diapers for its children and food and school supplies for its kids, I think we ought to relook at who we are.

Thank you.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized for 5 minutes 30 seconds.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I yield 3 minutes of my leader time to the Senator from Pennsylvania [Mr. SANTORUM].

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. I thank the majority leader. Mr. President, I just want to say that this is welfare reform. This is the dramatic change in the system that the American public has been asking for for years and years and years. This is the real deal. This is the opportunity to change millions of people's lives. This is the opportunity that people who are poor in this country have been wanting and asking for for a long, long time—the opportunity to get education and training that is meaningful, the opportunity to go to work, and if you cannot find a job in the private sector, if you cannot get a job on your own, the State will assist you getting that job. If you cannot find a private-sector job, the State will assist you in getting a public-sector job. There are no more barriers because of labor unions to get that job in the public or private sector. This is the real deal when it comes to work, when it comes to education, training, and helping families get out of poverty. From now on, after this bill, we are no longer going to measure whether we are successful in poverty by how many people we have on the welfare rolls, but by how many we got off of the welfare rolls, because they have dynamic opportunities for education and training to make that happen. And, yes, they have requirements.

We have had lots of welfare reform pass in the U.S. Senate for years and years. But there has never been the requirement to have to work. I know some people say that is mean and tough. I can tell you that it is the only way that you move people who are having struggling times in their lives off of those welfare rolls. It is tough love—but the operative word is love. It is there and it is to help people.

I hear a lot of people say, ''Well, this is going to punish children, and we should not punish the children,'' as if the current system does not punish children, as if illegitimacy rates where over a third of all the children born in America are born to single moms does not punish children. That does not hurt kids not to have a father in the household? That does not hurt kids not to have the work values that are taught in the household where a mom gets up in the morning and a dad gets up in the morning and goes to work? That does not hurt kids? It does not hurt kids to have to go out and play in a playground and worry about stepping on a needle from a drug addict? Of course, it does. This system hurts kids. That is why we are here—because the system hurts kids.

The issue before us is whether it is more important to have a Federal safety net system that is there to provide for every aspect—and the majority leader will talk about this—of the 50 or more programs that are there to take care of every possible need a child in America has. Is that what we want? Do we want the Federal Government guaranteeing every aspect of everybody's life? Or do we want solid families, safe neighborhoods, good schools, the values of work, and an opportunity to pursue the American dream? I will trade guarantees of Government protection of every aspect of someone's life for a solid home, a solid community, and loving parents.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, I thank the majority leader for his backing on this bill and for his constantly pushing us to get this job done. I want to thank Senator Dole, who left the Senate to run for President, for his work before he left here. Without that work in leading us on the budget resolution that created it, we would not be here.

Now, Mr. President, I want to talk about history, because I heard a couple of speakers from the other side say that history would rue this day. I believe history will praise this day, because I believe a system that has failed in every single aspect will now be thrown away, and we will start over with a new system that has a chance of giving people an opportunity instead of a handout. They will have a chance to get trained and educated, go to work and feel responsible, instead of this law on the books for decades that is out of tune with our times, which makes people feel dependent, makes people feel neglected. It is time that it be changed.

Now, frankly, kids are us, and this bill is about our kids, because if anybody thinks the children that are under this welfare system are getting a good deal today, then, frankly, I do not know what could be a rotten deal, because they are getting the worst of America. We are perpetuating among their adult relatives and parents a system of dependency, a system that lets them think less of their children because they think less of themselves. We can go right down the line.

We intend to return responsibility to the States, with prescriptions that are set out by us that give them plenty of room to do a better job than we have been doing. That is what this approach is all about.

This is a bill that gives those who have been campaigning for years, saying, ''Let us get rid of welfare as we know it''—and I will not even cite who used that the most. Well, we are finally doing that today. When we come out of conference, we are going to send our President a bill. Our President is going to have before him a bill that says: Here, Mr. President, you can get rid of welfare as you know it. Just sign this endeavor.

Now, from my own standpoint, I have been part of trying to push reform and save money. Many times, the bullets that we vote on are not real bullets, but this is a real one. When you vote on this bill, you are going to change the law. When you voted on amendments, they were real amendments. I compliment the Senate for a tough job. There were many amendments. The bill that came out of it is a better bill than when it started. I believe some other Senators will cite the many aspects of this bill that protect our children. For myself, I believe there are 8 or 10 provisions. Food stamps remain an individual entitlement, current law Medicaid protection, child care subsidized, child development block grants—$5 billion more, for a total of $14 billion. So people can go to work and have somebody care for their children. This and many more provisions make this a bill that we can be proud of for our children.

Last but not least, let me conclude, if ever we had a chance to say to Americans, as America's economy grows, we want you to be part of it, profit from it, have a dream, and this is an opportunity for welfare recipients of the past to participate in a real future, and for us to never again have welfare people among us that we think we are helping when, in fact, we have been hurting them. Let them share in the dream, also. That is our hope, that is our wish, and that is what we believe history will say about this effort.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

Mr. DASCHLE. Mr. President, as I understand it now, both leaders have their leader time to be used for purposes of closing the debate. I will yield 2 minutes of my time to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I thank the leader for yielding. Is this bill perfect? Of course not. Nothing that we as humans do is ever perfect. But is it a bill that desires and needs and deserves our support at this time in order to send it to conference? The answer, I think, is clearly yes.

President Clinton said that the goal of welfare reform should be to be tough on work, but good for kids. This bill is tough on work. It sets time limits for how long someone can be on welfare. It sets out work requirements. It tells teen parents, for the first time, that they have to live with an adult or with their parents. It is a tough bill on work, but it is also a bill that is good for kids.

This bill has the same language on vouchers as a bill that passed this body 87 to 12.

I would have liked the Ford amendment to pass. But the language is exactly what we passed already 87 to 12 when it comes to taking care of families after this time limit on welfare is determined.

There are about 49 programs that will be available to families after the 5-year limit is reached; 49 separate programs that we in America say we are going to make available to families.

We have corrected the Food Stamp Program with the Conrad amendment. It is still an entitlement program.

We have preserved the Medicaid health protections for families and for children, and for pregnant mothers. It is still an entitlement program.

We have added $5 billion to what passed this Senate in terms of child care. We have current law on child welfare protections for foster care because of our amendments.

We have SSI cash payments for disabled children, social service programs for children under title XX, housing assistance, child nutrition assistance for children, the school lunch program, the school breakfast program, and the summer food program.

This bill is not perfect. But it is a major step in the right direction. It deserves our support and our vote to send it to conference and see if it can somehow be improved. It is not a perfect bill. But I would suggest it is a major improvement over the current system.

Mr. LOTT. Mr. President, I yield 3 minutes of my leader time to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, first I would like to compliment Senator DOMENICI and Senator ROTH for their leadership on this bill; in addition, Senator LOTT and Senator Dole because they have worked hard to bring this about. This truly is a historic piece of legislation because we really are reforming welfare. And we should. The present welfare system is broke. It is a failure. It has not worked.

We have 334 federally defined welfare programs stacked on top of each other. They cost hundreds of billions of dollars. The cost of welfare in 1960 was $24 billion. The cost of welfare in 1995 was almost $400 billion. We have spent trillions of dollars in the last three decades. What do we have? We have more welfare dependency, more people dependent on the Federal Government, and more people addicted to welfare. In my opinion, it has hurt the beneficiaries in many cases more than it has helped them, and it certainly has hurt the taxpayers in the process.

We need to help taxpayers save some money. But, more importantly, we need to help the so-called beneficiaries to help them climb away from welfare into jobs; into more self-reliance; into more independence and away from more Government dependence.

This bill has time limits. This bill has real work requirements. This bill is real welfare reform.

President Clinton, as a candidate and also recently, has been saying that we need to end welfare as we know it. I have applauded that comment. But, unfortunately, his actions have not done that. He has vetoed real welfare reform twice. I hope he does not veto this bill.

A ''yes'' vote, in my opinion, is a vote for real welfare reform. A ''no'' vote is a vote for status quo; the continuation of a welfare cycle in a welfare system that unfortunately is a real failure.

I thank my leader.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, let me begin by congratulating the distinguished Senator from Nebraska for his admirable job in helping to manage this piece of legislation on the Senate floor. I also want to commend the distinguished Senator from Connecticut, Senator DODD, the Senator from Maryland, Senator MIKULSKI, Senator BREAUX, and so many others on our side who have worked so diligently now over the better part of 18 months in an effort to bring us to this point.

I think it is fair to say that everyone of us knows that reform is necessary. We also know after the experience we have had for the last 18 months that there is no easy solution.

Democrats offered the ''Work First'' bill that did three things: It required work for benefits. It provided flexibility for States, and it required protection for children. I am disappointed that not one Republican voted for that piece of legislation.

Every single Democrat supported welfare reform when it came to the Senate floor—not once, not twice, but on three different occasions.

In spite of our failure to convince our Republican colleagues to join us in passing a bill that represented meaningful welfare reform, Democrats have worked with Republicans to improve the pending bill.

There are, as a result of our amendments, more resources for child care. There is a greater requirement for States for maintenance of State effort. There is a requirement for access to Medicaid and food assistance, and protection for women from domestic violence.

So now at this hour at the end of this debate the question is very simple: Is this bill now good enough to pass? In my view, unfortunately, the answer is no. Too many kids will still be punished. Too many promises about work will remain unfulfilled. Too many opportunities to truly reform welfare will have been lost.

The Congressional Budget Office says that most States, even with the bill before us today at this moment, will fail to meet the work requirement. The Congressional Budget Office says there are insufficient funds in this legislation to make a meaningful difference. The bill is heavy on rhetoric, and we have heard a lot of it today and throughout this debate. But in my view, Mr. President, this bill is still too light on real reform. It is either a huge new unfunded mandate to the States, or an admission by Republicans that they really do not expect this bill to work in the first place.

But perhaps my biggest concern is the concern that many of us share for children. This bill says that it does not matter how bad things are, how destitute, how sick, or how poor kids may be. Kids of any age—6 months or 6 years—are going to have to fend for themselves. When it comes to kids, when it comes to their safety net, this bill is still too punitive.

And I have heard the discussion of a list of other Federal programs that may be provided. But, Mr. President, the emphasis is on ''may.'' We are talking for the most part about discretionary programs here that are in large measure underfunded today.

Eight million children in this country do not deserve to be punished. They need to be protected.

You can come up with a litany as long as you want of programs that technically are designed to provide assistance. But, if they do not have the resources, if we do not have the safety

net, if they do not have the opportunities to access those programs, then, Mr. President, they are meaningless.

Finally, the treatment of legal immigrants in this bill is far too harsh. We ought to require more responsibility of sponsors, and the ''Work First'' bill did that. But this bill even cuts off assistance to legal immigrants who are disabled. What kind of message does that send about what kind of people we are? We can do better than this. On a matter so important we have no choice but to do better.

This bill must be improved. This bill must protect kids. It must not force the States to solve these problems by themselves. It must provide some empathy for disabled citizens regardless of where they have come from.

We can improve it in conference, if the political will is there—since we are not doing it here. Or, we are not doing it this afternoon. But, because it is not done, the best vote on this bill, the best vote at this time, is to vote ''no.''

Mr. President, I ask unanimous consent that excerpts from the CBO report, to which I referred about the States' inability to meet the work rates under the pending bill, be printed in the RECORD.

I yield the floor.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

First, the bill requires that, in 1997, states have 25 percent of certain families receiving cash assistance in work activities. The participation rates rise by 5 percentage points a year through 2002. Participants would be required to work 20 hours a week through 1998, 25 hours in 1999, 30 hours in 2000 and 2001, and 35 hours in 2002 and after. Families with no adult recipient or with a recipient experiencing a sanction for non-participation (for up to 3 months) are not included in the participation calculation. Families in which the youngest child is less than one year old would be exempt at state option. A state could exempt a family for a maximum of one year.

States would have to show on a monthly basis that individuals in 50 percent of all non-exempt families are participating in work activities in 2002. CBO estimates that this would require participation of 1.7 million families. By contrast, program data for 1994 indicate that, in an average month, approximately 450,000 individuals participated in the JOBS program. (The bill limits the number of individuals in education and training programs that could be counted as participants, so many of these individuals would not qualify as participants under the new program). Most states would be unlikely to satisfy this requirement for several reasons. The costs of administering such a large scale work and training program would be high, and federal funding would be frozen at historic levels. Because the pay-off for such programs has been shown to be low in terms of reductions in the welfare caseload, states may be reluctant to commit their own funds to employment programs. Moreover, although states may succeed in reducing their caseloads through other measures, which would in turn free up federal funds for training, the requirements would still be difficult to meet because the remaining caseload would likely consist of individuals who would be the most difficult and expensive to train.

Second, while tracking the work requirement for all families, states simultaneously would track a separate guideline for the smaller number of non-exempt families with two parents participating in the AFDC-Unemployed Parent (AFDC–UP) program. By 2002, the bill would require that 90 percent of such families have an adult participate in work-related activities at least 35 hours per week. In addition, if the family used federal funds to pay for child care, the spouse would have to participate in work activities at least 20 hours per week. In 1994, states attempted to implement a requirement that 40 percent of AFDC–UP families participate, and roughly 40 states failed the requirement.

Finally, states would have to ensure that all parents who have received cash assistance for two years or more since the bill's effective date. The experience of the JOBS program to date suggests that such a requirement is well outside the states' abilities to implement.

In sum, each work requirement would represent a significant challenge to states. Given the costs and administrative complexities involved, CBO assumes that most states would simply accept penalties rather than implement the requirements. Although the bill would authorize penalties of up to 5 percent of the block grant amount, CBO assumes—consistent with current practice—that the Secretary of Health and Human Services would impose small penalties (less than one-half of one percent of the block grant) on non-complying states.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The majority leader.

Mr. LOTT. Mr. President, first I would like to thank the managers of the bill, the Senator from Delaware, Senator ROTH, the Senator from New Mexico, Senator DOMENICI, and the Senator from Nebraska, Senator EXON. I guess Senator EXON is managing his last reconciliation bill on the floor, and maybe he will get to take up a conference report. But I am sure this is a blessing in many ways for the Senator from Nebraska. He has always been very kind and approachable. We appreciate his cooperation—on both sides of the aisle. Senator BREAUX certainly has worked to try to make this a bipartisan bill. Senator HUTCHISON today showed real courage in saying we should keep the formula that has been worked out and has been agreed to.

It has been a very slow process. It has taken too long, in my opinion, to get to this point on this bill. But we are here.

But I am shocked to hear the Democratic leader say after 18 months, after all these efforts, after changes have been made, working across the aisle to get real welfare reform, that the answer will still be no.

I think this is a case of Senators who talk a lot about wanting welfare reform, but every time they have the opportunity to actually do something about it, they back away from it.

Now, we have had amendments accepted on both sides, some that obviously we did not agree with, some that you did not agree with, but it has been a bipartisan effort. So we are now in a position where we can take this positive step forward to go to conference and then send another welfare reform bill to the President.

The Senate stands on the brink of passing a welfare reform bill worthy of the name; not a hollow shell that we will send to the President and say we will give you real welfare reform and not do it.

We have done this before—twice, as a matter of fact—but in both cases, President Clinton vetoed what we sent him. I hope this will not be the case this time around.

After we pass this bill—and I'm certain it will pass—it should not take too long for our Senate and House conferees to work out their differences so we can send a bill to the White House.

I appeal to President Clinton to consider carefully its provisions. They have the broad support of the American people.

They emphasize work as the best way out of the welfare trap. That's why the bill significantly expands resources available to the States for child care. This bill will give States the flexibility they need to help welfare recipients into the mainstream of American life.

The bill also ends the entitlement status of welfare. That's an important step. It will not only help to control costs, but will let State and local governments speed the transition from welfare to productive participation in the economy.

It imposes time limits for welfare and discourages illegitimacy, which everyone now realizes is the single most important root cause of poverty in this country.

A lot of questions have been raised about programs for children. As a matter of fact, there are some 49 programs included in this bill. I ask unanimous consent that this list of selected programs which benefit children be included in the RECORD.

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

SELECTED PROGRAMS FOR WHICH FAMILIES ON WELFARE WOULD CONTINUE TO BE ELIGIBLE AFTER 5 YEARS

Supplemental Security Income.
Social Services Block Grant.
Medicaid.
Food Stamps.
Maternal and Child Health Services Block Grant Programs.
Community Health Center Services.
Family Planning Methods and Services.
Migrant Health Center Services.
Family nutrition block grant programs.
School-based nutrition block grant programs.
Rental assistance.
Public Housing.
Housing Loan Program.
Housing Interest Reduction Program.
Loans for Rental and Cooperative Housing.
Rental Assistance Payments.
Program of Assistance Payments on Behalf of Homeowners.
Rent Supplement Payments on Behalf of Qualified Tenants.
Loan and Grant Programs for Repair and Improvement of Rural Dwellings.
Loan and Assistance Programs for Housing Farm Labor.
Grants for Preservation and Rehabilitation of Housing.
Grants and Loans for Mutual and Self-Help Housing and Technical Assistance.

Site Loans Program.
Grants for Screening, Referrals, and Education Regarding Lead Poisoning in Infants and Children.
Child Protection Block Grant.
Title XIX–B subpart I and II Public Health Service Act.
Title III Older Americans Act Programs.
Title II–B Domestic Volunteer Service Act Programs.
Title II–C Domestic Volunteer Service Act Programs.
Low-Income Energy Assistance Act Program.
Weatherization Assistance Program.
Community Services Block Grant Act Programs.
Legal Assistance under Legal Services Corporation Act.
Emergency Food and Shelter Grants under McKinney Homeless Act.
Child Care and Development Block Grant Act Programs.
State Program for Providing Child Care (section 402(j) SSA)
Stafford student loan program.
Basic educational opportunity grants.
Federal work Study.
Federal Supplement education opportunity grants.
Federal Perkins loans.
Grants to States for state student incentives.
Grants and fellowships for graduate programs.
Special programs for students whose families are engaged in migrant and seasonal farmwork.
Loans and Scholarships for Education in the Health Professions.
Grants for Immunizations Against Vaccine-Preventable Diseases.
Job Corps.
Summer Youth Employment and Training.
Programs of Training for Disadvantaged Adults under Title II–A and for Disadvantaged Youth under Title II–C of the Job Training Partnership Act.
Earned Income Tax Credit (EITC).

Mr. LOTT. Mr. President, this list includes supplemental security income, social services block grants, Medicaid, food stamps, family nutrition block grants, school-based nutrition block grants, grants for screening, referral and education regarding lead poisoning, not to mention Medicare and housing assistance—a long list of programs that will help children.

So there are good programs here that will be preserved and, in many cases, improved. So if you really want welfare reform, this is it.

This may be the last opportunity to get genuine welfare reform. Vote yes. Send this bill to conference. We will get it out of conference next week, and we will send it to the President before the August recess.

I hope the President will not veto welfare reform for a third time in 18 months.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii [Mr. INOUYE] would vote ''nay.''

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

The result was announced—yeas 74, nays 24, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—74

Abraham	Ford	Lugar
Ashcroft	Frahm	Mack
Baucus	Frist	McCain
Bennett	Gorton	McConnell
Biden	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Nunn
Brown	Gregg	Pressler
Bryan	Harkin	Reid
Burns	Hatch	Robb
Byrd	Hatfield	Rockefeller
Campbell	Heflin	Roth
Chafee	Helms	Santorum
Coats	Hollings	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Conrad	Jeffords	Snowe
Coverdell	Johnston	Specter
Craig	Kempthorne	Stevens
D'Amato	Kerry	Thomas
DeWine	Kohl	Thompson
Domenici	Kyl	Thurmond
Dorgan	Levin	Warner
Exon	Lieberman	Wyden
Feingold	Lott	

NAYS—24

Akaka	Feinstein	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Kennedy	Pell
Bumpers	Kerrey	Pryor
Daschle	Lautenberg	Sarbanes
Dodd	Leahy	Simon
Faircloth	Mikulski	Wellstone

NOT VOTING—2

Inouye	Kassebaum

The bill (H.R. 3734), as amended, was passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the bill passed.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House and appoints conferees on the part of the Senate.

The Presiding Officer (Mr. GORTON) appointed, from the Committee on the Budget, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. EXON, and Mr. HOLLINGS; from the Committee on Agriculture, Nutrition and Forestry, Mr. LUGAR, Mr. HELMS, Mr. COCHRAN, Mr. SANTORUM, Mr. LEAHY, Mr. HEFLIN, and Mr. HARKIN; from the Committee on Finance, Mr. ROTH, Mr. CHAFEE, Mr. GRASSLEY, Mr. HATCH, Mr. SIMPSON, Mr. MOYNIHAN, Mr. BRADLEY, Mr. PRYOR, and Mr. ROCKEFELLER; from the Committee on Labor and Human Resources, Mrs. KASSEBAUM and Mr. DODD, conferees on the part of the Senate.

Mr. KENNEDY. Mr. President, the cosmetic improvements made in this bad bill cannot possibly justify its passage. It is no answer to say that this bill is less extreme than previous bills. Less extreme is still too extreme.

This bill condemns millions of innocent children to poverty in the name of welfare reform. But no welfare bill worthy of the name reform would lead to such an unconscionable result. This bill is not a welfare reform bill—it is a ''Let them eat cake'' bill.

In fact, welfare reform would have nothing to do with the tens of billions of dollars in this bill in harsh cuts that hurt children. Cuts of that obscene magnitude are totally unjustified. They are being inflicted for one reason only—to pay for the massive tax breaks for the wealthy that Bob Dole and the Republican majority in Congress still hope to pass. Today the Republican majority has succeeded in pushing extremism and calling it virtue. It is nothing of the sort. This bill will condemn millions of American children to poverty in order to proivde huge tax breaks for the rich.

These are the wrong priorities for America. If children could vote, this Republican plan to slash welfare would be as dead as their plan to slash Medicare. But children don't vote—and they will pay a high price in blighted lives and lost hope.

Perhaps the greatest irony of all is now on display, as America hosts the Olympic games. We justifiably take pride in being the best in many difficult events. We may well win a fistful of golds in Atlanta. But America is not winning any gold medals in caring for children.

The United States already has more children living in poverty—the United States already spend less of its wealth on its children—than 16 out of the 18 major industrial nations in the world. The United States has a larger gap between rich and poor children than any other industrial nation. Children in the United States are twice as likely to be poor than British children, and three times as likely to be poor than French or German children. And we call ourselves the leader of the free world? Shame on us. Shame on the Senate. Surely we can do better—and there is still time to do it.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1997

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 3603.

The legislative clerk read as follows:

A bill (H.R. 3603) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997.

The Senate resumed consideration of the bill.

Pending:

Gregg amendment No. 4959, to prohibit the use of funds to make loans to large processors of sugarcane and sugar beets, who has an annual revenue that exceeds $10 million, unless the loans require the processors to repay the full amount of the loans, plus interest.

McCain amendment No. 4968, to reduce funds for the Agricultural Research Service.

Gregg amendment No. 4969 (to amendment No. 4959), to prohibit the use of funds to make loans to large processors of sugarcane and sugar beets, who has an annual revenue that exceeds $15 million, unless the loans require the processors to repay the full amount of the loans, plus interest.

Bryan amendment No. 4977, to establish funding limitations for the market access program.

Kerrey amendment No. 4978, to increase funding for the Grain Inspection, Packers and Stockyards Administration and the Food Safety and Inspection Service.

Kerrey amendment No. 4979, to provide funds for risk management.

Kerrey amendment No. 4980, to provide the Secretary of Agriculture temporary authority for the use of voluntary separation incentives to assist in reducing employment levels.

VOTE ON AMENDMENT NO. 4968

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the McCain amendment No. 4968. The yeas and nays have been ordered.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I have been requested by the Senator from Arizona to ask unanimous consent that the yeas and nays that had been ordered on the McCain amendment be vitiated. I, therefore, ask unanimous consent.

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

The question is on agreeing to the amendment.

The amendment (No. 4968) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4969 TO AMENDMENT NO. 4959

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to the Gregg second-degree amendment No. 4969 on which the yeas and nays have been ordered.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the parties involved in this amendment be given 2 minutes equally divided to present the terms of the amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request to give 2 minutes equally divided on the Gregg amendment? Without objection, it is so ordered.

The Senator from New Hampshire will be recognized when the Senate is in order. The Senate will not proceed until the Senator from New Hampshire can be heard.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment deals with the sugar program which, over the years, has been debated at considerable length on this floor. It does not deal with the issue of the price of sugar, which is outrageous and the manner in which it is maintained at almost 10 cents more than the world price. It does not deal with the fact that there is a $1.4 billion tax which is basically assessed against the American consumer as a result of the sugar program.

What it does do, however, is deal with the issue of those instances, rare—in fact, I doubt that they would occur often—when someone defaults on their loan on sugar.

Mr. BUMPERS. Mr. President, could we have order? The Senator is entitled to be heard. I do not agree with what he is entitled to be heard on.

The PRESIDING OFFICER. Will Senators conversing in the aisles remove themselves from said aisles?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, in light of the position of the Senator from Arkansas, I am especially appreciative of his courtesy.

The proposal is outlined on this yellow sheet. Somebody from one of the sugar-producing States accused me of yellow journalism, but I hope the Members of the Senate will take time to review the sheet.

It essentially says the sugar program and producers will be put on the same level as students, veterans and homeowners who, when they default on a loan to the Federal Government, are personally responsible to pay it.

Under the program, as currently structured, that is not the case. I could have offered an amendment which would deal with the essence of the sugar program in the pricing policy, which is this outrageous ripoff of the American consumer to the extent of $1.4 billion.

But rather than do that, I have limited this to the issue of liability in the area of a sugar processor who fails to repay their loan. And it only applies to sugar processors with more than $15 million of annual sales. Therefore, I think it is a very reasonable amendment. And I would appreciate the consideration by the body.

Ms. MIKULSKI. Mr. President, I rise in strong support of the Gregg amendment to the agriculture appropriations bill.

I believe it is time to reform the sugar program. The sugar program has become nothing more than corporate welfare for a small group of growers which operates to the detriment of consumers and sugar refiners like Domino Sugar in Baltimore and other refiners around the country.

The Gregg amendment simply requires growers to repay their loans to the Federal Government. It is shocking that sugar growers are the only group of people who do not have to repay their loans to the Government. If students and veterans have to re-pay their loans to the Government, then so should sugar growers.

While the sugar program gives growers a significant advantage, sugar refiners have no such benefits or protection. Sugar refiners must use imported raw product in order to stay in business because there is not enough domestic supply to satisfy demand.

While growers receive artificially high prices, refiners must bear the high cost of domestic product without any benefits or protection. It is time this Government recognize the value of our sugar refining industry and the jobs that depend on it.

Since 1981, the sugar refining industry has lost forty percent of its capacity not to mention the thousands of blue collar jobs that went with it. Sugar refining is one of the few manufacturing industries still left in our inner cities. Domino Sugar in Baltimore employs almost six hundred people. Their jobs are just as important as the jobs of growers.

I urge my colleagues to support the Gregg amendment and vote for fairness in the sugar program.

The PRESIDING OFFICER. Who yields time against the amendment?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I hope the Senate will join with me and others this afternoon in a motion to table this amendment. We have just crafted a new 7-year farm bill. In a rough and tumble way, we have planned for agriculture, at least as it relates to Government's involvement.

We made major changes in the sugar program. We eliminated marketing allotments, we implemented a 1-cent penalty on loan rates, we created the assessment of $300 million coming into the Treasury all in a sense to create a more balanced field for the production of sugar in our country while there is a more equitable flow of import sugar into our refiners.

The Senator says, let us change the game one more time. I hope that the Senate will work its will, but understand that once we have crafted a farm bill that we would stay with that farm bill for the period of time of that policy. And that is why I hope we will support a motion to table.

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

Mr. COCHRAN. Mr. President, I move to table the Gregg amendment No. 4959, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

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

to lay on the table the amendment No. 4959. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii [Mr. INOUYE] would vote ''aye.''

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

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—63

Abraham	Faircloth	Lieberman
Akaka	Ford	Lott
Baucus	Frahm	Mack
Bennett	Graham	McConnell
Bingaman	Gramm	Moseley-Braun
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Harkin	Pressler
Brown	Hatch	Pryor
Bryan	Hatfield	Reid
Bumpers	Heflin	Robb
Burns	Helms	Rockefeller
Campbell	Hollings	Shelby
Cochran	Hutchison	Simon
Conrad	Inhofe	Simpson
Coverdell	Jeffords	Stevens
Craig	Johnston	Thomas
Daschle	Kempthorne	Thurmond
Dodd	Kerrey	Warner
Dorgan	Leahy	Wellstone
Exon	Levin	Wyden

NAYS—35

Ashcroft	Frist	Moynihan
Biden	Glenn	Nickles
Bradley	Gorton	Nunn
Byrd	Gregg	Pell
Chafee	Kennedy	Roth
Coats	Kerry	Santorum
Cohen	Kohl	Sarbanes
D'Amato	Kyl	Smith
DeWine	Lautenberg	Snowe
Domenici	Lugar	Specter
Feingold	McCain	Thompson
Feinstein	Mikulski	

NOT VOTING—2

Inouye	Kassebaum

The motion to lay on the table the amendment (No. 4959) was agreed to.

Mr. HEFLIN. Mr. President, 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.

Mr. COCHRAN. Mr. President, it is our hope that we will be able to propound a unanimous-consent agreement and get an agreement to take up the remaining amendments on this bill tonight, and for any votes that are required, put them over until tomorrow. That is the effort that we are making now.

There are a number of amendments that we have listed in this proposed agreement. I can read them now. We have given copies to both sides of the aisle. Senators are looking at them in an effort to determine whether this agreement can be reached. I hope it can. I know Senators are tired. They have been here all day.

The leader wants us to finish this bill tonight, but it looks like we cannot because of the long list of amendments. But we can take up the amendments and dispose of the amendments. Those that we cannot dispose of, which require votes, can be voted on tomorrow. That is the suggestion for the further disposition of this Agriculture appropriations bill.

I will be happy to yield to anyone who wants to ask a question about that, or to my distinguished friend from Arkansas, the manager on the Democratic side.

Mr. BUMPERS. Madam President, I ask unanimous consent that Senator HARKIN be added as a cosponsor on amendments Nos. 4979 and 4978.

The PRESIDING OFFICER (Mrs. FRAHM). Without objection, it is so ordered.

Mr. BUMPERS. Madam President, regarding what the Senator just said—and I certainly do not want to take any more time—this is going to be a rather burdensome evening. I am not too hot for this agreement, to tell you the truth. But if we can move expeditiously and get these amendments disposed of—and I defer to the chairman on this—according to my list, we have about five amendments here that have not been cleared. I think that probably the first thing we ought to do is to take the amendments that have been cleared and accept them on both sides and narrow down the list. I think, perhaps, of the remaining amendments, two or three of them will fall. I think that would be an expeditious way to get a resolution of this thing. I do not know whether we are going to get an agreement tonight to say that any amendments that will not be laid down tonight will be in order tomorrow.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I would like to understand a bit more about where we are at the moment. I have noticed an amendment dealing with barley and the problem that has come about as a result of the change in the payment rate for barley under the Freedom To Farm Act.

As some of you might know, those who signed up under freedom to farm to raise barley signed up with the understanding that their original payment under the freedom to farm bill was going to be 46 cents a bushel in 1996. Then they were told later that the calculation under the Freedom To Farm Act was inaccurate and that their payment would be 32 cents. That probably doesn't sound like too much to some, but it is a 30 percent reduction from what the estimate would be and the basis on which they signed up for the program—a 30 percent reduction from that level. It is somewhere around $35 million to $39 million. No State in the country raises more barley than North Dakota, and the folks that go out and plant that barley, and expect to harvest it, did so under the provisions of this farm bill, fully expecting to do so receiving 46 cents a bushel as original payment.

Now, I guess the question that I have is whether we can address this issue in this appropriations bill. This appears to be the only opportunity to address this issue on behalf of the barley growers. And before we agree to a unanimous-consent request of some type in order to compress the time and limit the opportunities to address this issue, I say to the manager and ranking member that I very much would like to discuss, at some length, with them how we can address this issue.

I do not think this is a circumstance where we can say this doesn't matter; it won't be addressed. This is a substantial amount of money coming out of the pockets of those who signed up for this program expecting to get a payment of 46 cents a bushel, which, under current circumstances, they will not get. Before I agree to a unanimous-consent request of any kind, I would like to see if we can work through and solve this problem.

Mr. BUMPERS. Madam President, let me say to the Senator from North Dakota that his amendment actually is a farm bill amendment. The chairman and I have both said in our opening statements that we hope we will not get into trying to amend the farm bill that we passed last year.

I have strong empathy for the Senator from North Dakota because he has a great interest in the issue of barley. But I hope that the Senator would be willing to take the manager's word for the fact that this really needs to be considered by the chairman and ranking members of the Agriculture Committee, because that is where this really belongs. To say that if there is a package of farm bill amendments that might be approved by the authorizers at the conclusion of this bill, there might possibly be a chance—and I do not want to guarantee or promise the Senator from North Dakota this, but we might be able to do something at the end in the way of a package of amendments.

In any case, whether we deal with it that way or not, there might be a possibility of doing something with it in conference. I know the Senator from North Dakota feels strongly about this, but I really feel that we probably ought to deal with this in a slightly different way, because it really is an amendment to the farm bill.

Mr. DORGAN. Madam President, that distinction is obviously lost on people who are out there planting barley and who signed up for a program in which they felt they were going to get a 46-cent-per-bushel payment because they were promised that. Then it turns out there was a miscalculation determined by USDA in the process of constructing this farm bill, which results in a 30-percent reduction in the payment they expected.

Now, the Senator from Arkansas is generous, and I appreciate working with him. But he knows, and I know, that we may not have another opportunity to correct this. It seems to me

that while one can make the case that this is an authorizing committee issue, one can also make the case that this is an appropriations issue, because the Secretary of Agriculture needs to have the money in order to restore this payment that was promised to family farmers.

This is not a circumstance where there is confusion about what the promise was. The Freedom To Farm Act made specific representations about, if you planted a certain commodity, what kind of payment you would receive for that planting. In the case of barley, there is no confusion. The promise was 46 cents a bushel. Now we are told, for those who fuel up the tractor and plant barley seeds, the thing has changed, the deal is off, there is a 30-percent reduction. That just, I say to my colleagues, is not satisfactory to me. I do not think it is satisfactory to the farmers who believe that we ought to keep our word on this.

So I just would say that I am not interested in any sort of unanimous consent request until we can work through this. I am not trying to draw a line in the sand here. I am just saying that we can work through this. This can be done. This can be solved. This is not a problem for which there is no solution. There is a solution. I think there are no two better people in the Senate to help us address it than the Senator from Mississippi and the Senator from Arkansas. Both of them are about as good at doing these things in the Senate as anybody I know. But I really want us to address this.

As the Senator from Mississippi, for whom I have great respect, knows, I am not sure the amendment is the right amendment, and I am not sure the method I have chosen to pay for this is the right method. In fact, I might prefer a different method. But I gave notice a day or two ago that I would want to deal with this issue on the floor of the Senate when this bill came to the floor.

I also understand those who manage this legislation—and the majority leader, for that matter, and others—would like to just package this up tight, wrap a bow around it, and run it through to final passage in the morning. Gee, I would like to see that happen as well, and I am perfectly willing to see that happen as long as the result of this bill addresses their question of how we make good on our word as a Congress to those that produce barley.

So I know my colleague, Senator CONRAD, has an interest in this as well. But I really do hope that we can visit and find a way to address this problem the way farmers would expect us to address it. They were given a promise. We need to keep that promise. A failure to keep that promise will be a failure on all of our parts. We do not need to fail. We can in this piece of legislation find $35 million and keep the promise that was made to those that raise barley.

I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I hesitate to extend the discussion of this matter. I would like to rivet the point and confirm what my colleague from North Dakota is saying.

Barley farmers in this country were made a clear promise. They were told they were going to get 46 cents a bushel under this farm bill. Somebody made a miscalculation. We do not know yet whether it was USDA or the Agriculture Committee staffs of the Senate and the House. But we know with great precision what promise was made—46 cents a bushel. That is already a significant reduction from what they would have gotten under previous legislation. But now they are told they are not going to get 46 cents. They are going to get 32 cents.

Farmers have already planted understanding that they were going to receive a certain level of payment. So they have moved on the promise that was made to them. They have planted the crop. It is there. Nothing can be done about it. But we now cannot go back on the pledge that was made to these people and say, ''Well, you know that is the way Washington works sometimes. You were told you were going to get something, and on that basis you acted, and now we are going to go back on our word and instead of 46 cents you are going to get 32 cents.''

That is an economic disaster to literally thousands of people who plant barley in this country—barley that goes into making beer which is important to our country. You have to have beer. If you do not have beer, what kind of a country have you got?

[Laughter.]

The next thing you know we will have the Germans over here selling all the beer. We do not want to do that to America—to deny those in our country who enjoy a tall cool one; that they are going to have to buy German barley or Canadian barley. They ought to be able to get American barley. And those barley farmers ought to be getting what they were promised.

So I would be very hopeful that our colleagues would recognize this is an extraordinary circumstance that somehow we have to keep our word with respect to what barley farmers were promised.

Mr. DORGAN. Madam President, will the Senator yield?

Mr. CONRAD. Yes.

Mr. DORGAN. I do not want those listening who do not know anything about barley to believe that barley is only used to produce beer. Of course, malting barley is used in the production of beer. But beef barley is used for a great amount of animal feed in this country.

The Senator from North Dakota, Senator CONRAD, makes a point. I would like to stress it. There is not any other commodity in the farm bill that is affected like this. Every other commodity got what they were promised they would get. Every other commodity got what they were promised they would get. But this farm bill contains a provision that says barley will get 46 cents a bushel, and then now it contains another provision that says, ''Oops. Oops''. Someone made a mistake. Oops. We are $35 million short.'' ''Oops'' does not mean very much unless that $35 million comes out of your pocket. Then ''oops'' is a real serious problem.

All we ask is that we find a way somehow to address this dilemma. The failure to address it now means it will not get addressed. That is why we do not want to miss this moment.

We are not talking about some mountain. We are talking about a relatively small problem that can be fixed—a big problem for barley growers, but a problem that can be fixed without great difficulty, in my judgment,

Madam President, I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I appreciate very much the remarks of the distinguished Senators from North Dakota on this barley issue. This is also a subject that is addressed in an amendment that has been crafted and proposed by Senator BURNS of Montana. And the other Senator from Montana, Senator BAUCUS, mentioned to me his interest in the issue. So it is something that Senators on both sides have an interest in.

We would like to see it resolved. Our problem on this appropriations committee is that we have a limited amount of money to allocate among all of these programs administered by the Department of Agriculture. We are advised variously that it would cost up to $40 million. It may not go that high, as the Senator says. It may be $38 million, or something like that.

Rather than spell out specifically a support level in the legislation before the Senate, I hope that we would consider as an option language directing the Secretary of Agriculture to study the suggestion that the Barley program be revised on the grounds and for the reasons stated by the Senators who have spoken and direct that he has the authority to make changes that would result in a fair solution and equitable resolution of the difficulty holding harmless those producers in other commodity programs that already have their signups approved and already have their farm plan in operation.

The reason I say that is one concern I have is that, if we do not have some language like that, the Secretary could take the funds from other commodity programs and give it to the barley producers. And I think we would have a furor on our hands, and that would be understandable.

But so long as the other producers are not harmed by this change, I would have no objection to including language like that in this bill. I think it does have to be cleared by the legislative committee. Senator LUGAR and

Senator LEAHY ought to be consulted about it.

What I can say at this point is that the Senators have my assurance that I will try very hard to get language of that kind approved here in the Senate. If we cannot get it spelled out in this bill, we can do it in conference, but at some point to make sure that this problem is addressed in this bill.

I cannot—like the Senator from Arkansas said—guarantee it because I just have 1 vote in here, and there are 99 others. But we can recommend and we can work with the Senators to craft that kind of language. I pledge to them my best efforts to do that.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I guess what I would encourage us to do is to work this evening and tomorrow morning to see if we can craft a solution to include in this bill that solves the problem. As the Senator knows, he has been a veteran of these many battles in the Congress directing the Secretary to study something, suggestions that it may or may not get solved, and it may or may not get solved in the next 5 years.

Mr. COCHRAN. If the Senator will yield, there are two parts: The study to do something equitably to address and resolve the issues; and we have to worry, too, about how the Congressional Budget Office may score language like that.

I do not know what their scoring would be. I am sometimes mystified and dumbfounded by the scoring decisions that are made by the Congressional Budget Office on something like this.

So we will have to reserve judgment on that basis. We do not want to put ourselves out of business because of some scoring decision that they make.

Mr. DORGAN. I understand that. My point was that I do not know that the problem needs much study. I understand the problem. We understand that those who signed up with the program who raise barley find out now that they are going to get 30 percent less than the freedom to farm bill proposed at 46 cents a bushel.

Mr. COCHRAN. Madam President, if the Senator will yield, it has to be studied. There was a misinterpretation of estimates provided by Department of Agriculture for the payments for barley producers. But the barley producers were told that an erroneous support level would be made a part of the barley program. Then they found out later that they were wrong and it would be a lower level. Now they are caught in this situation where they do not want to have to admit that the facts were misrepresented about the support level and the basis on which it was calculated.

That is why it ought to be studied because there is a difference of opinion at the Department of Agriculture as to what this level ought to be. I do not know what the level ought to be. You are saying one level. The barley producers are expecting that level that you are talking about. That is the part of the problem.

Mr. DORGAN. The Department indicates that the majority party in constructing the freedom to farm bill made the error. I do not know who made the error. I do know this. That when someone signs up for a program and is told they will get 46 cents a bushel for a barley payment under a contract, and then are told later, ''Well, gee. That was wrong. You actually are going to get 30 percent less than that,'' and, where this is the only crop in the country that is put in that position, our position is let's go ahead and make them whole.

We do not have to wait forever to do that. Let us try to find a way to do that now. It has been kicking around here for a while. I have talked to the Senator from Montana, Mr. BURNS, so I know you have been working with him, and Senator BAUCUS. My understanding is some of the original discussions about that would be maybe to fix part of the problem.

I would very much like to fix this problem so that those who signed up on the basis of getting 46 cents a bushel for barley will be able to understand that is what they are going to get. That is what everybody else got. Everybody else got exactly what this Congress told them they would get as a payment under freedom to farm. It was a fixed payment. It did not require rocket scientists to understand what it was going to be; it was a fixed payment. Everybody signed up and understood what they were going to get.

The only crop that is disadvantaged this way, the only farmers who are going to be short-changed will be those who raise barley who were told it is not 46; something happened in between with calculations and it will be 30 percent less than that. Our position is that is not the right way to deal with these growers.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I believe that the distinguished chairman of the Agriculture Appropriations Subcommittee has offered to work with the Senator and the other Senator from North Dakota and the Senator from Montana, Mr. BURNS, and has an amendment reservation pending to try work this out in a way that is acceptable to Senators.

We need to get an agreement on how we are going to proceed tonight and in the morning. I would like to propound a unanimous consent agreement, and the chairman, I am sure, is going to be prepared to work with Senators right now and see if he can find something that is acceptable. As he said, he is in an awkward position because he is, in effect, trying to represent what he understood the Agriculture Department's position might be. We are not all barley experts, but he is willing to work with Senators on that.

So let me ask consent so that we try to get agreement on how we proceed. By the way, I want to say the distinguished Democratic leader has been working with me to come up with a fair and equitable way to handle this bill and amendments. There is a lot of emotion on agriculture bills and commodities, and we have worked together to try to come up with a procedure here that will be a fair process that everybody can get their case made and maybe we can go ahead and be working on barley and water rights and peanuts and FDA and everything that is pending.

So I ask unanimous consent that the following amendments be the only remaining first-degree amendments in order to the pending agriculture appropriations bill, that they be subject to relevant second-degree amendments, that no motions to refer be in order and no points of order be considered as having been waived by this agreement. The amendments are as follows and must be offered and debated prior to the close of business this evening with the exception of the Kennedy amendment regarding FDA: Burns regarding barley; Brown regarding water rights; Santorum regarding peanuts, eight amendments, which I hope will wind up being no more than one; the Mikulski amendment regarding FDA; Leahy regarding milk orders; Craig regarding GAO study; Lugar regarding double cropping; Kerrey Nos. 4978, 4979 and 4980; Kennedy regarding an FDA amendment; Simpson regarding wetland easements; a Pell amendment unspecified; Thurmond regarding agriculture research; a Frahm amendment regarding section 515, rental housing program; Bryan No. 4977; and Gregg No. 4955.

I further ask that following the conclusion of debate on the above-listed amendments, any votes ordered with respect to the amendments be stacked to occur beginning at 11 a.m. on Wednesday, tomorrow, with the first vote limited to the standard 15 minutes and any stacked votes thereafter limited to 10 minutes with 2 minutes for debate to be equally divided prior to each vote.

Mr. LEAHY. Madam President, reserving the right to object.

Mr. DORGAN. Reserving the right to object—

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, would the distinguished majority leader note on his list instead of an amendment by me on milk orders, that it is an amendment on the Northern Forest Stewardship Act.

Mr. LOTT. Northern Forest Stewardship Act.

Mr. LEAHY. I suspect it is going to be accepted anyway, but it will not be on milk orders.

Mr. LOTT. I amend my unanimous-consent request to reflect that.

Mr. LEAHY. I appreciate it.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Reserving the right to object, it is not my intention to hold up the Senate, and I do want to help this process move along. I am constrained to object at the moment.

What I would like to suggest is that we sit down here for a few minutes and see if we can divine a way by which we can address this problem so that we can have a UC that I would not object to. I do not want to be in a circumstance where we now lock in a process so that at 11:30 in the morning this thing is done and gone and our opportunity to address this issue is over and we are told, well, we are very sympathetic; we think you had an awfully good case; we have 16 people studying it; we have 86 staff people looking at it. And the fact is, nothing will get done and we know that.

So what I want to do, if we can, is spend a few minutes, perhaps in the next few minutes, seeing if we can find a way to solve this problem now that we have the opportunity to solve it, and if we can find a way to do that and find a process by which that can be done, then we can have the unanimous-consent request that I would not object to.

It is not my intention to hold this up. I want to be helpful, but I do also want to be helpful to some thousands of farmers out there who signed up for something that under the current circumstances they will not get, and that is not fair and we ought to fix it. So I do object. I object.

The PRESIDING OFFICER. The Senator from Mississippi still has the floor.

Mr. LOTT. Madam President, as I stand here before you, amendments are coming in. It is growing. If we do not get a unanimous-consent agreement, it is going to continue to grow. We need to get the agriculture appropriations bill done. I understand Senators want to work it out. The Senator has indicated he is willing to do that. But maybe we should just go ahead and go on with the business and get a recorded vote up as soon as we can. I believe we have one we could do on maybe market research, something, but we have to get our work done. If we cannot get a UC, then let us start voting.

Mr. BUMPERS addressed the Chair.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Is there objection to the request?

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Is there a unanimous-consent request pending?

The PRESIDING OFFICER. There is not.

Mr. LOTT. I do not know if the Senator actually objected or not.

Mr. DORGAN. I did.

Mr. LOTT. He did.

Mr. DORGAN. Madam President, I made the point that if we can take just a couple minutes here, we may be able to solve this problem. I suggest that we have a brief quorum call and see if we could through some discussion solve this problem. It is not my intention to hold up the Senate. I understand exactly what the majority leader wants to do.

Mr. LOTT. I think that is a fair request. Let us make a run at it.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. If I may direct a comment to the majority leader on this—

Mr. DORGAN. Excuse me. Did the Chair note my objection?

Mr. LOTT. The objection was heard, I believe.

The PRESIDING OFFICER. The objection was heard.

Mr. BUMPERS. Let me say, first of all, I want to cooperate with the majority leader. I am afraid, as they say, he has poured out more than we can smooth over this evening. There are a lot of amendments here that are going to require a lot of debate. For example, Senator SANTORUM does not have one amendment; he has eight amendments.

To suggest that all of these amendments will be debated tonight, and we start voting at 11 o'clock in the morning, we would be lucky to finish by 11 o'clock in the morning if we stayed here all night the way I look at this thing. So I would suggest that we try to craft this in such a way that we say, first, these amendments be the only ones in order. I sympathize with that totally, and I think that is the first part of the agreement that we get, if we possibly can, to stop the very hemorrhaging you are talking about of new amendments.

Second, I think we ought to limit the time agreement on these amendments so that we do not take 2 hours. I know Senator KENNEDY feels very strongly about one amendment and wants 2 hours. So I am just saying that if we could limit the amendments in the unanimous-consent agreement—and I do not believe the Senator from North Dakota would object to that—I think we could get that done now, and that would be a major step toward getting this bill finished.

Mr. LOTT. Madam President, let us see if we can get the sticking point we have before us worked out. In the meantime, while the interested parties are talking about that, we will see how we can craft a unanimous consent that would reflect that.

Several Senators addressed the Chair.

Mr. LOTT. I will be glad to yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I am glad to either file the amendment which I would hope we would have an opportunity to debate—but I am glad to send that at an appropriate time to the desk this evening. I was told by the floor managers they preferred to deal with the agricultural issues this evening. I said I would speak tonight on this amendment. They indicated that, as much as they wanted to hear me speak, they would rather deal with particularly agricultural amendments and then go over until tomorrow.

I want to indicate I am not interested in an undue delay, but I have had a number of Members who have spoken to me, saying that they would like to speak on this issue. I can file the amendment here this evening. We will be prepared to be on the floor at a time to be designated by the leader to either follow those amendments that deal with agriculture or whatever order the majority leader wants. But I want to be able to preserve both my right and time tomorrow to address this issue, which is of major importance and really not relevant to the subject at hand.

The subject at hand is the agricultural appropriations. This is dealing with the Food and Drug Administration. It is a part of a bill that is currently before the Senate and also before the House, where there are good-faith negotiations, allegedly, taking place to try to work out some of the differences. I want to have an opportunity to speak to that issue, but I want to also indicate I have been requested to restrain that now to deal with the agricultural issues. I will follow that request.

Mr. LOTT. Madam President, we have been working as the Senator has been talking. If the Senator will allow me to renew this unanimous-consent request, I think we have something we can get done.

Mr. KENNEDY. Certainly

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Madam President, I ask unanimous consent the following amendments be the only remaining first-degree amendments in order to the pending agriculture appropriations bill, that they be subject to second-degree amendment, that no motions to refer be in order, and no points of order be considered as having been waived by this agreement. The amendments are as follows. My intent here is to lock in this list of amendments so it will not continue to grow as the night progresses. Here is the list:

Burns, regarding barley; Brown, regarding water rights; Santorum amendments, regarding peanuts; Mikulski, regarding FDA; Leahy, regarding Northern Forest Stewardship Act; Craig, No. 4971; Leahy, regarding double cropping; Kerrey, Nos. 4978, 4979, and 4980; Kennedy, regarding FDA; Simpson, regarding wetlands easements; Bumpers, regarding agriculture research; Thurmond, regarding agriculture research; Frahm, regarding section 515, rental housing program; Bryan, No. 4977; Gregg, No. 4959; Burns, relevant; Smith, relevant; Hatfield, two relevants; Brown, relevant, one,

and the second would be water rights task force; Murkowski, two relevant amendments; Domenici, regarding drought; Cochran, two relevant amendments; Hatch, regarding FDA; Lott-Bumpers-Wellstone with two; Daschle with two; Leahy, regarding agriculture; Sarbanes, regarding agriculture; Leahy, regarding wild rice; Dorgan, regarding barley; and Dorgan, regarding a sense of the Senate on Canadian trade; that we would have stacked votes at 11 o'clock on those that have been debated and debate completed, then we would resume after those stacked votes with the remainder of these amendments until we complete the list, many of which I hope will not be offered.

Mr. DASCHLE. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. For clarification purposes, the majority leader did not note, I do not believe, second-degree amendments would have to be relevant, but I am sure that was the intent.

Mr. LOTT. I may have read over that because I was reading it fast: be subject to relevant second-degree amendments.

Mr. DASCHLE. And there is no time limit on the amendments for purposes of debate?

Mr. LOTT. Not at this time. We are just trying to lock in the list of amendments, which is a lengthy list, and all of our agriculture friends, I am sure, would like to have an agriculture appropriations bill. So we need a little cooperation here.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Further reserving the right to object, I hope we could agree with this. The majority leader and I have been working. As he made the list, I am quite sure there are at least as many Republican as Democratic amendments, so this is true bipartisanship. There is as much interest in amending this from the Republican side as there is from the Democratic side, so I certainly hope no one would come to any conclusion that it was only the Democrats that were holding this up.

But I do believe this unanimous consent works for both sides. It protects Senators to offer their amendments, and it gives us an opportunity to work tonight to address some of them. I hope we could finish the work sometime tomorrow.

Mr. CONRAD. Reserving the right to object.

Mr. LOTT. I thank the Democratic leader for his effort to be helpful in this regard.

Mr. CONRAD. Reserving the right to object, I ask the able majority leader that I be added, a Conrad amendment with respect to barley, so we have another slot. So, hopefully, we can get this worked out in a way that achieves a result. If we could reach that understanding, I would not object.

Mr. LOTT. I will amend my unanimous-consent request to that extent: Senator Conrad regarding barley.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. If I could ask the distinguished majority leader, did that list include under my name an aquaculture reauthorization?

Mr. LOTT. I had it listed as agriculture. Is it supposed to be aquaculture?

Mr. LEAHY. Aqua. You have to forgive my New England accent.

Mr. LOTT. You talk a little funny.

Mr. LEAHY. We talk a little funny up in New England, but we do our best. I have no objection.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Put my name down for an amendment on dairy.

Mr. LOTT. Heflin regarding dairy. We need to get dairy in here. It would not be a normal agriculture bill without it. All right, sir. We have added that.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Reserving the right to object, and I will not object to this request, the majority leader does not, by this request, limit the time on the bill. He attempts to limit the amendments that will be offered. I only want to make certain the amendment that he has referenced, the barley amendment that I would offer—you are describing an amendment about barley, not necessarily the amendment that I have sent to the committee. I may want to change the method of paying for that. I assume the unanimous-consent request simply allows me a relevant barley amendment; is that correct?

Mr. BUMPERS. That is right.

Mr. LOTT. Yes, you are on the list for a relevant barley amendment.

Mr. DORGAN. But I am not necessarily tied to the amendment I submitted to the committee. I assume I will be able to modify that amendment.

Mr. LOTT. Any Senator can modify his amendment.

Mr. DORGAN. I will not object.

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

Mr. LOTT. Then I further ask, as I did earlier, when we begin the stacked votes at 11 o'clock, the first vote be 15 minutes and the stacked votes thereafter be limited to 10 minutes, with 2 minutes of debate equally divided prior to each vote.

Mr. HEFLIN. Reserving the right to object, I sort of feel like some of these things are a little complicated. Could we have, on peanuts, 4 minutes equally divided instead of 2?

Mr. LOTT. If there are any peanut amendments, then 4 minutes on the first of those that might be offered, equally divided. Is that all right?

Mr. HEFLIN. First two. We have eight.

Mr. LOTT. Four minutes on first two equally divided with the hope there would not be more than one. That agreement is included in our request.

Mr. BUMPERS. Reserving the right to object, Madam President, as I understood the unanimous consent agreement, the first part was these amendments would be an exclusive list.

Mr. LOTT. Right.

Mr. BUMPERS. The second part of the agreement, the second unanimous consent agreement said that we would stack votes beginning at 11 o'clock in the morning.

Mr. LOTT. Right, sir.

Mr. BUMPERS. It did not say all of these amendments would be disposed of prior to that time?

Mr. LOTT. No, just those debated and ready for votes.

Mr. BUMPERS. I am confused by the Senator's request for 4 minutes on peanut amendments.

Mr. HEFLIN. If they come up. If we can get everyone to agree to a 4-minute time agreement, maybe we could finish tonight.

Mr. LOTT. He wants 4 minutes immediately prior to the votes in the stacked order.

Mr. BUMPERS. OK.

Mr. LOTT. I renew my request.

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

Mr. LOTT. I think the best thing to do at this point, as laboriously as that agreement was worked out, let us go forward now with the efforts to get an agreement on barley and start taking up the amendments and turn it over to the very able managers of the legislation. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, if I could have the attention of the two managers, I do have an amendment on behalf of myself, the Senators from Maine, Ms. SNOWE and Mr. COHEN; the Senators from New Hampshire, Mr. GREGG and Mr. SMITH; the Senator from Vermont, Mr. JEFFORDS; and Senators MOYNIHAN, KENNEDY, and KERRY regarding the northern forest stewardship.

If the managers are in a position to accept this, I am willing to offer it and go forward. If they prefer we wait until a later time, I am willing to do that. I just understand some people want to get some things moving forward. So I ask the distinguished managers, if that is the case, I will offer it on behalf of those Senators, otherwise I will withhold until a later time.

Mr. COCHRAN. Madam President, if the President will yield, let me respond by saying this is an issue that is not an agriculture appropriations issue, as the Senator knows.

Mr. LEAHY. That is right.

Mr. COCHRAN. It is related to forestry and comes under the jurisdiction of other committees. So I am not able to accept the amendment or recommend it be accepted. I understand there are some objections to it.

Mr. LEAHY. I will withhold, Madam President. If I can ask the Senator from Mississippi a further question, my

understanding is that under the unanimous-consent agreement we are now operating under, this amendment, however, is protected at least to the extent of being able to bring it up, subject to all the other conditions. If I do not bring it up tonight, it is still protected.

Mr. COCHRAN. As I understand it, he has the right to offer the amendment at any time. He can offer it now, and it will become a pending amendment which will have to be laid aside temporarily to consider other amendments, or he can offer it later.

Mr. LEAHY. Madam President, I believe, then, I will offer it now and then yield to the Senator from Mississippi who will then move to set it aside and make the bill available for other amendments.

AMENDMENT NO. 4987

(Purpose: To implement the recommendations of the Northern Forest Lands Council)

Mr. LEAHY. Madam President, I ask unanimous consent that it be in order to offer an amendment on behalf of myself and Senators SNOWE, GREGG, JEFFORDS, SMITH, COHEN, MOYNIHAN, KENNEDY, and KERRY, and that it be reported and become the pending business.

Mr. CRAIG. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I am attempting to understand this amendment and would like to work with the Senator from Vermont. It has not had the kind of airing I would hope for, and there is a question, as the chairman just said. I do not want to object this evening to this, but I would like to sit down with the Senator from Vermont prior to the consideration of it.

Mr. LEAHY. Madam President, let the distinguished chairman move to set it aside, but it will be there. Under the unanimous-consent agreement, I have the right to bring it up at any time. I will offer it just so I can now leave the floor and it is there. Obviously, it will not be brought up until such time as the distinguished Senator from Idaho and I have had a chance to talk.

Mr. CRAIG. Under that understanding and consideration of the Senator from Vermont, I will not object.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I was going to say for point of clarification, there are other amendments pending as well, so it is not like this is the only amendment offered. There is a market access amendment, Senator KERREY has three amendments pending, and there are others, all of which are pending before the Senate now. This is not unusual. The only reason you were asking unanimous consent was so that those could be set aside and you could offer that amendment. I suggest that the clerk report the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Ms. SNOWE, Mr. GREGG, Mr. JEFFORDS, Mr. SMITH, Mr. COHEN, Mr. MOYNIHAN, Mr. KENNEDY, and Mr. KERRY proposes an amendment numbered 4987.

Mr. LEAHY. 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 text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LEAHY. Madam President, I rise to seek the Senate's approval of S. 1163, the Northern Forest Stewardship Act, the result of a joint effort on the part of my colleagues from New England and New York—Senators JEFFORDS, GREGG, SMITH, SNOWE, COHEN, MOYNIHAN, KENNEDY, KERRY, and thousands of constituents who live in our region, one characterized by some 26 million acres of forest spanning four States.

The Northern Forest Stewardship Act of 1995, S. 1163, is an example of what Congress can achieve when it heeds the public's voice. The bipartisan legislation that I introduced with several other northern forest Senators on August 10, 1995, is founded on extensive research, open discussion, consensus decisions, and visionary problem solving by the people who have a stake in the future of the forest.

Legislation rarely embodies such a thorough effort by so diverse a constituency. Our goal was to accurately reflect the recommendations of the northern forest communities, envisioned in the final report of the Northern Forest Lands Council.

The council process was initiated to avoid the conflicts that have divided communities in some regions of our country. These conflicts have very often been fueled by misinformation, politics and short-term economic gain.

Over the past 4 years, northern forest communities have made a dedicated effort to develop a shared vision for their future. They have worked hard to arrive at a consensus and our job is to insure that their efforts are rewarded.

This legislation is guided solely by the council's recommendations—it goes no further, nor does it fall short. The bill includes a package of technical and financial assistance which the Congress can and should support.

Between the Family Forestland Preservation Act (S. 692) and the Northern Forest Stewardship Act (S. 1163), Congress can meet the recommendations made by the people of the northern forest.

The Northern Forest Stewardship Act includes provisions on the council's fundamental principles; formation of forestry cooperatives; defining measurable benchmarks for sustainability; a northern forest research cooperative; interstate coordination and dialog; forest-based worker safety and training; funding for land conservation planning and acquisition; landowner liability; and nongame wildlife conservation.

The legislation embodies the conservation ethic of the 1990's—non-regulatory incentives and assistance to realize community-based goals for sustainable economic and environmental prosperity. The rights and responsibilities of landowners are emphasized, the primacy of the States is reinforced, and the traditions of the region are protected. Yet, the bill also promotes new ways of achieving our goals and a common vision that did not exist several years ago.

Moving ahead with the Council's work, we will pursue enhanced forest management, land protection that supports the recreational and wildlife needs of the region, integrated research and decision making, and increased productivity in the traditional as well as new compatible industries.

Through this bill, we can boost sustainable development and protect the ecological integrity of biological resources across the landscape. The Nation has taken notice of this highly successful effort as a model for meeting the conservation challenges of the country, and I am confident of its inevitable success.

We welcomed the constructive input of many people and organizations who compared our legislation with the final recommendations, research, and public participation of the Northern Forest Lands Council.

It was our goal to create the best possible representation of the future described in the report to Congress, Finding Common Ground: Conserving the Northern Forest—to make the Council's solutions work, and work well. I want to thank the many citizens for their hard work which helped shape the final product.

The Northern Forest Stewardship Act is the work of many people. I want to congratulate the members of the council for their success, and most importantly the people of the northern forest for their enthusiasm during the long process. Thousands of people took time to turn out for public meetings and share their views on the northern forest. Hundreds more put pen to paper or picked up the phone to register their thoughts.

Senators GREGG, JEFFORDS, COHEN and SNOWE deserve particular thanks for their contributions to this effort.

The Northern Forest Lands Council recommendations reflect the first, true consensus vision of northern forest communities. We must reward that cooperation by providing a fair and true legislative reflection of their combined wisdom.

Mr. JEFFORDS. Madam President, I rise in support of the Northern Forest Stewardship Act and commend Senator LEAHY for his leadership on this initiative.

It was almost a decade ago that a sudden sale of a large tract of forest land in northern Vermont and New Hampshire forced people to take notice of the value and vulnerability of the timber lands in an area which has become known as the Northern Forest.

Foresters, conservationists, and recreationists became somewhat alarmed at the prospects that these forest lands, long valued for the aforementioned traditional uses, might instead be parceled and sold to bidders whose intentions and values did not necessarily match those of the landowners who had long provided stewardship of these lands.

The States of Vermont, New Hampshire, Maine, and Vermont marshaled their resources and convened a study group to investigate the nature and extent of the matter. We learned, frankly, that some of our concerns were overstated. A study of land transfers did not reveal an imminent threat of large scale land sales. But we also learned how fragile the economics of forestry has become. And if the business of forestry cannot be sustained, then neither can we take for granted the benefits of the wooded lands.

So the Northern Forest Lands Council studied these issues in depth and in 1994, issued its recommendations. These recommendations, it is important to note, reflect a consensus among many sectors concerned with forest issues. The council worked hard to ensure a high level of agreement between diverse constituencies, and we here in Congress have sought to continue in that mode.

We have followed two tracks to implement the consensus recommendations, and the Northern Forest Stewardship Act represents the conservation and stewardship part of the equations. Our goal here has been to closely follow the council's suggestions, and I greatly appreciate the efforts and energies of the many stakeholders who have helped move this initiative forward. This Stewardship Act is designed to help the States and private owners to move forward on many initiatives designed to protect and enhance the forest health, forest economies, and community development.

The other part of the equation has been put forward in a bill sponsored by Senator GREGG. These measures would implement the many Federal tax policy changes recommended by the council. My desire would be to merge the two bills, as one complements the other. As I have said, there is broad agreement that it is increasingly difficult to make a living as a forester, and the tax changes contained in the Gregg bill would be of great benefit to Vermont forestry professionals. While it is not practical or possible to move the Gregg bill in concern with the Stewardship bill at this time, I think it is something toward which we should work, and I know several of my colleagues share this view.

Madam President, this bill is an important step for the Northern Forest. As our progress here tonight is only possible because of the work already done by the Lands Council and all those involved in developing the consensus recommendations, I ask unanimous consent that the mission statement of the Northern Forest Lands Council be printed in the RECORD. This statement reflects the guiding principles of the council, and serves as our benchmark, as well.

There being no objection, the statement was ordered to be printed in the RECORD, as follows;

NORTHERN FOREST LANDS COUNCIL

MISSION STATEMENT

The mission of the Northern Forest Lands Council is to reinforce the traditional patterns of land ownership and uses of large forest areas in the Northern Forest of Maine, New Hampshire, New York, and Vermont, which have characterized these lands for decades. This mission is to be achieve by:

Enhancing the quality of life for local residents through the promotion of economic stability for the people and communities of the area and through the maintenance of large forest areas;

Encouraging the production of a sustainable yield of forest products, and;

Protecting recreational, wildlife, scenic and wildland resources.

Mr. LEAHY. Madam President, I thank my distinguished friend from Mississippi for his usual courtesy and help, and the rest of the Leahy family thanks him, because I think this will make my evening somewhat easier than his.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I appreciate the remarks of the Senator from Idaho, who is chairman of the Forestry Subcommittee of the Senate Committee on Agriculture. He is familiar with these issues, and his help and efforts to understand the implications of this amendment will be deeply appreciated.

I am hoping that other Senators can come to the floor and offer their amendments or debate amendments that are pending. We had a lot of debate yesterday on the market access program. I suggest we probably debated that enough. We can vote on that at 11 o'clock in the morning, in accordance with the request of the majority leader.

There may be other amendments that can be voted on at that time as well. Certainly, the market access program is one we fully debated yesterday, and I expect a vote can occur at 11 o'clock on that amendment. There are probably others as well.

There may be some amendments that have been cleared. I do know Senator THURMOND had an amendment that we talked about involving research by the Department of Agriculture. It might be cooperative State research. I am prepared to submit that amendment. I ask unanimous consent that the pending amendments be set aside for the purpose of offering this amendment.

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

AMENDMENT NO. 4988

(Purpose: To provide funding for the Cooperative State Research, Education, and Extension Service)

Mr. COCHRAN. Madam President, on behalf of the Senator from South Carolina [Mr. THURMOND] and the other Senator from South Carolina [Mr. HOLLINGS], I send an amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. THURMOND, for himself, and Mr. HOLLINGS, proposes an amendment numbered 4988.

Mr. COCHRAN. 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:

On page 12, line 25, strike ''$46,330,000'' and insert in lieu thereof ''$46,830,000''.

On page 14, line 10, strike ''$418,620,000'' and insert in lieu thereof ''$419,120,000''.

On page 21, line 4, strike ''$47,517,000'' and insert ''$47,017,000''.

Mr. THURMOND. Madam President, I rise today, along with my colleague from South Carolina, Senator HOLLINGS, to introduce an amendment to restore funding for three agricultural research projects that are conducted by Clemson University. While I am aware that funding is limited this year for all programs, these particular research projects will benefit all American farmers.

The alternative cropping systems project is a joint research effort with Clemson University, the University of Georgia, and North Carolina State University, which is conducting research in production and marketing of alternative crops to the traditional agronomic crops grown in the southeast. To continue this research, $232,000 is needed.

The peach tree short life research project is currently conducting field trials to determine if a ground cover used in peach orchards inhibits reproduction of ring nematodes, a contributing cause of peach tree short life. This disease causes the premature death of peach trees. Of the $500,000 included in this amendment, $162,000 would be used to continue this research.

The last program this money would be used for is the pest control alternatives research project. Currently, Clemson University is working to develop innovative pest control techniques which help reduce environmental concerns and increase returns to farmers. For this research program, $106,000 is requested.

The consumer is asking for safer food production methods. Further, our farmers need research assistance to help reduce pesticide usage on fruits and vegetables and increase the marketing potential of our crops. These research projects will help find solutions to these problems, thus aiding farmers as well as consumers.

Mr. COCHRAN. Madam President, this amendment has been cleared on both sides. It deals with research in the State of South Carolina. I know of no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4988) was agreed to.

AMENDMENT NO. 4989

(Purpose: To make necessary reforms to the rural multifamily loan program of the Rural Housing Service)

Mr. COCHRAN. Madam President, I ask unanimous consent that I be permitted to set aside the pending amendments and send an amendment to the desk on behalf of the Senator from Kansas, Mrs. FRAHM.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mrs. FRAHM, proposes an amendment numbered 4989.

Mr. COCHRAN. 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:

At the appropriate place in title VII of the bill, add the following new section:

SEC. 7 . RURAL HOUSING PROGRAM EXTENSIONS.

(a) EXTENSION OF MULTIFAMILY RURAL HOUSING LOAN PROGRAM.—

(1) AUTHORITY TO MAKE LOANS.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4) is amended by striking ''September 30, 1996'' and inserting ''September 30, 1997''.

(2) SET-ASIDE FOR NONPROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1) is amended by striking ''fiscal year 1996'' and inserting ''fiscal year 1997''.

(b) EXTENSION OF HOUSING IN UNDERSERVED AREAS PROGRAM.—The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking ''fiscal year 1996'' and inserting ''fiscal year 1997''.

(c) REFORMS FOR MULTIFAMILY RURAL HOUSING LOAN PROGRAM.—

(1) LIMITATION ON PROJECT TRANSFERS.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by inserting after subsection (g) the following new subsection:

''(h) PROJECT TRANSFERS.—After the date of the enactment of the Act entitled 'An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes', the ownership or control of a project for which a loan is made or insured under this section may be transferred only if the Secretary determines that such transfer would further the provision of housing and related facilities for low-income families or persons and would be in the best interests of residents and the Federal Government.''.

(2) EQUITY LOANS.—Section 515(f) of the Housing Act of 1949 (42 U.S.C. 1485(t)) is amended—

(A) by striking paragraphs (4) and (5); and

(B) by redesignating paragraphs (6) through (8) as paragraphs (4) through (6), respectively.

(3) EQUITY TAKEOUT LOANS TO EXTEND LOW-INCOME USE.—

(A) AUTHORITY AND LIMITATION.—Section 502(c)(4)(B)(iv) of the Housing Act of 1949 (42 U.S.C. 1472(c)(4)(B)(iv)) is amended by inserting before the period at the end the following: ''or under paragraphs (1) and (2) of section 514(j), except that an equity loan referred to in this clause may not be made available after the date of the enactment of the Act entitled 'An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes', unless the Secretary determines that the other incentives available under this subparagraph are not adequate to provide a fair return on the investment of the borrower, to prevent prepayment of the loan insured under section 514 or 515, or to prevent the displacement of tenants of the housing for which the loan was made''.

(B) APPROVAL OF ASSISTANCE.—Section 502(c)(4)(C) of the Housing Act of 1959 (42 U.S.C. 1472(c)(4)(C)) is amended by striking ''(C)'' and all that follows through ''provided—'' and inserting the following:

''(C) APPROVAL OF ASSISTANCE.—The Secretary may approve assistance under subparagraph (B) for assisted housing only if the restrictive period has expired for any loan for the housing made or insured under section 514 or 515 pursuant to a contract entered into after December 21, 1979, but before the date of the enactment of the Department of Housing and Urban Development Reform Act of 1989, and the Secretary determines that the combination of assistance provided—''.

(C) TECHNICAL CORRECTION.—Section 515(c)(1) of the Housing Act of 1949 (42 U.S.C. 1485(c)(1) is amended by striking December 21, 1979'' and inserting ''December 15, 1989''.

(d) EQUITY SKIMMING PENALTIES.—

(1) INSURANCE OF LOANS FOR THE PROVISION OF HOUSING AND RELATED FACILITIES FOR DOMESTIC FARM LABOR.—Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by adding at the end the following new subsection:

''(j) EQUITY SKIMMING PENALTY.—Whoever, as an owner, agent, or manager, or who is otherwise in custody, control, or possession of property that is security for a loan made or insured under this section willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual or necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined not more than $250,000 or imprisoned not more than 5 years, or both.''.

(2) DIRECT AND INSURED LOANS TO PROVIDE HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES IN RURAL AREAS.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by adding at the end the following new subsection:

''(aa) EQUITY SKIMMING PENALTY.—Whoever, as an owner, agent, or manager, or who is otherwise in custody, control, or possession of property that is security for a loan made or insured under this section willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual or necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined not more than $250,000 or imprisoned not more than 5 years, or both.''.

Mr. COCHRAN. Madam President, this deals with the 515 housing program, the low-income housing program.

● Mrs. FRAHM. Madam President, this is an amendment to H.R. 3603, the 1997 agriculture appropriations bill, to remedy a problem with an important low-income housing program.

My amendment specifically addresses the Rural Housing Services Program administered by the Department of Agriculture—the so-called section 515 program. This multifamily rural rental housing program is one of the few resources available to give very low-income and low-income residents of rural America access to decent, safe, and affordable housing. My staff has been informed by the CBO that this amendment will not increase the deficit.

While I firmly believe that housing issues and problems are best resolved on the State and local level, as the Agriculture Department still retains control of these programs we should make them work as efficiently as possible. I hope that in the near future we can make sweeping reforms that push these responsibilities to State and local governments; just as our forefathers originally intended when they wrote the tenth amendment.

Despite improvements in housing quality, 2.7 million families still live in substandard housing. According to 1990 census data, rural renters were more than twice as likely to live in substandard housing as people who owned their homes. With lower median income and higher poverty rates than homeowners, many renters simply cannot find decent, affordable housing.

The section 515 program assists the rural elderly, the disabled, and families. The average tenant served by the program has an income of $7,300. In my home state of Kansas the average tenant income is even lower, only $6,590. Make no mistake, these people would not be able to afford decent housing without this program.

My amendment would make several changes to the section 515 program that help alleviate existing problems. It would limit project transfers to instances when the Secretary determines that such transfer would be in the best interest of the Federal Government.

Currently, when a project begins to fail financially, the Rural Housing Service transfers the property to another owner rather than institute foreclosure proceeding. When the property is transferred, the new owner assumes the terms of the old debt, but at the fair market value at the time of the transfer. As many of these properties have decayed and experienced vacancy problems, the appraisal will often be for much less than the previous loan amount. The losses the Government incurs can be substantial as properties age and tax credits are exhausted.

Under current law, an account is established in the Department of Agriculture to offset the cost of guarantees for private-market equity takeout loans. Owners pay a certain amount into the account to offset the future cost of those loan guarantees.

Current law requires each owner to deposit $2 per unit rent into the reserve account each month. It further allows the owner to increase the per unit rent by this amount to pay for these deposits. Since tenants are limited as to how

much they can pay for rent, these payments must come from additional rental assistance. My amendment would reduce the cost of rental assistance by no longer letting owners increase the rents to fund their deposits into the reserve.

The most important part of the amendment is the addition of criminal penalties for any owner, agent, or manager who willfully uses or authorizes the use of rents or income of the property for any purpose other than to meet actual or necessary expenses. This provides an effective deterrent to wrongdoing by unscrupulous participants.

Madam President, I believe these modifications to the section 515 program are a good first step toward getting the program back on track. They return the program to its important public purpose, one that has worked in Kansas, of creating safe and sanitary rental alternatives for very low-income residents in America's rural communities. I ask that my colleagues support my amendment and urge its adoption.●

Mr. D'AMATO. Madam President, I rise to support the amendment sponsored by the gentlelady from Kansas which would reform the Department of Agriculture's section 515 Rural Rental Loan Program. I salute Senator FRAHM for her dedication and commitment to reforming and improving this program which serves as the only source of affordable rental housing in much of our Nation's rural areas. As chairman of the Committee on Banking, Housing and Urban Affairs I would like to personally commend our newest Member for her quick action in proposing bipartisan reform measures which should become law this year.

I would also like to express appreciation to Senator COCHRAN and Senator BUMPERS for their consideration of this amendment at the request of the Banking Committee. The Banking Committee will consider more comprehensive reforms to the section 515 program in the context of an overall examination of housing programs within the Rural Housing Service of the Department of Agriculture. However, Senator FRAHM's amendment includes changes to section 515 which are overdue and should be made in advance of a thorough analysis of this important program.

This amendment would respond to a February, 1996 evaluation report entitled ''Legislative Proposals to Strengthen the Rural Housing Services' Rural Rental Housing Program'' issued by the Department of Agriculture's Office of Inspector General. Specifically, the amendment would include the inspector general's No. 1 legislative objective—the enactment of civil and criminal penalties for participants in the program that misuse rural rental housing project assets or income. It is absolutely imperative that those in criminal violation be swiftly and severely punished. Specifically, any owner, agent or manager of section 515 or section 414 farm labor housing projects that willfully uses or authorizes the use of any part of the rents, assets, proceeds, income or other funds derived from the property for an unauthorized purpose may be fined up to $250,000 or imprisoned for up to 5 years.

In addition, the amendment would make reforms to the section 515 program which include: the prohibition of transfer of ownership of a project unless the Secretary of Agriculture—Secretary—determines that such transfer would further the provision of low-income housing and be in the best interests of residents and the Federal Government; the elimination of the occupancy surcharge charged to residents to fund equity loans; and the requirement that an equity loan may not be made unless the Secretary determines that available incentives are not adequate to provide a fair return on the investment, prevent prepayment, and prevent resident displacement.

Finally, the amendment would extend the section 515 program for 1 year, from its current expiration date of September 30, 1996 to September 30, 1997. A permanent extension will be considered during comprehensive reform of the program.

The need for affordable housing in rural areas is severe. The 1990 census estimated that 2.7 million rural Americans live in substandard housing. The section 515 program is one of the few resources available to respond to this critical unmet housing need. Since its inception in 1962, the section 515 program has financed the development of over 450,000 affordable rental units in over 18,000 apartment projects. The program assists elderly, disabled, and low-income rural families with an average income of $7,300.

I thank Senator FRAHM for her recognition of the great need for this program and her steadfast commitment to ensuring that every Federal dollar appropriated serves the greatest number of rural poor. I look forward to working with her to further improve this much needed program in the future and I support immediate passage of this amendment. Thank you.

Mr. COCHRAN. Madam President, I know of no objection to this amendment, and I recommend its approval.

Mr. BUMPERS. The amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4989) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Madam President, on the authority of the majority leader, I can announce there will be no further rollcall votes this evening. That information is being hotlined to all Senators' offices, but for those who might be watching their television monitor, there will be no more votes this evening. The first vote will occur tomorrow no earlier than 11 o'clock a.m.

AMENDMENT NO. 4990

(Purpose: To reauthorize the National Aquaculture Act of 1980)

Mr. BUMPERS. Madam President, on behalf of Senator LEAHY, I send an amendment to the desk.

The PRESIDING OFFICER. If there is no objection, the pending amendments are set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. LEAHY, proposes an amendment numbered 4990.

Mr. BUMPERS. 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:

At the end of the bill, and the following:

SEC. . REAUTHORIZATION OF NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking ''1991, 1992, and 1993'' each place it appears and inserting ''1991 through 1997''.

Mr. BUMPERS. This is an amendment offered on behalf of Senator LEAHY dealing with reauthorization of the aquaculture program. It has been cleared on both sides.

Mr. COCHRAN. We have no objection to the amendment.

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

The amendment (No. 4990) was agreed to.

Mr. BUMPERS. Madam President, I move to reconsider the vote.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4991 AND 4992, EN BLOC

Mr. BUMPERS. Madam President, I send two amendments to the desk on behalf of Senator KERREY of Nebraska that I understand have been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] for Mr. KERREY, proposes amendments numbered 4991 and 4992, en bloc.

The amendments (Nos. 4991 and 4992) are as follows:

AMENDMENT NO. 4991

(Purpose: To provide the Secretary of Agriculture authority through fiscal year 2000 for the use of voluntary separation incentives to assist in reducing employment levels, and for other purposes)

In lieu of the pending amendment insert the following:

SEC. . DEPARTMENT OF AGRICULTURE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) DEFINITIONS.—For the purposes of this section—

(1) the term ''agency'' means the Department of Agriculture;

(2) the term ''employee'' mean an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency (or an individual employed by a county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5))), is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(C) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(D) an employee who, upon completing an additional period of service as referred to in section 3(b)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 5597 note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(E) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(F) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(G) any employee who, during the twenty-four month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve month period preceding the date of separation, received a retention allowance under section 5754 of title 5, United States Code.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The head of the agency, prior to obligating any resources for voluntary separation incentive payments, shall submit to the House and Senate Committees on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered; and

(C) a description of how the agency will operate without the eliminated positions and functions.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by an agency to any employee only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; or

(ii) an amount determined by the agency head not to exceed $25,000 in fiscal year 1997, $20,000 in fiscal year 1998, $15,000 in fiscal year 1999, or $10,000 in fiscal year 2000;

(D) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(E) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(3) LIMITATION.—No amount shall be payable under this section based on any separation occurring before the date of the enactment of this Act, or after September 30, 2000.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term ''final basic pay'', with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) EFFECTIVE DATE.—This section shall take effect October 1, 1996.

AMENDMENT NO. 4992

(Purpose: To provide funds for risk management, with an offset)

On page 25, line 16, strike ''$795,000,000'' and insert ''$725,000,000''.

On page 29, between lines 7 and 8, insert the following:

RISK MANAGEMENT

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $70,000,000, of which not to exceed $700 shall be available for official reception and representation expenses, as authorized by section 506(i) of the Federal Crop Insurance Act (7 U.S.C. 1506(i): *Provided*, That this appropriation shall be available only to the extent that an official budget request for a specific dollar amount is submitted by the President to Congress.

Mr. BUMPERS. Madam President, I ask unanimous consent that the amendments be agreed to, en bloc.

Mr. COCHRAN. Madam President, we have reviewed the amendments, and they have been cleared on this side.

Mr. BUMPERS. I urge the adoption of the amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments Nos. 4991 and 4992, en bloc.

The amendments (Nos. 4991 and 4992), en bloc, were agreed to.

Mr. BUMPERS. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4993

Mr. BUMPERS. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 4993.

On page 12, line 25, strike ''$46,830,000'' and insert in lieu thereof ''$47,080,000''.

On page 14, line 10, strike ''$419,120,000'' and insert in lieu thereof ''$419,370,000''.

On page 21, line 4, strike ''$47,017,000'' and insert in lieu thereof ''$46,767,000''.

Mr. BUMPERS. Madam President, this deals with a project in Rhode Island. I think it has been cleared by both sides.

Mr. COCHRAN. Madam President, that amendment has been cleared on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 4993.

The amendment (No. 4993) was agreed to.

Mr. BUMPERS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BUMPERS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Madam President, I ask unanimous consent that the pending amendments be set aside so I may offer this amendment on behalf of Senator HEFLIN of Alabama.

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

AMENDMENT NO. 4994

Mr. COCHRAN. Madam President, on behalf of Senator HEFLIN I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] for Mr. HEFLIN, proposes an amendment numbered 4994.

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

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

The amendment is as follows:

At the appropriate place, insert: ''Section 101(b) of the Agriculture and Food Act of 1981 (Public Law 97–98; 7 U.S.C. 608c note) is amended by striking ''1996'' and inserting ''2002''.

Mr. COCHRAN. Madam President, this deals with the dairy issue, and it has been cleared on this side of the aisle.

Mr. BUMPERS. It has been cleared on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 4994.

The amendment (No. 4994) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Madam President, I do not know of any other amendments we have cleared at this point. Senators, of course, who would like to offer their amendments tonight should do so. We are going to try to get as many amendments dealt with tonight as we can. But if Senators do not come and offer them, we cannot do anything.

Mr. BUMPERS. Madam President, I would like to fortify what the chairman just said. And that is, that we should not be required—and I do not think we are going to be required—to sit here all night pending some Senator deciding to come over and offer his amendment.

The unanimous-consent agreement has been entered into. Everybody knows which amendments are going to be in order. Senator COCHRAN and I do not have any interest in sitting here during numerous quorum calls hoping that somebody will show up. So I hope Senators will be considerate enough to get them offered and disposed of this evening, if we can. And with that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SANTORUM. Mr. President, I understand that the majority leader is working on an agreement of some sort. So I will not begin any kind of formal amendment proceedings. But I do have an amendment at the desk, which I would like to talk about.

I am not going to offer this amendment. I want to talk about it because I think it is important to realize the cost of the peanut program. Not only do I refer to the cost of the peanut program to the American peanut farmers, to the millions of processing jobs, and to the consumers, but the cost to the Federal Government of the peanut program.

As a result of the past farm bill, we now have a no-cost peanut program. Well, that may be true within the confines of the peanut program, but the program does two things. It limits the amount of peanuts grown for domestic consumption. It is a program that says here is how much will be grown in this country for use in this country. The Department of Agriculture sets that amount. In addition, it doesn't just limit the amount of the peanuts that are grown, it also sets the price.

You might think that I am talking about the former Soviet Union here. No, this is America. We set how much farmers can grow, and we set what we are going to pay for that—all done by the Federal Government—which is an amazing thing, but that is how the peanut program works.

Well, the fact is that the Federal Government is a consumer of peanuts. We have a variety of nutrition programs in the Federal Government. We have TEFAP and the school lunch programs, and all down the list. You would not be surprised that a lot of these programs are focused on kids, and you probably wouldn't be further surprised that one of the major staples of young kids is peanuts and peanut butter. I have a 5-year-old who loves peanut butter. Guess where we have to buy our peanuts for domestic consumption with the Federal programs; we have to buy quota peanuts.

Quota peanuts sell between $600 and $700 a ton. The world market price for peanuts—the price for additional peanuts not grown under the blessings of the Federal Government, which can be sold here but have to be exported—is about $350 to $400 a ton. So the Federal Government has to pay roughly twice what the world pays for peanuts. All these nutrition programs have to pay twice what the world pays for peanuts to go ahead and feed our kids.

The GAO—this was some 6 years ago, and the quota price has jumped around a bit, but it is relatively the same as 6 years ago—said that over $14 million a year the Federal Government spends. Where? Out of the mouths of people who could be fed through Federal nutritious meals. To where? To wealthy quota farmers. That is where that money goes, instead of feeding more kids.

We heard Member after Member, frankly, on both sides of the aisle, say, ''What about the kids? Don't you care about the kids? We should have more money to feed these children. We should have more money to take care of these kids.'' So what do we do with the peanut program? We suck money out of these nutrition programs to go to help kids, and it goes where? To a bunch of wealthy quota owners, many of whom don't even farm the land. They sit all over the world with their little quota that they got passed down from their granddaddies. They take money right out of the mouths of kids in our Federal Government programs.

I had an amendment at the desk that would say that USDA, who purchases peanuts and peanut products for the variety of the nutrition programs that they operate, would not have to buy quota peanuts, would not have to pay twice the world price to feed our poor kids in America.

The problem with that amendment, as I find out, is that the quota has already been set for this year. Thereby, if we took those quota peanuts that—the way they calculate the market and the production—would have ordinarily come to the USDA, we would, in a sense, have more peanuts go on loan, which means the price of the peanut program would go up about $5 million. So we score it as a $5 million loss this year.

Unfortunately, because this is an appropriations bill, I cannot change the law in the future. As a result, the savings in the future are tens of millions of dollars. But because of the quirk in the way this bill is structured, and the way the amendment had to be structured to comply with the bill, the amendment that I have to offer, in fact, would not be a cost-effective amendment. Therefore, I am not going to offer it. But the principle is a solid one.

We just finished welfare reform. We just finished saying that we need to make sure that those resources that we do have dedicated to helping the poor should be used as efficiently and effectively as possible. A lot of the reform we saw in the nutrition programs out of the Department of Agriculture, particularly the Food Stamp Program, were focused in on making this system a more effective and efficient system in delivering services to people who need them in this country. Yet, we have this dinosaur of a program that looks more like something that came out of Communist Russia than out of the United States, which is costing children food.

Let us just lay it on the line. We are taking food out of the mouths of children and putting money in the pockets of wealthy quota holders. Now, that is wrong. That is wrong by anybody's standard. We should fix that.

Unfortunately, again, because of the legislative vehicle we have before us, we cannot fix that. But I will tell you that I will be back. We will talk about this issue. I am anxious to hear how those who defend the peanut program can defend money being taken away from these necessary feeding programs for children to put money in the pockets of wealthy quota holders, most of whom don't even farm their own land to grow peanuts.

At this point, because I understand the majority leader is working on something, I will yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HEFLIN. Mr. President, I rise in disagreement with the Senator from Pennsylvania. I do not want to prolong this, so I will make a brief statement.

I assume the distinguished Senator from Pennsylvania was speaking of the amendment he had at the desk, No. 4962, which was the prohibition on purchase of quota peanuts for domestic feeding programs. I assume that is what he had. He was talking about the School Lunch Program. As I understand it, he was saying that, because of the program, the Government has to pay twice the world price—twice as much for peanuts that go to the School Lunch Program and other programs that the Government might be involved in. Unfortunately, I believe that the distinguished Senator is not really familiar with the School Lunch Program and the other USDA commodity distribution programs.

We have a chart here that I will point out briefly, which is based upon USDA calculations. This chart here is designed to show the manufacturer's cost, based on USDA figures, of two jars of peanut butter, both being the same size, both being generic.

This chart shows that the manufacturers are able to make and sell peanut butter to the USDA School Lunch Program at 81 cents a pound. Yet, consumers at the market would pay $1.87 a pound. Eighty-one cents doubled is $1.62. So already when you have a program by which the manufacturers, in effect, bid against each other for the school lunch purchases, it ends up that there are considerable savings.

I would like to point out the pack of peanuts and the jar of peanuts. This chart was prepared before the bill was passed dealing with the farm bill which had the peanut program and in which the peanut program was substantially reformed. In fact, it was reformed to the extent that it is about a 30-percent cut to the producer. But this is where it was prior to that time. A bag of peanuts that cost 50 cents is 99 percent peanuts. This is the jar of peanuts, and of peanut butter, which shows that the farmer was getting 7 cents out of the 50. Then on peanut butter where it is 90 percent peanuts, the farmer was getting 54 cents. That would have been $1.64, and then 44 cents in addition to that, which would be $2.08 for a jar of peanuts which had 90 percent peanuts. But with the cuts that have now taken place under the farm bill and under this reform, you would have to take away 30 percent, which would show 4.9 cents that the farmer got. And here, in regard to the 30 percent, it was changed; the farmer, instead of getting 54 cents, is going to get 38 cents.

There has been a lot of talk that there would be pass-ons by which the savings would be passed on to the consumer. The GAO, in a study, consulted and talked to the manufacturers, and the manufacturers had indicated that they could not guarantee any savings would be passed on in that the money would be used to develop new products and advertising.

It is sort of interesting what has occurred recently in regard to cereals. This is not about peanuts but about cereals. Corn and other grain prices today are at an all-time high. Corn, for example, was at a 5-year historical average of $2.30 a bushel, and the price today on corn is $5.35 a bushel, which is substantially more than double. But yet, the cereal manufacturers have recently reduced the price of their breakfast cereal by as much as 25 percent to 30 percent.

I think this demonstrates that there is very little relationship between what the farmers are paid for their commodity and what food products are sold for at retail.

So, therefore, it ought to be plain that any savings to the manufacturers through reduced or capped costs on the farmer would not translate into savings to the retail consumers.

To give you some idea as to the cost, we have a chart showing what a jar of peanut butter sells for in the United States, being an 18-ounce equivalent jar of brand name peanut butter, not generic. It sells for $2.10. These are USDA figures. In Mexico it is $2.55, and so on.

Actually, ours are the lowest in the world and by far the safest. There are matters pertaining to inspection of foreign peanuts coming in that raise questions concerning food safety because there is a problem that is known as aflatoxin, and aflatoxin in the United States is controlled. It is a disease, and it is such that can cause cancer. But the peanuts that come in from foreign countries do not have the standards that we have in the United States.

I could go on, but I do not want to unduly take time to talk about this. The matter of peanuts could be discussed for a great while. The peanut program has been substantially reformed. The Department is now in the process of implementing the law. I just do not believe that we ought to move at this time to try to change it. Let us see what is going to happen with the program.

So I would say that this is not the time. Most of the peanut farmers have gone to the bank, and they have made their loans. They have made their plans for the year. They have signed up relative to the crop insurance and other things. Now in the middle of a crop year, I just do not believe is the time for us to be changing the peanut program.

I appreciate very much the fact that the distinguished Senator from Pennsylvania is not planning to offer the amendment.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BUMPERS. Mr. President, I ask unanimous consent that the pending amendment be set aside in order to offer a couple of amendments that have been agreed to.

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

Mr. BUMPERS. Mr. President, I ask unanimous consent that an amendment by myself, which was inadvertently left off the unanimous consent agreement list, be in order.

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

AMENDMENTS NOS. 4996 AND 4997, EN BLOC

Mr. BUMPERS. Mr. President, I ask unanimous consent that amendment together with an amendment that I would like to offer on behalf of Senator SARBANES and Senator MIKULSKI be considered en bloc. They have been agreed to by both sides.

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

Mr. BUMPERS. I send those amendments to the desk.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes amendments numbered 4996 and 4997, en bloc.

The amendments (Nos. 4996 and 4997), en bloc, are as follows:

On page 42, line 22, after ''development'', add the following, ''as provided under section 747(e) of Public Law 104–127''.

AMENDMENT NO. 4997

(Purpose: To restore funding for certain agricultural research programs, with an offset)

On page 5, line 8, strike ''$25,587,000'' and insert ''$23,505,400''.

On page 5, line 10, strike ''$146,135,000'' and insert ''$144,053,400''.

On page 10, line 18, strike ''$721,758,000'' and insert ''$722,839,600''.

Mr. COCHRAN. Mr. President, the amendments have been cleared on this side of the aisle.

Mr. BUMPERS. I urge their adoption.

The PRESIDING OFFICER. Is there no further debate?

Without objection, the amendments are agreed to.

The amendments (Nos. 4996 and 4997), en bloc, were agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4998

(Purpose: To require that certain funds be used to comply with certain provisions of the Federal Food, Drug, and Cosmetic Act relating to approval deadlines)

Mr. COCHRAN. Mr. President, in behalf of Senator HATCH and Senator HARKIN, I send an amendment to the desk and ask it be considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. HATCH, for himself and Mr. HARKIN, proposes an amendment numbered 4998.

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

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

The amendment is as follows:

On page 55, line 7, after the colon, insert the following: *Provided further,* That a sufficient amount of these funds shall be used to ensure compliance with the statutory deadlines set forth in section 505(j)(4)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(4)(A)):''.

Mr. HATCH. Mr. President, the purpose of this amendment is simple. It directs the Food and Drug Administration [FDA] to devote sufficient resources to making sure that generic drug applications are reviewed within the statutory deadline, which is 180 days.

Many of my colleagues may be surprised to know that the FDA is not meeting this deadline. In fact, it has fallen woefully short of meeting the law's requirement.

It is obvious to me that the Senate has learned one thing from our extensive debate on GATT and pharmaceutical patents over the past 8 months. We all want to do what we can to speed less-costly pharmaceutical products to the marketplace.

And that is the goal of our amendment.

There are two compelling points I want to leave with Members of this body.

The first is that FDA resources devoted to review of generic drugs are insufficient, and are dwindling from an alltime high in 1993.

The second is that the FDA's actual review time for generic drugs is increasing, even while their estimates of that review time would have us believe the time is falling.

Let me elaborate.

On the first point, the FDA estimates that they will devote 390 full-time equivalents [FTE's] to generic drug review in fiscal year 1997, which is down from the fiscal year 1996 estimate of 397 FTE's. It is also down from the actual number of 396 FTE's in fiscal year 1995 and 432 FTE's in fiscal year 1994.

As a matter of fact, statistics provided by the FDA itself indicate that there has been a build up over the past decade from 227 FTE's devoted to generic drug reviews in fiscal year 1986, steadily increasing to the all-time high of 448 FTE's in fiscal year 1993, and now declining each year.

Perhaps not coincidentally, the start of the decline was the exact time when the Prescription Drug User Fee Act [PDUFA] was enacted, the law which guaranteed subsidization of innovator drug reviews through new user fees. Those fees were not applied to generic drug reviews.

On the second point, I would like to note that there is a substantial gap between the FDA's estimates of how long it will take them to review generic drugs and the actual review time.

For 2 recent years for which I have statistics supplied by the FDA, there has been a large discrepancy between the time FDA thinks it will need to review generic drug applications and the actual review time. In fiscal year 1995, for example the FDA told the Appropriations Committee it would take an average of 24 months to review generic drug applications; in fact, it took 34.2 months. The next year, the current fiscal year, even though the FDA had not come close to meeting its target from the year before, FDA estimated that the approval time would fall—to an average of 20 months. In fact, the current estimates are that it is taking an average of 30 months.

What is really astonishing is that the law mandates a 6-month review time.

Instead of seeking the resources to meet that statutory deadline, the FDA has been seeking to expand its regulatory purview, by dusting off old regulations such as ''Medguide'' or starting new initiatives such as tobacco, each of which undoubtedly requires new funding.

While the FDA blindly rushes to make a case for both initiatives, only part of which is compelling from a public health perspective, I find it intriguing that the Agency has chosen to ignore a statutory mandate on the one hand while it voluntarily seeks to expand its purview on the other.

What is particularly compelling is that, as the review times for generic drugs increased, the review times for innovator drugs has decreased dramatically. It is now about 24 months on average; the median is estimated at 17.5 months.

And so we find ourselves in the ironic position that review times for new drugs—both actual and projected—is shorter than the review time for the generic copies, a position I find untenable.

Mr. President, generic drugs represent a very cost-effective means of controlling health care expenditures.

Any delay in sending these drugs to market increases costs to patients, who may end up paying more for pharmaceuticals, and it increases costs to taxpayers through Government-funded programs such as Medicare and Medicaid.

It is clear to me that the FDA should be giving generic drug applications more attention, not less.

That is the motivation for the amendment we offer today, and I urge its adoption.

Mr. COCHRAN. Mr. President, this is an amendment that deals with a generic drug issue in the Food and Drug Administration jurisdiction. We support passage of the amendment and recommend its approval.

Mr. BUMPERS. Mr. President, the amendment has been cleared on this side. It is agreeable to us.

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

The amendment (No. 4998) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4999

Mr. COCHRAN. Mr. President, in behalf of the Senator from New Hampshire [Mr. SMITH], I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. SMITH, proposes an amendment numbered 4999.

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

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

The amendment is as follows:

On page 47, line 17, before the period, insert the following: '': *Provided further,* That, notwithstanding section 306(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(7)), the town of Berlin, New Hampshire, shall be eligible during fiscal year 1997 for a grant under the rural utilities assistance program''.

Mr. COCHRAN. Mr. President, this amendment has been cleared on this side. It deals with a water issue in the State of New Hampshire. I understand it has been cleared on both sides.

Mr. BUMPERS. Mr. President, let me ask the indulgence of the Senator from Mississippi for a moment. We have not seen the language on this yet. We probably will have no objection but before agreeing to it, we would like to see the language.

Mr. COCHRAN. Mr. President, I ask unanimous consent to withdraw the amendment.

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

The amendment (No. 4999) was withdrawn.

CANE SUGAR REFINING

Mr. MOYNIHAN. Mr. President, cane sugar refining has been around in America since the beginning of the Republic. Christopher Columbus introduced sugarcane from West Africa to Santo Domingo on his second voyage in 1495. Our Nation's leading cane sugar refiner, Domino Sugar, which is headquartered in New York City, has been in business for nearly 200 years. Domino's Brooklyn refinery has been in operation for 119 years.

The refining industry is an important part of our economy, employing thousands of Americans in good-paying manufacturing jobs. The Domino employees at the Brooklyn plant, for instance, make about $40,000, on average. Domino alone employs over 800 people in New York and 2,000 nationwide. Refined Sugar Inc., located in Yonkers, employs another few hundred. These refining jobs are, for the most part, located in inner cities and along urban waterfronts where other manufacturing jobs are scarce.

But the refining industry is on the brink of collapse. In the last 10 years, the number of cane sugar refineries nationwide has been cut in half, from 22 to 11. Plants in Boston and Philadelphia have closed; a refinery in Hawaii may have to close later this year. Other domestic refiners, including Domino and Refined Sugar Inc., have had to shut down several times because they have been unable to obtain adequate quantities of the raw product and affordable prices.

The domestic refining industry—one of the last bastions of manufacturing in some of our cities—is being crippled by overly restrictive administration of the sugar price support program. The loan rate for sugar is 18 cents per pound. But bowing to pressure from beet sugar producers, the administration has kept cane imports so low that the domestic price for raw sugar has fluctuated between 22 and 25 cents per pound. These prices are far higher than what is necessary to prevent loan forfeitures, and they have stimulated beet sugar production, which has driven down the price of refined sugar. Cane refiners operated in the red throughout 1995.

The situation has eased somewhat this year as the administration belatedly and sporadically increased the quotas. But more is needed, and it is needed urgently, or we will lose this industry.

I understand my colleagues' concerns about potential disruptions to sugar growers in their States. In turn, I would expect them to share my concern about the very real disruptions refiners in my State and elsewhere are experiencing.

The House version of H.R. 3603 includes an eminently sensible provision, section 729, designed to ensure that the sugar price support program is operated in a fashion beneficial for both growers and refiners. The provision stipulated that no Federal funds could be spent to support raw cane sugar prices at more than 117.5 percent of the statutory loan rate of 18 cents per pound. This amounts to a little more than 21 cents per pound. A very reasonable price for producers. More than the loan rate, more than enough to prevent forfeitures—a price sufficient to repay loans and cover interest and transportation of raw sugar to market. And a price at which refiners can operate. In practice, the House provision would require the Secretary of Agriculture to allow sufficient imports from existing quota holders so that the price does not exceed 21.1 cents per pound. Growers would profit. Refiners could stay in business. Adequate supplies would be available at affordable prices.

Let me be clear. I'm no fan of the sugar price support program. It's Soviet-style intervention in the market. But if we are stuck with it—for the time being—at least we can operate the program so that it doesn't drive our refiners out of business.

The House provision does not abolish the sugar program. It does not lower the loan rate for sugar. It will not induce loan forfeitures or cost the Federal Government any money. Indeed, revenue from import duties would increase. And the provision does not open the door for ''subsidized European sugar.''

I think the House provision is a very fair compromise that balances the interests of producers, refiners, and end users. I urge the Senate conferees to H.R. 3603 to agree to the House provision, or something much like it. Last year, when Congress reviewed the sugar price support program and a majority decided to retain it, there was an understanding the program would be operated in a way that is beneficial not only to producers, but to refiners, users, and consumers alike. Implementation of the program has left something to be desired in this respect. Section 729 would help. I entreat the Senate conferees to H.R. 3603 to support the House provision. Otherwise, we will be driving thousands of manufacturing jobs overseas.

EMERGENCY DISASTER LOAN PROGRAM

Mr. DOMENICI. Mr. President, let me first commend the Chairman on the outstanding work he has done on this important appropriations bill. I would like to bring his attention to one provision in the bill that is especially important to New Mexico and the Southwest in general. The entire Southwest is currently in the grip of the worst drought in half a century. Despite recent rains, stream flows in New Mexico are predicted to be 33 to 100 percent below average through the summer, with no end in sight. This drought has devastated crops and livestock in my State to such an extent that every single county in New Mexico is currently eligible for USDA's disaster assistance programs. I know that every State in the Southwest is suffering just as greatly.

One of the USDA programs that has been critical in helping the citizens of my State cope with this drought is the emergency disaster loan program. The Western Governors' Association has identified funding this program at the maximum level possible as one their top priorities in combating the effects of the drought. Sadly, the Clinton administration chose to zero this crucial program out of its fiscal year 1997 budget. In addition, the House has allocated the program a mere $25 million for fiscal year 1997. Fortunately, under the Chairman's leadership, the Senate has included $75 million for emergency disaster relief. I would like his commitment to fight to maintain the Senate funding level for this much-needed program.

Mr. COCHRAN. I understand just how important the emergency disaster loan program is to those people whose farms and ranches have been devastated by this drought, and I agree with the Senator that it was unfortunate that the Clinton administration chose to zero out the program just when those farmers and ranchers will need it the most. The Senator has my commitment that I will seek to maintain the Senate level of $75 million when this bill goes to conference.

Mr. DOMENICI. I thank the Chairman for his outstanding leadership on this important issue.

RAW CANE SUGAR SUPPLY

Mr. COVERDELL. Mr. President, I commend the chairman for his work on this bill and recognize the delicate balance he must strike in satisfying the varying interests of each Member. I would like to bring to the chairman's attention a situation that has plagued many of our domestic sugar refineries with regard to raw cane sugar supply. Is the chairman aware that the Secretary of Agriculture has administered the Sugar Program in such a manner as to cause shutdowns and cutbacks in certain sugar refineries across the country?

Mr. COCHRAN. Yes, I am aware of this.

Mr. COVERDELL. Is the chairman also aware of the fact that it is the Secretary's responsibility to administer the program in such a manner that provides an adequate supply of sugar to satisfy our domestic needs?

Mr. COCHRAN. I am aware of this and am cognizant of the Senator's point.

Mr. COVERDELL. I would like to advise the chairman that we have a recurring problem with regard to supply of raw sugar for cane refineries in the current administration of the sugar program. I would appreciate the chairman's support in reviewing report language addressing this supply issue as the bill moves to conference. I will be

happy to provide him with such language.

Mr. COCHRAN. The comments of the Senator from Georgia are appreciated and his points are well received. We will review such language that the Senator provides in conference.

Mr. COVERDELL. The Senator's overture is appreciated.

AMENDMENT NO. 4995

(Purpose: To prohibit the use of funds to provide a total amount of nonrecourse loans to producers for peanuts in excess of $125,000)

Mr. SANTORUM. Mr. President, I call up amendment No. 4995 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 4995.

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

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

The amendment is as follows:

At the end of the bill, add the following:

SEC. . LIMITATION ON AMOUNT OF NONRECOURSE LOANS FOR PEANUTS.

None of the funds appropriated or otherwise made available by this Act may be used to provide to a producer of a crop of quota peanuts a total amount of nonrecourse loans under section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271) in excess of $125,000.

Mr. SANTORUM. I thank the Chair.

Mr. President, I am offering an amendment here that I think remedies a huge inequity in the peanut program that makes the peanut program, frankly, different than any of the other traditional commodity programs in existence. The other commodity programs in existence have a limitation on payments for a particular entity that farms that product, that produces that product. Under the freedom to farm act, the limitation per commodity, per entity—entity can be either a single person or a partnership, corporation or whatever—the limitation of a commodity payment—and for the purposes of making it easier on me—per person is $40,000. Prior to the freedom to farm act the limitation was $50,000 per payment to an entity, to a person. We reduced it to $40,000 in the freedom to farm bill.

Now, unlike all of these other commodity programs, there is no limitation on how much Government support a peanut quota holder can receive. And in fact there are quota holders who receive in Government subsidized quota payments $6 million a year —$6 million in guaranteed income from the Federal Government as a result of the peanut program.

We made some reforms in the freedom to farm bill. This is one area that slipped through the noose. What this amendment does—it is a very simple amendment. It says we are going to limit the benefits of the peanut program to small- and medium-size farmers.

I hear my friends on the other side of the aisle and, frankly, on this side of the aisle who support the peanut program say: You know, Rick, if you go after this program, there are thousands of small farmers in my State you will destroy, the small- and medium-size farmers in my State, if you change the peanut program.

I have been sensitive to that. I understand the rural economy. In many areas where peanuts are grown, there is a limited number of crops that can be grown. Many areas are impoverished. I understand that, and I sympathize with the Members who represent those areas. But what we are talking about here are not small farmers.

Let me review. I have talked about this many, many times, and I have talked about the peanut program. But just let me report to you what a GAO study reported: That 22 percent of the peanut growers in this country receive 85 percent of the quota benefits. What does that mean? You have a bunch of big farmers who get almost all the benefits of this program.

What I am doing here is actually a very modest change, one I would think, if Members want to target these funds, target the benefits of the program to the farmers who need it, then they should be supportive of this. This is one I am hoping we can get some support for.

It is an amendment that says that every entity, person, can get up to—are you ready for this?—$125,000 of loan payments from the Federal Government—$125,000. That means every entity can get that much. If you have $6 million of peanuts to sell, you still get $125,000 at the guaranteed quota price, but the rest you have to sell on your own. If you are producing $6 million worth of peanuts, I would think you have a pretty good slice of the market and you can probably get a pretty good price for your peanuts. What we have done here is focus the program in on the folks who need it the most.

I want to step back and give a little bit of the origin of the peanut program, to show how it has evolved over the years to concentrate more and more of these quotas in the hands of bigger and bigger quota holders. I mentioned before who holds 68 percent of these quotas. A quota is the right to grow peanuts and sell them in this country. You get a quota from the Federal Government. It is passed on from generation to generation. They are sold like stocks. It is a right. It is worth something. It is worth a lot. It is worth $200 to $300 a ton, if you are growing peanuts.

Mr. President, 68 percent of the quota production in this country is held by people who do not touch one speck of dirt. They do not farm a lick. They rent it to somebody else to do it for them. These are people who sit in—I am from Pennsylvania. We have quota holders in Pennsylvania. We do not grow a whole lot of peanuts in Pennsylvania. There are quota holders in New Hampshire, and I am sure they do not grow any peanuts in New Hampshire.

What we are trying to do here is deal with those folks who have sat back and said, ''This looks like a pretty good investment. Let's buy some quota shares and make a little money on the Federal Government program.'' They have done that. They have done very well for many years. Now we are going to say, ''Look, you folks, start selling those quotas back to the small farmers.''

If anything, what this will accomplish, in my mind, is not to really affect the overall amount of quota peanuts grown. What it will do is make some of these big barons, quota barons, sell their quotas to folks who are out there leasing land right now to grow their additional peanuts, which are peanuts that do not get these big, high prices. Imagine. This is the United States of America. If you do not have a quota to grow peanuts, if you do not have a license from the Federal Government to grow peanuts, you cannot sell your peanuts in this country. This is America. If you do not have a license from the Federal Government to grow peanuts, you cannot sell your peanuts here.

I know some may have just tuned in and thought, ''Am I looking at the Russian Duma?'' No. This is the U.S. Senate, not the Russian Duma. You are not getting a translation from an interpreter. My lips actually match the words that I am saying. But, in America this goes on every day. This is a program that started during the Depression. They handed out these quotas during the Depression, prior to World War II.

You can imagine who got these quotas. It is no surprise that most of the quotas are held by wealthy landowners. You had to own your land to qualify for a quota. There were a lot of sharecroppers back then, many of them minorities, who did not own their land. Who were these quotas given to? They were given to these local associations to distribute around to their buddies and themselves. It is no shock that a lot of the unwashed never ended up with any quotas. This is a system that, from its origin, is rife with injustice, injustice to the people who grow peanuts, injustice to the consumers who have to pay higher prices as a result.

What we are trying to do here is put one little—little—restriction in, to say $125,000 of guaranteed income from the Federal Government of 50 percent more than what your peanuts are really worth is a pretty good deal. Take it. Be happy. And sell some of those quotas to other people who can use them and maybe benefit from them a little bit more.

If I was a Senator from the peanut States, I would say this is a good amendment because what this will do is divest a lot of these peanut quotas

and give more people a stake in this program. That means more people who want to see this program survive. There are a lot of people in peanut-growing States who do not have quotas who would very much like to see this program go away. We are giving you an opportunity to say let us get some of these benefits, if they are going to continue. I know the powerful Senator from Alabama—and I will miss him, I will miss him as a person, I will not miss him as an adversary on this issue because he whips me every time we come to the floor—but I will tell the Senator from Alabama that he has an opportunity here to broaden his coalition, to get more folks to participate in the quota system because of the limitation on what people can benefit from the program.

I would think, if you are truly concerned about small- and medium-size farms, farms of 100 or 200 acres, if you really are concerned about those folks, then give them a chance here. They will be fine under this amendment. They will not be hurt at all under this amendment. They will not be hurt one bit by this amendment.

I am hopeful that maybe we can get this amendment accepted. It is a change to the peanut program. I know nobody likes to change programs. I heard the Senator from Idaho come down here and say: You know we have 7-year farm bills and 5-year farm bills for a reason. We do not like to change and monkey with these programs year by year, and we want to keep the farm communities stable.

I do not think this will have a major impact on the farm communities. I think what it will do, it will have a major impact on small farmers, on farmers who do not have quotas right now, who will be able now to go out and have quotas available to them because a lot of these wealthy quota barons will have to divest themselves of all these quotas they hold.

Who are they going to sell them to? They are going to sell them to folks who right now have to sweat, toil as hard as the folks who get $650 a ton for their peanuts, and they sweat and toil for $350 a ton for their peanuts. Now we are going to give them a chance at the pot at the end of the rainbow that Washington has created in this program. We are going to get the small and medium-size farmers in Alabama, in Georgia, in Mississippi, in Oklahoma, in Texas, in New Mexico, all over the United States where they grow, now we are going to have people who have heretofore never had the opportunity to enjoy the fruits and benefits of this very generous program, to participate in it. I am hopeful that we can get this amendment accepted.

I think this is an amendment that probably, contrary to my own good, will broaden the base of support of this program by including a lot of small farmers who have heretofore been boxed out by folks who have gobbled up, used their masses of wealth to gobble up these quotas and make money out of this Federal program.

Now we are going to get this money out of the boardrooms in Pittsburgh and in Concord and Boston and Paris and all the other places they own these quotas, and get them back into the hands of the folks who go out everyday and till that soil and make sure those crops are healthy and produce a good yield.

That is the way it should be. If we are going to have a program—and I am resigned to the fact that the Senator from Alabama, the Senators from Georgia and the others, have whopped me fair and square—but I am saying, if we are going to continue this program, let's continue this program to where it benefits everyone—all of the small farmers, all of the medium-size farmers.

If you folks really believe that is who you are representing and you are not representing the big peanut interests, the big guys who come down here in force and lobby and the big guys who are very influential lobbyists, very influential in the political process in these States, if that is not who you are representing, then you will be for this amendment. You will be for an amendment that says ''get the big guys out of the big money of big Government and put it back to the little guy who really needs the help.''

Mr. President, I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, let me say that one aspect of his argument was agreed to in the recently passed farm bill, when he talks about these people who had quotas and lived in Boston and farmed in Alabama. There was a provision in the farm bill where production was shifted to the family farm, and that was one of the accomplishments that the Senator from Pennsylvania brought about.

He has already brought about several changes in this bill which was in the farm bill. The production will shift to the family farms. Public entities and the out-of-State nonproducers are ineligible now for participation in the program.

What he was talking about, in giving his illustration, he has already accomplished. So that argument, I do not think, is applicable to this amendment.

Originally, the amendment had a $40,000 figure on it. We figured up at 2,500 pounds of production per acre that this would come out to about a farm of about 52 acres, and the national average of the peanut farmer is 98 acres. But he then, in effect, by raising it to 125, has tripled it, which means that basically he is talking about a farm of about 156 acres which would be involved.

The Senator from Pennsylvania confuses payments with a loan. They are two separate and distinct things. You put a commodity in loan; therefore, it is sort of like going to the bank, you get some money. But the commodity is in loan, and it is designed for farmers to use in order that if the price goes up, then they can make money. It is a sort of hedge. The loan program is a Government program designed to allow for generally and, in most of the commodities, for 12 months that it stays in the loan. During that time, the price may go up and down, and the farmer can choose when he wants to sell. It is sort of an aid and assistance, it is not a payment.

Payment limitations, as we have it, have been in the past, up until this farm bill was passed, a limitation on what is known as target prices in a deficiency payment, and that is where the limitations came in as to how much a farmer could draw relative to a deficiency payment.

For example, in cotton, there was a target price that they hoped a cotton farmer might be able to obtain in order to be able to meet the cost of production. As I recall, up until this year, it was 72.9 cents a pound. If the cotton price per pound fell below that price, then that deficiency payment paid the difference between the market price and the target price, but there was a limitation in that.

Loans are different. They are not any type of limitation relative to that. It is a different situation.

Now the farm bill came along and we have a contract price, and there is a limitation relative to contract price. But peanuts have never had any deficiency payments. It has only had a loan; therefore, it is entirely different. You are mixing apples with oranges here, and, therefore, it is a confusing situation.

In regard to peanuts and the fact that he is talking about these people who have these quotas and they do not farm, that is more of the factor of what is known as tenants or leasing. In regard to all of the commodities—these are based on the Bureau of Census figures—actually there are more farmers who farm their land in peanuts than there are in wheat, than there are in soybeans, than there are in cotton. So that argument relative to that, I think, is one that is just misunderstood and a lot of people misunderstand it because of the fact of quotas.

In regard to price, this next chart shows the relationship between the peanuts and the peanut support price and the farm value and the retail price of a 16-ounce jar of peanut butter over a period from 1984 to 1992. That is basically the same as to the present time. The blue shows the support price. The red shows the farm price. And then the green here shows the retail price.

Well, note that really that in the loan price, it has always in each of these years been lower than the farm price that they got on the market. In none of these years has it been where the loan rate of where the Government is involved in it, with the payment—that could be made in the event that the peanuts have defaulted to the loan

to the CCC—but in all of those years, the price has always been above the loan rate where he wants to put a limitation in regard to it. So again, that is a misunderstanding of the program as it has occurred over the years relative to this.

Then the argument is made that you have to have a license to sell peanuts in the domestic market. I think you find here that this is a chart which shows that we have had a substantial increase from 1986 now here to 1995 of the number of new farms that receive quotas.

Farmers have easy access into the peanut program. More than 10,000 new farmers received quotas under the peanut program over the last 10 years, proving the point that the program is not closed to outsiders. And so we have had a situation that has developed over the years that has shown that you can grow peanuts, you can start growing peanuts, you can gain quotas, you can do it. And the people that grow peanuts can sell in the U.S. market.

There is, in regard to the national eatable market, restrictions relative to that. But as to the other aspects of it, they can be sold. And you do not have to have a license. You can start growing additional peanuts today anywhere you want to. There are many farmers that are doing that that have started growing it.

In the new farm bill that we had, the peanut is open to new producers, more so than even in the past. Access to the program has been made easier for producers desiring to grow peanuts. So I think there is some confusion.

I think, No. 1, that the Senator from Pennsylvania is to be congratulated relative to the fact that out-of-State people in these nonentities, that are public entities, that held it before —he moved and was able, with the help of his staff, to get that changed.

But we now find that we are in a situation where I think there is confusion here, particularly on a payment as opposed to a loan. They are just two different things. He wants to limit the ability to use the loan. And what he is saying, in arguing on all the rest of the commodities, they have a payment limitation on Government payments to them. So I think there is a distinction there that has sort of been overlooked relative to this.

So we are really talking about small farmers here, when the average peanut farm in the country is 98 acres. And we are talking about here at the utmost this would apply to a farm of about 150 acres. And those are not big farmers, the people involved in it. They are just slightly above what is the average farmer in this country. I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. The Senator from Alabama is a clever man. And he focuses in on a number of farmers. I have never said that there are not a lot of farmers who have a little quota. The point I have tried to make is 22 percent of the farmers own 80 percent of the quota. Sure there are people who have, you know, a little quota here, a little quota there. But it does not amount to much. This program is stacked with the big farmers.

So he makes these arguments that, you know, well, you look at peanuts and cotton and soybeans and that, you know, peanut farmers are a disproportionate number of them, more of them own the farms that they grow peanuts on than cotton, soybeans, and the like. What he does not say in the chart—maybe it is true—he does not say whether those peanut farmers are quota holders or nonquota holders.

Probably a lot of these peanut farmers do own their land but they did not own a quota. He said, well, you know, there are some restrictions. I know it was an euphemism, but he said there are some restrictions on the domestic sale of additional peanuts. I will tell you what those ''some restrictions'' are. You cannot sell them for eatable use. That is some restriction. I think maybe he meant to say that is sum restriction instead of saying that is some restriction. Maybe it was the emphasis. But that is a complete restriction. You cannot sell them here. You have to sell them overseas. And you have to sell them at a heck of a lot less than what the quota price is.

He said there are, you know, there are no restrictions. Everybody wants to go out and plant peanuts. That is right. No restrictions. Go out and plant peanuts and sell them at $300 a ton, if you own quota, at $400 a ton or $700 a ton, but there is no restriction to sell your peanuts for half the price to the guy next door that has a quota. You are absolutely right. It is a good deal.

But I would just suggest that this amendment, which says that every person who owns a quota of peanuts can put on loan up to $125,000 worth of peanuts, and get a price double the world market, that that is a pretty good deal. I mean, that is a pretty generous offer.

How many peanut growers are we talking about? How many would be covered by this amendment? Oh, about 1,900. So 1,900 farmers would be limited as to how much they could put on loan, a very select few of the tens of thousands, and maybe hundreds of thousands of peanut growers in this country. Talking about 1,900 of the wealthiest farms.

I have made this sound like this is a dramatic change for those folks who are the 1,900 select few. The point of fact is, and the Senator from Alabama knows this, this is not. This is not a substantial amendment. The Senator from Alabama, and folks who know this issue, realize that the only reason you would put your peanuts on loan is if you could not sell your peanuts for more than the quota price.

As we know, as a result of the farm bill, the Secretary of Agriculture has an interest in keeping demand above supply, in other words, shorting the market, keeping the price well above the quota price. Why? Because in the farm bill we say we want peanuts to be a no-cost program. We do not want peanuts to be put on loan and have the Federal Government buy this crop. That is what ''put on loan'' means. That means the quota holder will sell the peanuts to the Government for that quota price.

We do not want that to happen. The only way you can stop that from happening is to control the amount of peanuts that are open. If you short the market, prices go up. So the only time that this might—this amendment, as minor as it is, as limited as it is to the number of farmers that we are talking about—the only time that this could even have an impact is if there is a huge crop of peanuts in excess of what the Secretary thought could be grown by the number of quota holders.

In that case you are talking about a lot of farmers who have a lot of product, who will sell a goodly amount at the quota price. And they have to sell the rest out on the market and make, I suggest, well above what additional farmers are making. So this is an amendment that is fair.

This is an amendment that has limited scope with respect to the number of people involved and is limited to an occurrence that is not likely to happen, given the controls of the Secretary of Agriculture over the amount of peanuts grown in this country. This truly is an amendment that is more principle than it is of tremendous substance.

That is why I was hoping the Senator from Alabama, who made a lot of arguments about the difference between loans and deficiency payments—and I understand the difference—that is why deficiency payments were limited to $50,000 and I put $125,000 as a loan payment. It is substantially more. There is a reason: Because there is a difference. I recognize that difference. I set a limit that was a very small percentage of the people who farm peanuts. I wanted to get at the hoi polloi of the peanut growers. We have done that. I think this is a fair amendment.

Mr. President, I ask unanimous consent to set aside amendment 4995.

AMENDMENT NO. 4967

(Purpose: To prohibit the use of funds to carry out a peanut program that is operated by a marketing association if the Secretary of Agriculture determines that a member of the Board of Directors of the association has a conflict of interest with respect to the program)

Mr. SANTORUM. I send to the desk an amendment No. 4967.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 4967.

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

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

The amendment is as follows:

At the end of the bill, add the following:

SEC. . PROHIBITION ON CONFLICTS OF INTEREST IN PEANUT PRICE SUPPORT PROGRAM.

None of the funds appropriated or otherwise made available by this Act may be used to carry out a peanut program under section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271) or part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1357 et seq.) that is operated by a marketing association if the Secretary of Agriculture determines, using standards established to carry out title II of the Ethics in Government Act of 1978 (5 U.S.C. App.), that a member of the Board of Directors of the association has a conflict of interest with respect to the program.

Mr. SANTORUM. This is an amendment that gets, again, to what I see as a group of very influential, wealthy, graced quota holders who have been put in a position to profit extraordinarily by this program, and have put themselves in a position that is, I think, virtually unique in the agriculture industry.

Most of the commodity programs, all but a couple, have been run historically by the U.S. Department of Agriculture. That would make sense. USDA has the authority to oversee these programs, and, as a result, the USDA has taken the responsibility of running the program, of operating their loan programs or deficiency programs, of carrying out the price of programs, of penalizing wrongdoers, of promulgating regulations—all of that has been done within the Department of Agriculture, with the soybean program, the cotton program, and a whole lot of other programs. All of them have been run and operated by a bureaucrat out of USDA, but not the peanut grower. Not the peanut grower.

The Government, USDA, contracts with what are called marketing associations or cooperatives to administer the program. What does that mean? These are associations—get this—these are the people who operate the program, who oversee it, penalize wrongdoers, help promulgate regulations for the program. And who are the people who compose the marketing associations? I will give three guesses—you are right, the quota growers. The people who participate in the program run the program.

Now, some of the skeptics among us might consider that to be a conflict of interest, that people who own the quotas are responsible for overseeing the program of which they benefit, of administering the program of which they benefit, of promulgating regulations of which they benefit, of punishing the wrongdoers among them, of which they benefit.

My amendment is a very simple amendment dealing with conflicts of interest. My amendment is very straightforward. It says you have to comply with the Government standards for conflict of interest. Since you are in a sense an agency of the Federal Government carrying out this program, we will hold you to the same standards as someone who would, in fact, be a member of the Government in administering this program, and that is, you cannot have a conflict of interest.

Now, if they are, in fact, vested, as they are, with the authority to carry out this program and have, in fact, the ministerial duties and other policymaking duties and other programs reserved to USDA, they should be held to the conflict-of-interest standard of a USDA employee administering the program.

I know that sounds like a very radical idea. What that will cause is a much more arm's-length regulation of this industry than the folks who are running it now, for their benefit. Maybe you need to look back historically how these associations—and they have run them for a long time, and maybe this anomaly that has occurred with a small percentage of the farmers owning a big percentage of the quotas is a result of who runs the program. I suggest if we look at these marketing associations that run the programs locally, they probably are not a lot of the folks who have just a ton or two of quota. They are folks who have the big quotas, who have the big interest in this program, and run the program to benefit themselves.

That clearly is a conflict of interest. This has nothing to do with denying anybody a quota. This has nothing to do with, really, reforming the program per se. What this is, again, these are two amendments that I am offering today on peanuts, where I have accepted the fact this program is going to continue. We are going to have a peanut program. I will not mess around with it. Like the Senator from Idaho, Senator CRAIG said, ''Do not mess around with these programs; keep them in place so we have some certainty.'' Well, I am for that. If that is what happens, that is the way it has to be, then that is the way it has to be, but at least have a program that does not benefit the wealthy, which is what my first amendment deals with, and, No. 2, does not have what appears to be a blatant, bald-faced conflict of interest between the people who benefit from the program who also happen to be the very same people who operate and regulate the program.

What I am offering here is an amendment that, again, I hope, given the nature of the amendment, we can get an agreement on this and maybe adopt it tonight with little discussion after mine. I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. There are marketing co-ops. There is the Virginia-Carolina peanut growers marketing cooperative and the Georgia-Florida-Alabama co-op, and the Southwest peanut growers co-op, who are allowed under the USDA regulation to enter into various activities pertaining to the operation of the peanut program.

In regard to this, it is my understanding that the manufacturers are in the process of having a lawsuit pertaining to this issue. They have filed a protest letter to the U.S. Department of Agriculture, but the issue over the years has been worked out with the co-op with the U.S. Department of Agriculture in such a manner as to be within the purview of the ethics rules and regulations. And therefore the concept is not a violation of a conflict of interest. The associations and co-ops are closely supervised by the U.S. Department of Agriculture personnel. They have extensive in-house audits by Government officials, which are conducted each year. It results in cost savings to the Government because the operation is contracted out. These are conducted in small towns where the cost is less than it would be if operated in Washington.

Now, there have been large groups of merchants pertaining to it that have attempted to bid for these positions and to qualify to administer the program, and that has been several years ago, but they did not qualify pertaining to this matter. This is a matter that if there is any violation or any conflict of interest, in our judgment, it ought to be determined by the courts rather than by the Congress at this time, because there is a law firm that is very much involved. They have already filed some letters, and they certainly are in the process of working themselves into a court case pertaining to this matter. But under it, the U.S. Department of Agriculture has clearly looked at this over the years, and they do not feel that this is any violation of any conflict of interest.

Mr. SANTORUM. Mr. President, I just say to the Senator from Alabama that my amendment merely says

if the Secretary of Agriculture determines, using standards established to carry out title II of the Ethics in Government Act of 1978, that a member of the Board of Directors of the association has a conflict of interest with respect to the program.

You say that is something informally being done. If we have an agreement here, I would be happy to move the amendment and, hopefully, we can adopt it by consent.

Mr. HEFLIN. We can consult with the Department of Agriculture before any agreement relative to this matter. As I understand it, this has been submitted to them and they have objections to it.

Mr. SANTORUM. I can't hear the Senator.

Mr. HEFLIN. As I understand it, this has been shown to the Department of Agriculture, and they have reservations pertaining to this. They are in the process right now of probably becoming involved in a lawsuit. Therefore, they object to it, and because they object to it, I cannot agree to it.

Mr. SANTORUM. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4995

Mr. SANTORUM. I call up amendment No. 4995 and ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SANTORUM. I yield the floor to the Senator from Mississippi, so we can all go home.

AMENDMENTS NOS. 4979 AND 4980, WITHDRAWN

Mr. COCHRAN. Earlier tonight, the Senate adopted two amendments offered by the Senator from Nebraska, Mr. KERREY. These were modifications of previous amendments that he had filed and were at the desk.

I, therefore, ask unanimous consent to withdraw amendments Nos. 4979 and 4980, offered previously by the Senator from Nebraska, Senator KERREY.

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

The amendments (Nos. 4979 and 4980) were withdrawn.

Mr. COCHRAN. Mr. President, there have been cleared two additional amendments—one we offered earlier and had withdrawn, and another amendment.

I will send one up on behalf of Mr. SMITH of New Hampshire, dealing with rural utilities assistance program, and the other offered on behalf of the Senator from Idaho, Mr. CRAIG, and others.

AMENDMENTS NOS. 5000 AND 5001, EN BLOC

Mr. COCHRAN. Mr. President, I send two amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes amendments numbered 5000 and 5001, en bloc.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 5000

(Purpose: To provide that the town of Berlin, New Hampshire, shall be eligible during fiscal year 1997 for a grant under the rural utilities assistance program)

On page 47, line 17, before the period, insert the following: ": *Provided further*, That, notwithstanding section 306(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(7)), the town of Berlin, New Hampshire, shall be eligible during fiscal year 1997 for a grant under the rural utilities assistance program".

AMENDMENT NO. 5001

(Purpose: To require a review and report on the H–2A non immigrant worker program)

At the end of the matter proposed to be inserted by the amendment, insert the following:

SEC. . REVIEW AND REPORT ON H–2A NON IMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the enactment of this Act may impact the future availability of an adequate work force for the producers of our Nation's labor intensive agricultural commodities and livestock.

(b) REVIEW.—The Comptroller General shall review the effectiveness of the H–2A nonimmigrant worker program to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the Comptroller General shall review the program to determine—

(1) that the program ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the date of enactment of this Act;

(2) that the program ensures that there is timely approval of applications for temporary foreign workers under the H–2A nonimmigrant worker program in the event of shortages of United States workers after the date of enactment of this Act;

(3) that the program ensures that implementation of the H–2A nonimmigrant worker program is not displacing United States agricultural workers or diminishing the terms and conditions of employment of United States agricultural workers; and

(4) if and to what extent the H–2A nonimmigrant worker program is contributing to the problem of illegal immigration.

(c) REPORT.— Not later than December 31, 1996, or three months after the date of enactment of this Act, whichever is sooner, the Comptroller General shall submit a report to Congress setting forth the findings of the review conducted under subsection (b);

(d) DEFINITIONS.—As used in this section—

(1) the term "Comptroller General" means the Comptroller General of the United States; and

(2) the term "H–2A nonimmigrant worker program" means the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

Mr. COCHRAN. Mr. President, I am authorized to announce to the Senate on behalf of the Senator from Arkansas that these two amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendments are agreed to.

The amendments (No. 5000 and No. 5001) were agreed to.

Mr. COCHRAN. Mr. President, 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.

MORNING BUSINESS

(During today's session of the Senate, the following business was transacted.)

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 22, the Federal debt stood at $5,169,928,910,388.19.

On a per capita basis, every man, woman, and child in America owes $19,483.10 as his or her share of that debt.

REPORT OF A NOTICE CONCERNING THE CONTINUATION OF THE IRAQI EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 164

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1996, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 22, 1996.*

MESSAGES FROM THE HOUSE

At 11:22 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3159. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes.

H.R. 3267. An act to amend title 49, United States Code, to prohibit individuals who do not hold a valid private pilots certificate from manipulating the controls of aircraft in an attempt to set a record or engage in an aeronautical competition or aeronautical feat, and for other purposes.

H.R. 3536. An act to amend title 49, United States Code, to require an air carrier to request and receive certain records before allowing an individual to begin service as a pilot, and for other purposes.

H.R. 3665. An act to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture.

H.R. 3845. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District

for the fiscal year ending September 30, 1997, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following bills:

H.R. 3161. An act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania.

H.R. 497. An act to create the National Gambling Impact and Policy Commission.

At 2:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3107) to impose sanctions on persons making certain investments directly and significantly contributing to the enhancement of the ability of Iran or Libya to develop its petroleum resources, and on persons exporting certain items that enhance Libya's weapons or aviation capabilities or enhance Libya's ability to develop its petroleum resources, and for other purposes.

At 4:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, and one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1627. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 3267. An act to amend title 49, United States Code, to prohibit individuals who do not hold a valid private pilots certificate from manipulating the controls of aircraft in an attempt to set a record or engage in an aeronautical competition or aeronautical feat, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3536. An act to amend title 49, United States Code, to require an air carrier to request and receive certain records before allowing an individual to begin service as a pilot, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3845. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1997, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 3159. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on July 18, 1996 he had presented to the President of the United States, the following enrolled bills:

S. 966. An act for relief of Nathan C. Vance, and for other purposes.

S. 1899. An act entitled the Mollie Beattie Wilderness Area Act.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–3514. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''United States Standards for Grades of Frozen Green and Frozen Wax Beans,'' received on July 19, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3515. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas,'' received on July 22, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3516. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California,'' received on July 22, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3517. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tobacco Inspection,'' received on July 19, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3518. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of nine rules including a rule entitled ''The Public Housing Management Assessment Program,'' (FR4048, 3567, 3970, 3447, 3977, 3331, 3957, 3902, 4069) received on July 19, 1996; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Appropriations, with amendments:

H.R. 3845. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 104–328).

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1997'' (Rept. No. 104–329).

By Mr. SHELBY, from the Committee on Appropriations, with amendments:

H.R. 3756. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 104–330).

By Mr. STEVENS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 88. A bill to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans (Rept. No. 104–331).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HOLLINGS (for himself, Mr. THURMOND, Mr. ROBB, Mr. WARNER, Mr. ROCKEFELLER, Mr. D'AMATO, Mr. HELMS, Mr. FAIRCLOTH, Mr. COHEN, Ms. SNOWE, Mr. CAMPBELL, and Mr. FORD):

S. 1982. A bill to provide a remedy to damaging imports of men's and boys' tailored wool apparel assembled in Canada from third country fabric and imported at preferential tariff rates; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. MCCAIN, and Mr. AKAKA):

S. 1983. A bill to amend the Native American Graves Protection and Repatriation Act to provide for Native Hawaiian organizations, and for other purposes; to the Committee on Indian Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. THURMOND, Mr. ROBB, Mr. WARNER, Mr. ROCKEFELLER, Mr. D'AMATO, Mr. HELMS, Mr. FAIRCLOTH, Mr. COHEN, Ms. SNOWE, Mr. CAMPBELL, and Mr. FORD):

S. 1982. A bill to provide a remedy to damaging imports of men's and boys' tailored wool apparel assembled in Canada from third country fabric and imported at preferential tariff rates; to the Committee on Finance.

THE EMERGENCY SAFEGUARD ACT OF 1996

Mr. HOLLINGS. Mr. President, I rise today to introduce legislation to correct a grievous error committed by U.S. negotiations in the final hours of the NAFTA negotiations. This error has ripped apart the social fabric of dozens of communities as factory after factory in the wool and wool apparel industry have shut their doors. Let me state for the record that I supported the Canadian Free-Trade Agreement, but I was a vigorous opponent of the North American Free-Trade Agreement. The bill I introduced today is not aimed at scuttling the NAFTA. At another time I will debate the merits of the NAFTA. Instead the bill is designed to close a loophole in the NAFTA that has exposed the wool and wool apparel industry to a tidal wave of Canadian imports and has left the industry without a fundamental right to impose a safeguard against import surges. How this industry lost its right to impose a safeguard is one of the tragic stories in the history of trade agreements. In the wee hours of the morning our negotiators bargained

away the wool and wool apparel industry in order to secure the Canadians agreement to several provisions of the NAFTA. Mr. President the NAFTA contains a rule of origin for textile products that was supposed to benefit and encourage production in North America. A special tariff preference level was established for fabrics that were in short supply or unavailable. A gentleman's agreement was reached that the products coming in under the TPL would be spread out over a broad range of product categories. Instead, the Canadians have flooded the United States market in one product category, wool suits. These suits which have been dumped into the U.S. market are not made of North American fabric, which is readily available. Instead these suits are made of fabric produced in China, Turkey, and Italy. The last I checked, these countries are not in North America.

Since 1988 as a result of the abuse of the TPL, production of wool suits has declined by 40 percent. Dozens of companies have suffered losses, layed off employees, or in some cases declared bankruptcy. Grief, the third largest manufacturer of suits in the United States, was forced to close plants in Virginia and Pennsylvania. Over 1,300 workers have lost their jobs. The 500 Fashion group, makers of Botany 500, announced that it will close two plants in Pennsylvania and one plant in Florida. Over 1,000 people are now without work.

Plaid, the second largest manufacturer of suits, was forced into bankruptcy. Plants were closed in Georgia, Maryland, Delaware, and Pennsylvania, and 1,500 jobs were eliminated. The same sad story can be told in the fabric industry. Frostman Co., the second largest producer of wool fabric, was forced into bankruptcy. Burlington Industries, the largest producer of wool fabric, has suffered a 30-percent drop in its menswear wool fabric, business and laid off over 1,000 employees.

What recourse do these companies have? Can they, like every other industry in America turn to their Government to seek relief? No, that option was dealt away in the dark of night. So the bill I introduce will correct that situation. It directs the United States Trade Representative to negotiate an agreement with the Canadians. The bill would permit Canada to maintain the same overall level of wool apparel exports to the United States while at the same time preventing serious injury to the United States industry by adjusting the distribution among different product lines. If the Canadians fail to come to an agreement the bill requires that the President apply MFN duty rates to all wool apparel TPL imports from Canada as of March 1, 1997. Mr. President the men and women were unfortunate pawns in an international negotiation. It's time we stood with them and gave them there rights back and protect their jobs.

Mr. ROCKEFELLER. Mr. President, I join Senator HOLLINGS and others as a cosponsor of the Emergency Safeguard Act of 1996, and call on the Congress to move this bill with great haste. This is vitally important to over 600 employees of Corbin Limited in West Virginia, who are facing an unprecedented threat from a surge in imports of wool suits from Canada.

Those of us who opposed the North American Free-Trade Agreement [NAFTA] did not want to find ourselves with situations like this, but we certainly feared they would occur. In this case, decisive action is now needed to stand up for American workers and industries facing an unfair threat.

Three years ago, when explaining my vote against the NAFTA, I pointed to the disparities between the economies of Canada, the United States, and Mexico, as a primary reason for opposing the trade agreement. At that time, I did not think it was right to ask West Virginia and other States with fragile economies to absorb the brunt of forced integration with Mexico. I was particularly concerned that workers in our labor intensive industries would face a considerable threat from much lower wage Mexican workers.

Since that time, in the last 2-plus years, many of my concerns have proved well founded. Certainly, last year's bailout of the Mexican peso is the most conspicuous evidence of problems raised by the NAFTA, but today I am here for a wholly different reason.

Today, I am forced to discuss a problem with our neighbors to the North—specifically to textile manufacturers in Canada.

During consideration of the NAFTA, a provision was inserted at the last minute which allowed Canadian manufacturers to import fabrics from third countries nearly duty free—compared with the 36 percent duties that we pay—and then export finished garments to the United States regardless of the harm they might do to American industry and workers.

Specifically, the provision precluded taking what are known as ''safeguard'' measures under the NAFTA for wool apparel exported to the United States under the tariff preference levels established during the Canada-United States Free-Trade Agreement. At that time, the Canadians assured our negotiators that this loophole was needed simply to protect the existing levels of exports of various categories of low cost wool products; things such as caps, sweaters, knits and socks. At that time, 10 percent of Canadian wool exports were high end products such as suits.

However, Mr. President, since the NAFTA went into effect, nearly all Canadian wool exports have been suits, and of that, virtually all of them are coming from one Canadian company. Contrary to the stated intention of the negotiators, suits now account for 90 percent of Canada's wool exports, instead of 10 percent when the deal was made. This has done grievous harm to American suit manufacturers, who were blindsided by this shift in Canadian export patterns.

Under normal circumstances, when you have an import surge of this sort, and obvious harm is being done to a domestic, American industry, the American companies and its workers can seek relief. They can take action under the trade laws to stem the surge, and get remedies from unfair and injurious trade. You can do this in every area we trade in but one, textile and apparel from Canada. In fact, if these very same imports were from Mexico instead of Canada, the United States industry and its workers could petition the United States Government for a safeguard to prevent serious injury.

That is why this legislation is needed, and needed in a hurry. When I opposed the NAFTA I was afraid this kind of thing would happen. We may not be able to rewrite history and undo the NAFTA, but we can take reasonable steps to stem the hemorrhaging. I know the calendar shows very few days in which this body will be conducting legislative work, but I hope the majority leader will work with us to make this into law before even more harm is done.

This Senator counts the creation of new and better paying jobs for the people of West Virginia as one of the most important things he can do to help improve the way of life of the good people of his State. But just as important is maintaining the jobs we already have. This legislation is necessary, and should be passed.

Mr. THURMOND. Mr. President, I rise today to join with my colleague from South Carolina, Senator HOLLINGS, and several others Senators to sponsor the Emergency Safeguard Act of 1996. This legislation corrects a loophole created by the passage of NAFTA that has allowed Canadian suit makers an unfair advantage in the United States marketplace. Currently, over 140,000 people are employed in the textile and apparel industry in South Carolina. Several thousand of these jobs supply or manufacture men's and boys' wool suits, sport coats, and slacks. These jobs are in jeopardy due in part to a manipulation of the tariff preference level [TPL] by Canada.

The TPL, which was established under the Canadian Free-Trade Agreement, was originally designed to allow special trade benefits to wool products made in Canada from foreign wool fabric when that fabric could not be sourced in either Canada or the United States. However, Canada has begun sourcing wool fabric from other countries, despite the fact that fabric is available from NAFTA countries. Canada has been importing fabric from Turkey, Italy, China, and Korea to make items which are shipped into the United States under the favorable NAFTA tariffs.

Canada has seized on the TPL loophole to specifically target and flood the United States market with men's and boys' tailored wool apparel. The import surges are causing layoffs and is putting the future of the domestic wool apparel industry in jeopardy.

Mr. President, this legislation would place a reasonable sublimit on tailored wool apparel exported through the TPL to the United States by Canada. The size of the TPL would not change, but Canada would be prohibited from using it in a damaging way. This language is necessary because NAFTA eliminated the safeguard for U.S. industries to prevent injurious imports from flooding the U.S. market. Due to NAFTA, the domestic apparel industry has no recourse in stemming the damage caused by Canada while all other industries have this protection. Therefore, legislation is needed to correct this inequity.

Mr. President, I hope this measure can be expeditiously considered to bring relief to the domestic textile and apparel industry.

By Mr. INOUYE (for himself, Mr. MCCAIN and Mr. AKAKA):

S. 1983. A bill to amend the Native American Graves Protection and Repatriation Act to provide for native Hawaiian organizations, and for other purposes; to the Committee on Indian Affairs.

THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT AMENDMENT ACT OF 1996

Mr. INOUYE. Mr. President, I rise today to introduce a bill, cosponsored by Senators MCCAIN and AKAKA, which would amend the Native American Graves Protection and Repatriation Act to clarify certain provisions of that act as they pertain to native hawaiian organizations.

In 1990, the Congress enacted the native American Graves Protection and Repatriation Act [NAGPRA] to address the growing concern among Indian tribes, Alaska Native villages, and native Hawaiian organizations associated with the disposition of thousands of native American human remains and religious objects currently in the possession of museums and Federal agencies.

The act requires museums and Federal agencies in the possession of such cultural items to compile inventories and written summaries of human remains, associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony.

The act further establishes a process governing the repatriation of such items to appropriate Indian tribes or native Hawaiian organizations.

In the years since its enactment, native Hawaiians have been at the forefront in the repatriation of ancestral remains.

Hundreds of native Hawaiian kupuna (ancestors) have been returned to Hawaii —released from the confines of over twenty museums in the United States, Canada, Switzerland, and Australia —and returned to the lands of their birth.

Despite these accomplishments, native Hawaiian organizations have experienced great difficulty in ensuring the act's implementation—ironically, not abroad—but in Hawaii.

In written testimony submitted to the Committee on Indian Affairs by Hui Malama I Na Kupuna O Hawaii Nei, a Hawaiian organization recognized under the act, for a December 9, 1995, oversight hearing on the act, a number of concerns were raised—concerns which this bill seeks to address, namely—the lack of written consent where native American remains are excavated or removed for purposes of study; following an inadvertent discovery of remains, the lack of assurances that the removal of native American remains will adhere to the same requirements as an intentional excavation; and the lack of notification to native Hawaiian organizations when inadvertent discoveries are made of native American human remains on Federal lands.

As one of the original sponsors of the act, it is my view that the amendments which I propose are consistent with the original purpose, spirit, and intent of NAGPRA, and are necessary to clarify the existing law.

It is my expectation that, if adopted, these amendments will ensure better cooperation by Federal agencies in the implementation of the act in the State of Hawaii.

The responsibility born by those who choose, or who are called upon to care for the remains of their ancestors is a heavy one.

By acting favorably on this measure, I hope that we can assist these individuals and organizations as they continue in their efforts to bring their ancestors home.

Mr. President, I thank you for this time today, and I urge my colleagues to support this bill when it comes before the Senate for consideration.

ADDITIONAL COSPONSORS

S. 297

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 297, a bill to amend the Internal Revenue Code of 1986 to clarify the exclusion from gross income for veterans' benefits.

S. 684

At the request of Mr. HATFIELD, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 969

At the request of Mr. BRADLEY, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Maine [Mr. COHEN], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1118

At the request of Ms. SNOWE, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 1118, a bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the medicare program.

S. 1554

At the request of Mr. COCHRAN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1554, a bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hours requirements of that Act, and for other purposes.

S. 1694

At the request of Ms. SNOWE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1694, a bill to prohibit insurance providers from denying or canceling health insurance coverage, or varying the premiums, terms, or conditions for health insurance coverage on the basis of genetic information or a request for genetic services, and for other purposes.

S. 1740

At the request of Mr. NICKLES, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Colorado [Mr. BROWN], the Senator from Alaska [Mr. STEVENS], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 1740, a bill to define and protect the institution of marriage.

S. 1830

At the request of Mr. BROWN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1830, a bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe.

S. 1832

At the request of Ms. MIKULSKI, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1832, a bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes.

S. 1867

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 1867, a bill to restore the American family, enhance support and work opportunities for families with children, reduce out-of-wedlock pregnancies, reduce welfare dependence, and control welfare spending.

S. 1873

At the request of Mr. INHOFE, the names of the Senator from Montana

[Mr. BAUCUS] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 1873, a bill to amend the National Environmental Education Act to extend the programs under the Act, and for other purposes.

S. 1879

At the request of Mr. MOYNIHAN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1879, a bill to amend the Internal Revenue Code of 1986 to provide for 501(c)(3) bonds a tax treatment similar to governmental bonds, and for other purposes.

S. 1885

At the request of Mr. INHOFE, the names of the Senator from Illinois [Mr. SIMON], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 1885, a bill to limit the liability of certain nonprofit organizations that are providers of prosthetic devices, and for other purposes.

S. 1892

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1892, a bill to reward States for collecting medicaid funds expended on tobacco-related illnesses, and for other purposes.

S. 1925

At the request of Mr. GORTON, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 1925, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

S. 1965

At the request of Mr. HATCH, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1965, a bill to prevent the illegal manufacturing and use of methamphetamine.

AMENDMENT NO. 4939

At the request of Mr. SHELBY the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of amendment No. 4939 proposed to S. 1956, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 1997.

AMENDMENT NO. 4971

At the request of Mr. CRAIG the names of the Senator from Oregon [Mr. WYDEN], the Senator from North Carolina [Mr. HELMS], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of amendment No. 4971 intended to be proposed to H.R. 3603, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 4978

At the request of Mr. BUMPERS the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of amendment No. 4978 proposed to H.R. 3603, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 4979

At the request of Mr. BUMPERS the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of amendment No. 4979 proposed to H.R. 3603, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENTS SUBMITTED

THE NUCLEAR WASTE POLICY ACT OF 1996

MURKOWSKI AMENDMENTS NOS. 4984–4985

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted two amendments intended to be proposed by him to the bill (S. 1936) to amend the Nuclear Waste Policy Act of 1982; as follows:

AMENDMENT NO. 4984

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following: ''the Nuclear Waste Policy Act of 1982 is amended to read as follows:

''SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Nuclear Waste Policy Act of 1996'.

''(b) TABLE OF CONTENTS.—

''SEC. 2. DEFINITIONS.

''For purposes of this Act:

''(1) ACCEPT, ACCEPTANCE.—The terms 'accept' and 'acceptance' mean the Secretary's act of taking possession of spent nuclear fuel or high-level radioactive waste.

''(2) AFFECTED INDIAN TRIBE.—The term 'affected Indian tribe' means any Indian tribe—

''(A) whose reservation is surrounded by or borders an affected unit of local government, or

''(B) whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of congressionally ratified treaties may be substantially and adversely affected by the locating of an interim storage facility or a repository if the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe.

''(3) AFFECTED UNIT OF LOCAL GOVERNMENT.—The term 'affected unit of local government' means the unit of local government with jurisdiction over the site of a repository or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such unit.

''(4) ATOMIC ENERGY DEFENSE ACTIVITY.—The term 'atomic energy defense activity' means any activity of the Secretary performed in whole or in part in carrying out any of the following functions:

''(A) Naval reactors development.

''(B) Weapons activities including defense inertial confinement fusion.

''(C) Verification and control technology.

''(D) Defense nuclear materials production.

''(E) Defense nuclear waste and materials byproducts management.

''(F) Defense nuclear materials security and safeguards and security investigations.

''(G) Defense research and development.

''(5) CIVILIAN NUCLEAR POWER REACTOR.—The term 'civilian nuclear power reactor' means a civilian nuclear power plant required to be licensed under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)).

''(6) COMMISSION.—The term 'Commission' means the Nuclear Regulatory Commission.

''(7) CONTRACTS.—The term 'contracts' means the contracts, executed prior to the date of enactment of the Nuclear Waste Policy Act of 1996, under section 302(a) of the Nuclear Waste Policy Act of 1982, by the Secretary and any person who generates or holds title to spent nuclear fuel or high-level radioactive waste of domestic origin for acceptance of such waste or fuel by the Secretary and the payment of fees to offset the

Secretary's expenditures, and any subsequent contracts executed by the Secretary pursuant to section 401(a) of this Act.

''(8) CONTRACT HOLDERS.—The term 'contract holders' means parties (other than the Secretary) to contracts.

''(9) DEPARTMENT.—The term 'Department' means the Department of Energy.

''(10) DISPOSAL.—The term 'disposal' means the emplacement in a repository of spent nuclear fuel, high-level radioactive waste, other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits recovery of such material for any future purpose.

''(11) DISPOSAL SYSTEM.—The term 'disposal system' means all natural barriers and engineered barriers, and engineered systems and components, that prevent the release of radionuclides from the repository.

''(12) EMPLACEMENT SCHEDULE.—The term 'emplacement schedule' means the schedule established by the Secretary in accordance with section 507(a) for emplacement of spent nuclear fuel and high-level radioactive waste at the interim storage facility.

''(13) ENGINEERED BARRIERS AND ENGINEERED SYSTEMS AND COMPONENTS.—The terms 'engineered barriers' and 'engineered systems and components,' mean man-made components of a disposal system. These terms include the spent nuclear fuel or high-level radioactive waste form, spent nuclear fuel package or high-level radioactive waste package, and other materials placed over and around such packages.

''(14) HIGH-LEVEL RADIOACTIVE WASTE.—The term 'high-level radioactive waste' means—

''(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and

''(B) other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation, which includes any low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Commission for class C radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983.

''(15) FEDERAL AGENCY.—The term 'Federal agency' means any Executive agency, as defined in section 105 of title 5, United States Code.

''(16) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians including any Alaska Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

''(17) INTEGRATED MANAGEMENT SYSTEM.—The term 'integrated management system' means the system developed by the Secretary for the acceptance, transportation, storage, and disposal of spent nuclear fuel and high-level radioactive waste under title II of this Act.

''(18) INTERIM STORAGE FACILITY.—The term 'interim storage facility' means a facility designed and constructed for the receipt, handling, possession, safeguarding, and storage of spent nuclear fuel and high-level radioactive waste in accordance with title II of this Act.

''(19) INTERIM STORAGE FACILITY SITE.—The term 'interim storage facility site' means the specific site within Area 25 of the Nevada Test Site that is designated by the Secretary and withdrawn and reserved in accordance with this Act for the location of the interim storage facility.

''(20) LOW-LEVEL RADIOACTIVE WASTE.—The term 'low-level radioactive waste' means radioactive material that—

''(A) is not spent nuclear fuel, high-level radioactive waste, transuranic waste, or by-product material as defined in section 11 e(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)); and

''(B) the Commission, consistent with existing law, classifies as low-level radioactive waste.

''(21) METRIC TONS URANIUM.—The terms 'metric tons uranium' and 'MTU' means the amount of uranium in the original unirradiated fuel element whether or not the spent nuclear fuel has been reprocessed.

''(22) NUCLEAR WASTE FUND.—The terms 'Nuclear Waste Fund' and 'waste fund' mean the nuclear waste fund established in the United States Treasury prior to the date of enactment of this Act under section 302(c) of the Nuclear Waste Policy Act of 1982.

''(23) OFFICE.—The term 'Office' means the Office of Civilian Radioactive Waste Management established within the Department prior to the date of enactment of this Act under the provisions of the Nuclear Waste Policy Act of 1982.

''(24) PROGRAM APPROACH.—The term 'program approach' means the Civilian Radioactive Waste Management Program Plan, dated May 6, 1996, as modified by this Act, and as amended from time to time by the Secretary in accordance with this Act.

''(25) REPOSITORY.—The term 'repository' means a system designed and constructed under title II of this Act for the geologic disposal of spent nuclear fuel and high-level radioactive waste, including both surface and subsurface areas at which spent nuclear fuel and high-level radioactive waste receipt, handling, possession, safeguarding, and storage are conducted.

''(26) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(27) SITE CHARACTERIZATION.—The term 'site characterization' means activities, whether in a laboratory or in the field, undertaken to establish the geologic condition and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations, excavations of exploratory facilities, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the licensability of a candidate site for the location of a repository, but not including preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

''(28) SPENT NUCLEAR FUEL.—The term 'spent nuclear fuel' means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

''(29) STORAGE.—The term 'storage' means retention of spent nuclear fuel or high-level radioactive waste with the intent to recover such waste or fuel for subsequent use, processing, or disposal.

''(30) WITHDRAWL.—The term 'withdrawal' has the same definition as that set forth in section 103(j) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(j)).

''(31) YUCCA MOUNTAIN SITE.—The term ''Yucca Mountain site'' means the area in the State of Nevada that is withdrawn and reserved in accordance with this Act for the location of a repository.

''TITLE—OBLIGATIONS

"SEC. 101. OBLIGATIONS OF THE SECRETARY OF ENERGY.

''(a) DISPOSAL.—The Secretary shall develop and operate an integrated management system for the storage and permanent disposal of spent nuclear fuel and high-level radioactive waste.

''(b) INTERIM STORAGE.—The Secretary shall store spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders at an interim storage facility pursuant to section 204 in accordance with the emplacement schedule, beginning not later than November 30, 1999.

''(c) TRANSPORTATION.—The Secretary shall provide for the transportation of spent nuclear fuel and high-level radioactive waste accepted by the Secretary. The Secretary shall procure all systems and components necessary to transport spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders to and among facilities comprising the Integrated Management System. Consistent with the Buy American Act (41 U.S.C. 10a–10c), unless the Secretary shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, all such systems and components procured by the Secretary shall be manufactured in the United States, with the exception of any transportable storage systems purchased by contract holders prior to the effective date of the Nuclear Waste Policy Act of 1996 and procured by the Secretary from such contract holders for use in the integrated management system.

''(d) INTEGRATED MANAGEMENT SYSTEM.—The Secretary shall expeditiously pursue the development of each component of the integrated management system, and in so doing shall seek to utilize effective private sector management and contracting practices.

''(e) PRIVATE SECTOR PARTICIPATION.—In administering the Integrated Management System, the Secretary shall, to the maximum extent possible, utilize, employ, procure and contract with, the private sector to fulfill the Secretary's obligations and requirements under this Act.

''(f) PRE-EXISTING RIGHTS.—Nothing in this Act is intended to or shall be construed to modify—

''(1) any right of a contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982, or under a contract executed prior to the date of enactment of this Act under that section; or

''(2) obligations imposed upon the federal government by the U.S. District Court of Idaho in an order entered on October 17, 1995 in *United States* v. *Batt* (No. 91–0054–S–EJL).

''(g) LIABILITY.—Subject to subsection (f), nothing in this Act shall be construed to subject the United States to financial liability for the Secretary's failure to meet any deadline for the acceptance or emplacement of spent nuclear fuel or high-level radioactive waste for storage or disposal under this Act.

''TITLE II—INTEGRATED MANAGEMENT SYSTEM

"SEC. 201. INTERMODAL TRANSFER.

''(a) ACCESS.—The Secretary shall utilize heavy-haul truck transport to move spent nuclear fuel and high-level radioactive waste from the mainline rail line at Caliente, Nevada, to the interim storage facility site.

''(b) CAPABILITY DATE.—The Secretary shall develop the capability to commence rail to truck intermodal transfer at Caliente, Nevada, no later than November 30, 1999. Intermodal transfer and related activities are incidental to the interstate transportation of spent nuclear fuel and high-level radioactive waste.

''(c) ACQUISITIONS.—The Secretary shall acquire lands and rights-of-way necessary to commence intermodal transfer at Caliente, Nevada.

''(d) REPLACEMENTS.—The Secretary shall acquire and develop on behalf of, and dedicate to, the City of Caliente, Nevada, parcels of land and right-of-way within Lincoln

County, Nevada, as required to facilitate replacement of land and city wastewater disposal facilities necessary to commence intermodal transfer pursuant to this Act. Replacement of land and city wastewater disposal activities shall occur no later than November 30, 1999.

''(e) NOTICE AND MAP.—Within 6 months of the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall—

''(1) publish in the Federal Register a notice containing a legal description of the sites and rights-of-way to be acquired under this subsection; and

''(2) file copies of a map of such sites and rights-of-way with the Congress, the Secretary of the Interior, the State of Nevada, the Archivist of the United States, the Board of Lincoln County Commissioners, the Board of Nye County Commissioners, and the Caliente City Council. Such map and legal description shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors and legal descriptions and make minor adjustments in the boundaries.

''(f) IMPROVEMENTS.—The Secretary shall make improvements to existing roadways selected for heavy-haul truck transport between Caliente, Nevada, and the interim storage facility site as necessary to facilitate year-round safe transport of spent nuclear fuel and high-level radioactive waste.

''(g) LOCAL GOVERNMENT INVOLVEMENT.—The Commission shall enter into a Memorandum of Understanding with the City of Caliente and Lincoln County, Nevada, to provide advice to the Commission regarding intermodal transfer and to facilitate on-site representation. Reasonable expenses of such representation shall be paid by the Secretary.

''(h) BENEFITS AGREEMENT.—

''(1) IN GENERAL.—The Secretary shall offer to enter into an agreement with Lincoln County, Nevada concerning the integrated management system.

''(2) AGREEMENT CONTENT.—Any agreement shall contain such terms and conditions, including such financial and institutional arrangements, as the Secretary and agreement entity determine to be reasonable and appropriate and shall contain such provisions as are necessary to preserve any right to participation or compensation of Lincoln County, Nevada.

''(3) AMENDMENT.—An agreement entered into under this subsection may be amended only with the mutual consent of the parties to the amendment and terminated only in accordance with paragraph (4).

''(4) TERMINATION.—The Secretary shall terminate the agreement under this subsection if any major element of the integrated management system may not be completed.

''(5) LIMITATION.—Only 1 agreement may be in effect at any one time.

''(6) JUDICIAL REVIEW.—Decisions of the Secretary under this section are not subject to judicial review.

''(i) CONTENT OF AGREEMENT.

''(1) SCHEDULE.—In addition to the benefits to which Lincoln County is entitled to under this title, the Secretary shall make payments under the benefits agreement in accordance with the following schedule:

BENEFITS SCHEDULE

[Amounts in millions]

Event	Payment
(A) Annual payments prior to first receipt of spent fuel	$2.5
(B) Annual payments beginning upon first spent fuel receipt	5
(C) Payment upon closure of the intermodal transfer facility	5

''(2) DEFINITIONS.—For purposes of this section, the term—

''(A) 'spent fuel' means high-level radioactive waste or spent nuclear fuel; and

''(B) 'first spent fuel receipt' does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational demonstration.

''(3) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under paragraph (1)(A) shall be made on the date of execution of the benefits agreement and thereafter on the anniversary date of such execution. Annual payments after the first spent fuel receipt until closure of the facility under paragraph (1)(C) shall be made on the anniversary date of such first spent fuel receipt.

''(4) REDUCTION.—If the first spent fuel payment under paragraph (1)(B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under paragraph (1)(A), such first spent fuel payment under paragraph (1)(B) shall be reduced by an amount equal to 1/12 of such annual payment under paragraph (1)(A) for each full month less than 6 that has not elapsed since the last annual payment under paragraph (1)(A).

''(5) RESTRICTIONS.—The Secretary may not restrict the purposes for which the payments under this section may be used.

''(6) DISPUTE.—In the event of a dispute concerning such agreement, the Secretary shall resolve such dispute, consistent with this Act and applicable State law.

''(7) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under this section shall constitute a commitment by the United States to make payments in accordance with such agreement under section 401(c)(2).

''(j) INITIAL LAND CONVEYANCES.

''(1) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in paragraph (2), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Lincoln, Nevada, unless the county notifies the Secretary of Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Lincoln under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Lincoln County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

''(2) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, shall be conveyed under paragraph (1) to the County of Lincoln, Nevada:

Map 10: Lincoln County, Parcel M, Industrial Park Site

Map 11: Lincoln County, Parcel F, Mixed Use Industrial Site

Map 13: Lincoln County, Parcel J, Mixed Use, Alamo Community Expansion Area

Map 14: Lincoln County, Parcel E, Mixed Use, Pioche Community Expansion Area

Map 15: Lincoln County, Parcel B, Landfill Expansion Site.

''(3) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in paragraph (2) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

''(4) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Lincoln, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

''SEC. 202. TRANSPORTATION PLANNING.

''(a) TRANSPORTATION READINESS.—The Secretary shall take those actions that are necessary and appropriate to ensure that the Secretary is able to transport safely spent nuclear fuel and high-level radioactive waste from sites designated by the contract holders to mainline transportation facilities, using routes that minimize, to the maximum practicable extent consistent with Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas, beginning not later than November 30, 1999, and, by the date shall, in consultation with the Secretary of Transportation develop and implement a comprehensive management plan that ensures that safe transportation of spent nuclear fuel and high-level radioactive waste from the sites designated by the contract holders to the interim storage facility site beginning not later than November 30, 1999.

''(b) TRANSPORTATION PLANNING.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation institutional plans to ensure the institutional issues are addressed and resolved on a schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility no later than November 30, 1999. Among other things, such planning shall provide a schedule and process for addressing and implementing, as necessary, transportation routing plans, transportation contracting plans, transportation training in accordance with Section 203, and public education regarding transportation of spent nuclear fuel and high level radioactive waste; and transportation tracking programs.

''SEC. 203. TRANSPORTATION REQUIREMENTS.

''(a) PACKAGE CERTIFICATION.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

''(b) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and local governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and funds to States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste for training for public safety officials of appropriate units of local government. The Secretary shall also provide technical assistance and funds for training directly to national nonprofit employee organizations which demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in-training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste, or emergency response or post-emergency response with respect to such transportation. Training shall cover procedures required for safe routine transportation of

these materials, as well as procedures for dealing with emergency response situations, and shall be consistent with any training standards established by the Secretary of Transportation in accordance with subsection (g). The Secretary's duty to provide technical and financial assistance under this subsection shall be limited to amounts specified in annual appropriations.

''(d) PUBLIC EDUCATION.—The Secretary shall conduct a program to educate the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis upon those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel and high-level radioactive waste.

''(e) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Act of 1986, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the Federal, State, and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by 49 U.S.C. sec. 5126.

''(f) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of 49 U.S.C. 20109 and 49 U.S.C. 31105.

''(g) TRAINING STANDARD.—(1) No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary of Transportation, pursuant to authority under other provision of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that evidence of satisfaction of the applicable training standard be provided to an employer before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

''(2) If the Secretary of Transportation determines, in promulgating the regulation required by subparagraph (1), that regulations promulgated by the Commission establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall work through their Memorandum of Understanding to ensure coordination of worker training standards and to avoid duplicative regulation.

''(3) The training standards required to be promulgated under subparagraph (1) shall, among other things deemed necessary and appropriate by the Secretary of Transportation, include the following provisions—

''(A) a specified minimum number of hours of initial off site instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

''(B) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

''(C) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

''(4) There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

"SEC. 204. INTERIM STORAGE.

''(a) AUTHORIZATION.—The Secretary shall design, construct, and operate a facility for the interim storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility site. The interim storage facility shall be subject to licensing pursuant to the Atomic Energy Act of 1954 in accordance with the Commission's regulations governing the licensing of independent spent fuel storage installations, which regulations shall be amended by the Commission as necessary to implement the provisions of this Act. The interim storage facility shall commence operation in phases in accordance with subsection (b).

''(b) SCHEDULE.—(1) The Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at the interim storage facility at the interim storage facility site by November 30, 1999, except that:

''(A) The Secretary shall not begin any construction activities at the interim storage facility site before December 31, 1998.

''(B) The Secretary shall cease all activities (except necessary termination activities) at the Yucca Mountain site if the President determines, in his discretion, on or before December 31, 1998, based on a preponderance of the information available at such time, that the Yucca Mountain site is unsuitable for development as a repository, including geologic and engineered barriers, because of a substantial likelihood that a repository of useful size cannot be designed, licensed, and constructed at the Yucca Mountain site.

''(C) No later than June 30, 1998, the Secretary shall provide to the President and to the Congress a viability assessment of the Yucca Mountain site. The viability assessment shall include—

''(i) the preliminary design concept for the critical elements of the repository and waste package,

''(ii) a total system performance assessment, based upon the design concept and the scientific data and analysis available by June 30, 1998, describing the probable behavior of the repository in the Yucca Mountain geologic setting relative to the overall system performance standard set forth in section 205(d) of this Act,

''(iii) a plan and cost estimate for the remaining work required to complete a license application, and

''(iv) an estimate of the costs to construct and operate the repository in accordance with the design concept.

''(D) Within 18 months of a determination by the President that the Yucca Mountain site is unsuitable for development as a repository under paragraph (B), the President shall designate a site for the construction of an interim storage facility. If the President does not designate a site for the construction of an interim storage facility, or the construction of an interim storage facility at the designated site is not approved by law within 24 months of the President's determination that the Yucca Mountain site is not suitable for development as a repository, the Secretary shall begin construction of an interim storage facility at the interim storage facility site as defined in section 2(19) of this Act. The interim storage facility site as defined in section 2(19) of this Act shall be deemed to be approved by law for purposes of this section.

''(2) Upon the designation of an interim storage facility site by the President under paragraph (1)(D), the Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

''(c) DESIGN.—

''(1) The interim storage facility shall be designed in two phases in order to commence operations no later than November 30, 1999. The design of the interim storage facility shall provide for the use of storage technologies, licensed, approved, or certified by the Commission for use at the interim storage facility as necessary to ensure compatibility between the interim storage facility and contract holders' spent nuclear fuel and facilities, and to facilitate the Secretary's ability to meet the Secretary's obligations under this Act.

''(2) The Secretary shall consent to an amendment to the contracts to provide for reimbursement to contract holders for transportable storage systems purchased by contract holders if the Secretary determines that it is cost effective to use such transportable storage systems as part of the integrated management system, provided that the Secretary shall not be required to expend any funds to modify contract holders' storage or transport systems or to seek additional regulatory approvals in order to use such systems.

''(d) LICENSING.—

''(1) PHASES.—The interim storage facility shall be licensed by the Commission in two phases in order to commence operations no later than November 30, 1999.

''(2) FIRST PHASE.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall submit to the Commission an application for a license for the first phase of the interim storage facility. The Environmental Report and Safety Analysis Report submitted in support of such license application shall be consistent with the scope of authority requested in the license application. The license issued for the first phase of the interim storage facility shall have a term of 20 years. The interim storage facility licensed in the first place shall have a capacity of not more than 15,000 MTU. The Commission shall issue a final decision granting or denying the application for the first phase license no later than 16 months from the date of the submittal of the application for such license.

''(3) SECOND PHASE.—No later than 30 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall submit to the Commission an application for a license for the second phase interim storage facility. The license for the second phase facility shall authorize a storage capacity of 40,000 MTU. If the Secretary does not submit the license application for construction of a respository by February 1, 2002, or does not begin full spent nuclear fuel receipt operations at a repository by January 17, 2010, the license shall authorize a storage capacity of 60,000 MTU. The license application shall be submitted such that the license can be issued to permit the second phase facility to begin full spent nuclear fuel receipt operations no later than December 31, 2002. The license for the second phase shall have an initial term of up to 100 years, and shall be renewable for additional terms upon application of the Secretary.

''(e) ADDITIONAL AUTHORITY.—

''(1) CONSTRUCTION.—For purposes of complying with this section, the Secretary may commence site preparation for the interim storage facility as soon as practicable after the date of enactment of the Nuclear Waste Policy Act of 1996 and shall commence construction of each phase of the interim storage facility subsequent to submittal of the license application for such phase except that the Commission shall issue an order suspending such construction at any time if the Commission determines that such construction poses an unreasonable risk to public health and safety or the environment. The Commission shall terminate all or part of such order upon a determination that the Secretary has taken appropriate action to eliminate such risk.

''(2) FACILITY USE.—Notwithstanding any otherwise applicable licensing requirement, the Secretary may utilize any facility owned by the Federal Government on the date of enactment of the Nuclear Waste Policy Act of 1996 within the boundaries of the interim storage facility site, in connection with an imminent and substantial endangerment to public health and safety at the interim storage facility prior to commencement of operations during the second phase.

''(3) EMPLACEMENT OF FUEL AND WASTE.—Subject to paragraph (i), once the Secretary has achieved the annual acceptance rate for spend nuclear fuel from civilian nuclear power reactors established pursuant to the contracts executed prior to the date of enactment of the Nuclear Waste Policy Act of 1996, as set forth in the Secretary's annual capacity report dated March, 1995 (DOE/RW–0457), the Secretary shall accept, in an amount not less than 25% of the difference between the contractual acceptance rate and the annual emplacement rate for spent nuclear fuel from civilian nuclear power reactors established under section 507(a), the following radioactive materials:

''(A) spend nuclear fuel or high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act of 1996;

''(B) spend nuclear fuel from foreign research reactors, as necessary to promote non-proliferation objectives; and

''(C) spend nuclear fuel, including spend nuclear fuel from naval reactors, and high-level radioactive waste from atomic energy defense activities.

''(f) NATIONAL ENVIRONMENTAL POLICY ACT OF 1996.—

''(1) PRELIMINARY DECISIONMAKING ACTIVITIES.—The Secretary's and President's activities under this section, including, but not limited to, the selection of a site for the interim storage facility, assessments, determinations of designations made under section 204(b), the preparation and submittal of a license application and supporting documentation, the construction of a facility under paragraph (e)(1) of this section, and facility use pursuant to paragraph (e)(2) of this section shall be considered preliminary decisionmaking activities for purposes of judicial review. The Secretary shall not prepare an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C) or any environmental review under subparagraph (E) or (F) of such Act before conducting these activities.

''(2) ENVIRONMENTAL IMPACT STATEMENT.—

''(A) FINAL DECISION.—A final decision by the Commission to grant or deny a license application for the first or second phase of the interim storage facility shall be accompanied by an Environmental Impact Statement prepared under section 103(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). In preparing such Environmental Impact Statement, the Commission—

''(i) shall ensure that the scope of the Environmental Impact Statement is consistent with the scope of the licensing action; and

''(ii) shall analyze the impacts of the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility in a generic manner.

''(B) CONSIDERATIONS.—Such Environmental Impact Statement shall not consider—

''(i) the need for the interim storage facility, including any individual component thereof;

''(ii) the time of the initial availability of the interim storage facility;

''(iii) any alternatives to the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility;

''(iv) any alternatives to the site of the facility as designated by the Secretary in accordance with subsection (a);

''(v) any alternatives to the design criteria for such facility or any individual component thereof, as specified by the Secretary in the license application; or

''(vi) the environmental impacts of the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility beyond the initial term of the license or the term of the renewal period for which a license renewal application is made.

''(g) JUDICIAL REVIEW.—Judicial review of the Commission's environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be consolidated with judicial review of the Commission's licensing decision. No court shall have jurisdiction to enjoin the construction or operation of the interim storage facility prior to its final decision on review of the Commission's licensing action.

''(h) WASTE CONFIDENCE.—The Secretary's obligation to construct and operate the interim storage facility in accordance with this section and the Secretary's obligation to develop an integrated management system in accordance with the provisions of this Act, shall provide sufficient and independent grounds for any further findings by the Commission of reasonable assurance that spent nuclear fuel and high-level radioactive waste will be disposed of safely and on a timely basis for purposes of the Commission's decision to grant or amend any license to operate any civilian nuclear power reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.).

''(i) STORAGE OF OTHER SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—No later than 18 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Commission shall, by rule, establish criteria for the storage in the interim storage facility of fuel and waste listed in paragraph (e)(3)(A) through (C), to the extent such criteria are not included in regulations issued by the Commission and existing on the date of enactment of the Nuclear Waste Policy Act of 1996. Following establishment of such criteria, the Secretary shall seek authority, as necessary, to store fuel and waste listed in paragraph (e)(3)(A) through (C) at the interim storage facility. None of the activities carried out pursuant to this paragraph shall delay, or otherwise affect, the development, construction, licensing, or operation of the interim storage facility.

''(j) SAVINGS CLAUSE.—The Commission shall, by rule, establish procedures for the licensing of any technology for the dry storage of spent nuclear fuel by rule and without, to the maximum extent possible, the need for site-specific approvals by the Commission. Nothing in this Act shall affect any such procedures, or any licenses or approvals issued pursuant to such procedures in effect on the date of enactment.

''SEC. 205. PERMANENT REPOSITORY.

''(a) REPOSITORY CHARACTERIZATION.—

''(1) GUIDELINES.—The guidelines promulgated by the Secretary and published at 10 CFR part 960 are annulled and revoked and the Secretary shall make no assumptions or conclusions about the licensability of the Yucca Mountain site as a repository by reference to such guidelines.

''(2) SITE CHARACTERIZATION ACTIVITIES.—The Secretary shall carry out appropriate site characterization activities at the Yucca Mountain site in accordance with the Secretary's program approach to site characterization. The Secretary shall modify or eliminate those site characterization activities designed only to demonstrate the suitability of the site under the guidelines referenced in paragraph (1).

''(3) SCHEDULE DATE.—Consistent with the schedule set forth in the program approach, as modified to be consistent with the Nuclear Waste Policy Act of 1996, no later than February 1, 2002, the Secretary shall apply to the Commission for authorization to construct a repository. If, at any time prior to the filing of such application, the Secretary determines that the Yucca Mountain site cannot satisfy the Commission's regulations applicable to the licensing of a geologic repository, the Secretary shall terminate site characterization activities at the site, notify Congress and the State of Nevada of the Secretary's determination and the reasons therefor, and recommend to Congress not later than 6 months after such determination further actions, including the enactment of legislation, that may be needed to manage the Nation's spent nuclear fuel and high-level radioactive waste.

''(4) MAXIMIZING CAPACITY.—In developing an application for authorization to construct the repository, the Secretary shall seek to maximize the capacity of the repository, in the most cost-effective manner, consistent with the need for disposal capacity.

''(b) REPOSITORY LICENSING.—Upon the completion of any licensing proceeding for the first phase of the interim storage facility, the Commission shall amend its regulations governing the disposal of spent nuclear fuel and high-level radioactive waste in geologic repositories to the extent necessary to comply with this Act. Subject to subsection (c), such regulations shall provide for the licensing of the repository according to the following procedures:

''(1) CONSTRUCTION AUTHORIZATION.—The Commission shall grant the Secretary a construction authorization for the repository upon determining that there is reasonable assurance that spent nuclear fuel and high-level radioactive waste can be disposed of in the repository—

''(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

''(B) without unreasonable risk to the health and safety of the public; and

''(C) consistent with the common defense and security.

''(2) LICENSE.—Following substantial completion of construction and the filing of any additional information needed to complete the license application, the Commission shall issue a license to dispose of spent nuclear fuel and high-level radioactive waste in the repository if the Commission determines that the repository has been constructed and will operate—

''(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

''(B) without unreasonable risk to the health and safety of the public; and

''(C) consistent with the common defense and security.

''(3) CLOSURE.—After emplacing spent nuclear fuel and high-level radioactive waste in the repository and collecting sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with the Commission's regulations applicable to the licensing of a repository, as modified in accordance with this Act, the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The Commission shall grant such license amendment upon finding that there is reasonable assurance that the repository can be permanently closed—

''(A) in conformity with the Secretary's application to amend the license, the provisions of this Act, and the regulations of the Commission;

''(B) without unreasonable risk to the health and safety of the public; and

''(C) consistent with the common defense and security.

''(4) POST-CLOSURE.—The Secretary shall take those actions necessary and appropriate at the Yucca Mountain site to prevent any activity at the site subsequent to repository closure that poses an unreasonable risk of—

''(A) breaching the repository's engineered or geologic barriers; or

''(B) increasing the exposure of individual members of the public to radiation beyond the release standard established in subsection (d)(1).

''(c) MODIFICATION OF REPOSITORY LICENSING PROCEDURE.—The Commission's regulations shall provide for the modification of the repository licensing procedure, as appropriate, in the event that the Secretary seeks a license to permit the emplacement in the repository, on a retrievable basis, of spent nuclear fuel or high-level radioactive waste as is necessary to provide the Secretary with sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with applicable regulations.

''(d) REPOSITORY LICENSING STANDARDS.—The Administrator of the Environmental Protection Agency shall, pursuant to authority under other provisions of law, issue generally applicable standards for the protection of the public from releases of radioactive materials or radioactivity from the repository. Such standards shall be consistent with the overall system performance standard established by this subsection unless the Administrator determines by rule that the overall system performance standard would constitute an unreasonable risk to health and safety. The Commission's repository licensing determinations for the protection of the public shall be based solely on a finding whether the repository can be operated in conformance with the overall system performance standard established in paragraph (1), applied in accordance with the provisions of paragraph (2), and the Administrator's radiation protection standards. The Commission shall amend its regulations in accordance with subsection (b) to incorporate each of the following licensing standards:

''(1) ESTABLISHMENT OF OVERALL SYSTEM PERFORMANCE STANDARD.—The standard for protection of the public from release of radioactive material or radioactivity from the repository shall prohibit releases that would expose an average member of the general population in the vicinity of the Yucca Mountain site to an annual dose in excess of 100 millirems unless the Commission determines by rule that such standard would constitute an unreasonable risk to health and safety and establishes by rule another standard which will protect health and safety. Such standard shall constitute an overall system performance standard.

''(2) APPLICATION OF OVERALL SYSTEM PERFORMANCE STANDARD.—The Commission shall issue the license if it finds reasonable assurance that for the first 1,000 years following the commencement of repository operations, the overall system performance standard will be met based on a probabilistic evaluation, as appropriate, of compliance with the overall system performance standard in paragraph (1).

''(3) FACTORS.—For purposes of making the finding in paragraph (2)—

''(A) the Commission shall not consider catastrophic events where the health consequences of individual events themselves can be reasonably assumed to exceed the health consequences due to the impact of the events on repository performance;

''(B) for the purpose of this section, an average member of the general population in the vicinity of the Yucca Mountain site means a person whose physiology, age, general health, agricultural practices, eating habits, and social behavior represent the average for persons living in the vicinity of the site. Extremes in social behavior, eating habits, or other relevant practices or characteristics shall not be considered; and

''(C) the Commission shall assume that, following repository closure, the inclusion of engineered barriers and the Secretary's post-closure actions at the Yucca Mountain site, in accordance with subsection (b)(4), shall be sufficient to—

''(i) prevent any human activity at the site that poses an unreasonable risk of breaching the repository's engineered or geologic barriers; and

''(ii) prevent any increase in the exposure of individual members of the public to radiation beyond the allowable limits specified in paragraph (1).

''(4) ADDITIONAL ANALYSIS.—The Commission shall analyze the overall system performance through the use of probabilistic evaluations that use best estimate assumptions, data, and methods for the period commencing after the first 1,000 years of operation of the repository and terminating at 10,000 years after the commencement of operation of the repository.

''(e) NATIONAL ENVIRONMENTAL POLICY ACT.—

''(1) SUBMISSION OF STATEMENT.—Construction and operation of the repository shall be considered a major Federal action significantly affecting the quality of the human environment for purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the construction and operation of the repository to the Commission with the license application and shall supplement such environmental impact statement as appropriate.

''(2) CONSIDERATIONS.—For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary shall not consider in the environmental impact statement the need for the repository, or alternative sites or designs for the repository.

''(3) ADOPTION BY COMMISSION.—The Secretary's environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization under subsection (b)(1), a license under subsection (b)(2), or a license amendment under subsection (b)(3). To the extent such statement or supplement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969, and no further consideration shall be required, except that nothing in this subsection shall affect any independent responsibilities of the Commission to protect the public health and safety under the Atomic Energy Act of 1954. In any such statement or supplement prepared with respect to the repository, the Commission shall not consider the need for a repository, or alternate sites or designs for the repository.

''(f) JUDICIAL REVIEW.—No court shall have jurisdiction to enjoin issuance of the Commission repository licensing regulations prior to its final decision on review of such regulations.

''SEC. 206. LAND WITHDRAWAL.

''(a) WITHDRAWAL AND RESERVATION.—

''(1) WITHDRAWAL.—Subject to valid existing rights, the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including the mineral leasing laws, the geothermal leasing laws, the material sale laws, and the mining laws.

''(2) JURISDICTION.—Jurisdiction of any land within the interim storage facility site and the Yucca Mountain site managed by the Secretary of the Interior or any other Federal officer is transferred to the Secretary.

''(3) RESERVATION.—The interim storage facility site and the Yucca Mountain site are reserved for the use of the Secretary for the construction and operation, respectively, of the interim storage facility and the repository and activities associated with the purposes of this title.

''(b) LAND DESCRIPTION.—

''(1) BOUNDARIES.—The boundaries depicted on the map entitled Interim Storage Facility Site Withdrawal Map, dated March 13, 1996, and on file with the Secretary, are established as the boundaries of the Interim Storage Facility site.

''(2) BOUNDARIES.—The boundaries depicted on the map entitled 'Yucca Mountain Site Withdrawal Map,' dated July 9, 1996, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

''(3) NOTICE AND MAPS.—Within 6 months of the date of the enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall—

''(A) publish in the Federal Register a notice containing a legal description of the interim storage facility site; and

''(B) file copies of the maps described in paragraph (1), and the legal description of the interim storage facility site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

''(4) NOTICE AND MAPS.—Concurrent with the Secretary's application to the Commission for authority to construct the repository, the Secretary shall—

''(A) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

''(B) file copies of the maps described in paragraph (2), and the legal description of the Yucca Mountain site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

''(5) CONSTRUCTION.—The maps and legal descriptions of the interim storage facility site and the Yucca Mountain site referred to in this subsection shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

''TITLE III—LOCAL RELATIONS

"SEC. 301. FINANCIAL ASSISTANCE.

''(a) GRANTS.—The Secretary is authorized to make grants to any affected Indian tribe or affected unit of local government for purposes of enabling the affected Indian tribe or affected unit of local government—

''(1) to review activities taken with respect to the Yucca Mountain site for purposes of determining any potential economic, social, public health and safety, and environmental impacts of the integrated management system on the affected Indian tribe or the affected unit of local government and its residents;

''(2) to develop a request for impact assistance under subsection (c);

''(3) to engage in any monitoring, testing, or evaluation activities with regard to such site;

''(4) to provide information to residents regarding any activities of the Secretary, or the Commission with respect to such site; and

''(5) to request information from, and make comments and recommendations to, the Secretary regarding any activities taken with respect to such site.

''(b) SALARY AND TRAVEL EXPENSES.—Any salary or travel expense that would ordinarily be incurred by any affected Indian tribe or affected unit of local government may not be considered eligible for funding under this section.

''(c) FINANCIAL AND TECHNICAL ASSISTANCE.—

''(1) ASSISTANCE REQUESTS.—The Secretary is authorized to offer to provide financial and technical assistance to any affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government of the development of the integrated management system.

''(2) REPORT.—Any affected Indian tribe or affected unit of local government may request assistance under this section by preparing and submitting to the Secretary a report on the economic, social, public health and safety, and environmental impacts that are likely to result from activities of the integrated management system.

''(d) OTHER ASSISTANCE.—

''(1) TAXABLE AMOUNTS.—In addition to financial assistance provided under this subsection, the Secretary is authorized to grant to any affected Indian tribe or affected unit of local government an amount each fiscal year equal to the amount such affected Indian tribe or affected unit of local government, respectively, would receive if authorized to tax integrated management system activities, as such affected Indian tribe or affected unit of local government taxes the non-Federal real property and industrial activities occurring within such affected unit of local government.

''(2) TERMINATION.—Such grants shall continue until such time as all such activities, development, and operations are terminated at such site.

''(3) ASSISTANCE TO INDIAN TRIBES AND UNITS OF LOCAL GOVERNMENT.—

''(A) PERIOD.—Any affected Indian tribe or affected unit of local government may not receive any grant under paragraph (1) after the expiration of the 1-year period following the date on which the Secretary notifies the affected Indian tribe or affected unit of local government of the termination of the operation of the integrated management system.

''(B) ACTIVITIES.—Any affected Indian tribe or affected unit of local government may not receive any further assistance under this section if the integrated management system activities at such site are terminated by the Secretary or if such activities are permanently enjoined by any court.

"SEC. 302. ON-SITE REPRESENTATIVE.

''The Secretary shall offer to the unit of local government within whose jurisdiction a site for an interim storage facility or repository is located under this Act an opportunity to designate a representative to conduct on site oversight activities at such site. The Secretary is authorized to pay the reasonable expenses of such representative.

"SEC. 303. ACCEPTANCE OF BENEFITS.

''(a) CONSENT.—The acceptance or use of any of the benefits provided under this title by any affected Indian tribe or affected unit of local government shall not be deemed to be an expression of consent, express, or implied, either under the Constitution of the State or any law thereof, to the siting of an interim storage facility or repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwthstanding.

''(b) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiesence, or waiver, or consensual involvement, in response to any decision by the State to oppose the siting in Nevada of an interim storage facility or repository premised upon or related to the acceptance or use of benefits under this title.

''(c) LIABILITY.—No liability of any nature shall accrue to be asserted against any official of any governmental unit of Nevada premised solely upon the acceptance or use of benefits under this title.

"SEC. 304. RESTRICTIONS ON USE OF FUNDS.

''None of the funding provided under this title may be used—

''(1) directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code;

''(2) for litigation purposes; and

''(3) to support multistate efforts or other coalition-building activities inconsistent with the purpose of this Act.

"SEC. 305. LAND CONVEYANCES.

''(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, Nevada, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

''(b) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, and on file with the Secretary shall be conveyed under subsection (a) to the County of Nye, Nevada:

Map 1: Proposed Pahrump Industrial Park Site

Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

Map 3: Pahrump Landfill Sites

Map 4: Amargosa Valley Regional Landfill Site

Map 5: Amargosa Valley Municipal Landfill Site

Map 6: Beatty Landfill/Transfer Station Site

Map 7: Round Mountain Landfill Site

Map 8: Tonopah Landfill Site

Map 9: Gabbs Landfill Site.

''(3) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in subsection (b) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

''(4) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

''TITLE IV—FUNDING AND ORGANIZATION

"SEC. 401. PROGRAM FUNDING.

''(a) CONTRACTS.—

''(1) AUTHORITY OF SECRETARY.—In the performance of the Secretary's functions under this Act, the Secretary is authorized to enter into contracts with any person who generates or holds title to spent nuclear fuel or high level radioactive waste of domestic origin for the acceptance of title and possession, transportation, interim storage, and disposal of such waste or spent fuel. Such contracts shall provide for payment of annual fees to the Secretary in the amounts set by the Secretary pursuant to paragraphs (2) and (3). Except as provided in paragraphs (3), fees assessed pursuant to this paragraph shall be paid to the Treasury of the United States and shall be available for use by the Secretary pursuant to this section until expended. Subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996, the contracts executed under section 302(a) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act, provided that the Secretary shall consent to an amendment to such contracts as necessary to implement the provisions of this Act.

''(2) ANNUAL FEES.—

''(A) For electricity generated by civilian nuclear power reactors and sold between January 7, 1983, and September 30, 2002, the fee under paragraph (1) shall be equal to 1.0 mill per kilowatt hour generated and sold. For electricity generated by civilian nuclear power reactors and sold on or after October 1, 2002, the aggregate amount of fees collected during each fiscal year shall be no greater than the annual level of appropriations for expenditures on those activities consistent with subsection (d) for that fiscal year, minus—

''(i) any unobligated balance collected pursuant to this section during the previous fiscal year; and

''(ii) the percentage of such appropriation required to be funded by the Federal Government pursuant to section 403.

The Secretary shall determine the level of the annual fee for each civilian nuclear power reactor based on the amount of electricity generated and sold, except that the annual fee collected under this subparagraph shall not exceed 1.0 mill per kilowatt-hour generated and sold.

''(B) EXPENDITURES IF SHORTFALL.—If, during any fiscal year on or after October 1, 2002, the aggregate amount of fees assessed pursuant to subparagraph (A) is less than the annual level of appropriations for expenditures on those activities specified in subsection (d) for that fiscal year, minus—

''(i) any unobligated balance collected pursuant to this section during the previous fiscal year; and

''(ii) the percentage of such appropriations required to be funded by the Federal Government pursuant to section 403, the Secretary may make expenditures from the Nuclear Waste Fund up to the level of the fees assessed.

''(C) RULES.—The Secretary shall, by rule, establish procedures necessary to implement this paragraph.

''(3) ONE-TIME FEE.—For spent nuclear fuel or solidified high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor prior to January 7, 1983, the fee shall be in an amount equivalent to an average charge of 1.0 mill per kilowatthour for electricity generated by such spent nuclear fuel, or such solidified high-level waste derived therefrom. Payment of such one-time fee prior to the date of enactment of the Nuclear Waste Policy Act of 1996 shall satisfy the obligation imposed under this paragraph. Any one-time fee paid and collected subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996 pursuant to the contracts, including any interest due pursuant to such contracts, shall be paid to the Nuclear Waste Fund no later than September 30, 2002. The Commission shall suspend the license of any licensee who fails or refuses to pay the full amount of the fee referred to in this paragraph on or before September 30, 2002, and the license shall remain suspended until the full amount of the fee referred to in this paragraph is paid. The person paying the fee under this paragraph to the Secretary shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of spent fuel or high-level radioactive waste derived from spent nuclear fuel used to generate electricity in a civilian power reactor prior to January 7, 1983.

''(4) ADJUSTMENTS TO FEE.—The Secretary shall annually review the amount of the fees established by paragraphs (2) and (3), together with the existing balance of the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1996, to evaluate whether collection of the fee will provide sufficient revenues to offset the costs as defined in subsection (c)(2). In the event the Secretary determines that the revenues being collected are either insufficient or excessive to recover the costs incurred by the Federal Government that are specified in subsection (c)(2), the Secretary shall propose an adjustment to the fee in subsection (c)(2) to ensure full cost recovery. The Secretary shall immediately transmit the proposal for such an adjustment to both houses of Congress.

''(b) ADVANCE CONTRACTING REQUIREMENT.—

''(1) IN GENERAL.—

''(A) LICENSE ISSUANCE AND RENEWAL.—The Commission shall not issue or renew a license to any person to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) unless—

''(i) such person has entered into a contract under subsection (a) with the Secretary; or

''(ii) the Secretary affirms in writing that such person is actively and in good faith negotiating with the Secretary for a contract under this section.

''(B) PRECONDITION.—The Commission, as it deems necessary or appropriate, may require as a precondition to the issuance or renewal of a license under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) that the applicant for such license shall have entered into an agreement with the Secretary for the disposal of spent nuclear fuel and high-level radioactive waste that may result from the use of such license.

''(2) DISPOSAL IN REPOSITORY.—Except as provided in paragraph (1), no spent nuclear fuel or high-level radioactive waste generated or owned by any person (other than a department of the United States referred to in section 101 or 102 of title 5, United States Code) may be disposed of by the Secretary in the repository unless the generator or owner of such spent fuel or waste has entered into a contract under subsection (a) with the Secretary by not later than the date on which such generator or owner commences generation of, or takes title to, such spent fuel or waste.

''(3) ASSIGNMENT.—The rights and duties of contract holders are assignable.

''(c) NUCLEAR WASTE FUND.—

''(1) IN GENERAL.—The Nuclear Waste Fund established in the Treasury of the United States under section 302(c) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act and shall consist of—

''(A) the existing balance in the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1996; and

''(B) all receipts, proceeds, and recoveries realized under subsections (a), and (c)(3) subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996, which shall be deposited in the Nuclear Waste Fund immediately upon their realization.

''(2) USE.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to subsections (d) and (e), only for purposes of the integrated management system.

''(3) ADMINISTRATION OF NUCLEAR WASTE FUND—

''(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

''(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

''(i) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Nuclear Waste Fund; and

''(ii) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings.

''(C) EXEMPTION.—Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Nuclear Waste Fund, shall be exempt from annual apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

''(d) BUDGET.—The Secretary shall submit the budget for implementation of the Secretary's responsibilities under this Act to the Office of Management and Budget annually along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 31, United States Code. The budget shall consist of the estimates made by the Secretary of expenditures under this Act and other relevant financial matters for the succeeding 3 fiscal years, and shall be included in the budget of the United States Government.

''(e) APPROPRIATIONS.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to appropriations, which shall remain available until expended.

''SEC. 402. OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.

''(a) ESTABLISHMENT.—There hereby is established within the Department of Energy an Office of Civilian Radioactive Waste Management. The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(b) FUNCTIONS OF DIRECTOR.—The Director of the Office shall be responsible for carrying out the functions of the Secretary under this Act, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Secretary.

''SEC. 403. FEDERAL CONTRIBUTION.

''(a) ALLOCATION.—No later than one year from the date of enactment of the Nuclear Waste Policy Act of 1966, acting pursuant to section 554 of title 5, United States Code, the Secretary shall issue a final rule establishing the appropriate portion of the costs of managing spent nuclear fuel and high-level radioactive waste under this Act allocable to the interim storage or permanent disposal of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors. The share of costs allocable to the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors shall include,

''(1) an appropriate portion of the costs associated with research and development activities with respect to development of an interim storage facility and repository; and

''(2) as appropriate, interest on the principal amounts due calculated by reference to the appropriate Treasury bill rate as if the payments were made at a point in time consistent with the payment dates for spent nuclear fuel and high-level radioactive waste under the contracts.

''(b) APPROPRIATION REQUEST.—In addition to any request for an appropriation from the Nuclear Waste Fund, the Secretary shall request annual appropriations from general revenues in amounts sufficient to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

''(c) REPORT.—In conjunction with the annual report submitted to Congress under section 702, the Secretary shall advise the Congress annually of the amount of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, requiring management in the integrated management system.

''(d) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

''TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

''SEC. 501. COMPLIANCE WITH OTHER LAWS.

''If the requirements of any Federal, State, or local law (including a requirement imposed by regulation or by any other means under such a law) are inconsistent with or duplicative of the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.)

or of this Act, the Secretary shall comply only with the requirements of the Atomic Energy Act of 1954 and of this Act in implementing the integrated management system.

"SEC. 502. JUDICIAL REVIEW OF AGENCY ACTIONS.

''(a) JURISDICTION OF THE UNITED STATES COURTS OF APPEALS.—

''(1) ORIGINAL AND EXCLUSIVE JURISDICTION.—Except for review in the Supreme Court of the United States, and except as otherwise provided in this Act, the United States courts of appeals shall have original and exclusive jurisdiction over any civil action—

''(A) for review of any final decision or action of the Secretary, the President, or the Commission under this Act;

''(B) alleging the failure of the Secretary, the President, or the Commission to make any decision, or take any action, required under this Act;

''(C) challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or

''(D) for review of any environmental impact statement prepared or environmental assessment pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or alleging a failure to prepare such statement with respect to any such action.

''(2) VENUE.—The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia Circuit.

''(b) DEADLINE FOR COMMENCING ACTION.—A civil action for judicial review described under subsection (a)(1) may be brought no later than 180 days after the date of the decision or action or failure to act involved, as the case may be, except that if a party shows that he did not know of the decision or action complained of (or of the failure to act), and that a reasonable person acting under the circumstances would not have known, such party may bring a civil action no later than 180 days after the date such party acquired actual or constructive knowledge of such decision, action, or failure to act.

''(c) APPLICATION OF OTHER LAW.—The provisions of this section relating to any matter shall apply in lieu of the provisions of any other Act relating to the same matter.

"SEC. 503. LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS.

''(a) ORAL ARGUMENT.—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after January 7, 1983, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to such party. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

''(b) ADJUDICATORY HEARING.—

''(1) DESIGNATION.—At the conclusion of any oral argument under subsection (a), the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

''(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

''(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

''(2) DETERMINATION.—In making a determination under this subsection, the Commission—

''(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

''(B) shall not consider—

''(i) any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor to which a construction permit has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

''(ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless

''(I) such issue results from any revision of siting or design criteria by the Commission following such decision; and

''(II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

''(3) APPLICATION.—The provisions of paragraph (2)(B) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

''(4) CONSTRUCTION.—The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear power plant by the Commission.

''(c) JUDICIAL REVIEW.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of failure by the Commission to use a particular procedure pursuant to this section unless—

''(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and

''(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

"SEC. 504. SITING A SECOND REPOSITORY.

''(a) CONGRESSIONAL ACTION REQUIRED.—The Secretary may not conduct site-specific activities with respect to a second repository unless Congress has specifically authorized and appropriated funds for such activities.

''(b) REPORT.—The Secretary shall report to the President and to Congress on or after January 1, 2007, but not later than January 1, 2010, on the need for a second repository.

"SEC. 505. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.

''(a) FINANCIAL ARRANGEMENTS.—

''(1) STANDARDS AND INSTRUCTIONS.—The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), such standards and instructions as the Commission may deem necessary or desirable to ensure in the case of each license for the disposal of low-level radioactive waste that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission for the decontamination, decommissioning, site closure, and reclamation of site, structures, and equipment used in conjunction with such low-level radioactive waste. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of any agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021), by the appropriate State or State entity, prior to issuance of licenses for low-level radioactive waste disposal or, in the case of licenses in effect on January 7, 1983, prior to termination of such licenses.

''(2) BONDING, SURETY, OR OTHER FINANCIAL ARRANGEMENTS.—If the Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before termination of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

''(b) TITLE AND CUSTODY.—

''(1) AUTHORITY OF SECRETARY.—The Secretary shall have authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and land and following termination of the license issued by the Commission for such disposal, if the Commission determines that—

''(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a);

''(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

''(C) Federal ownership and management of such site is necessary or desirable in order to protect the public health and safety, and the environment.

''(2) PROTECTION.—If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.

''(c) SPECIAL SITES.—If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and the land on which it

is disposed when such site has been decontaminated and stabilized in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site.

"SEC. 506. NUCLEAR REGULATORY COMMISSION TRAINING AUTHORIZATION.

''The Commission is authorized and directed to promulgate regulations, or other appropriate regulatory guidance, for the training and qualifications of civilian nuclear power plant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear power plant operator licenses and for operator requalification programs; requirements governing Commission administration of requalification examinations; requirements for operating tests at civilian nuclear power plant simulators, and instructional requirements for civilian nuclear power plant licensee personnel training programs.

"SEC. 507. EMPLACEMENT SCHEDULE.

''(a) The emplacement schedule shall be implemented in accordance with the following:

''(1) Emplacement priority ranking shall be determined by the Department's annual 'Acceptance Priority Ranking' report.

''(2) The Secretary's spent fuel emplacement rate shall be no less than the following: 1,200 MTU in fiscal year 2000 and 1,200 MTU in fiscal year 2001; 2,000 MTU in fiscal year 2002 and 2000 MTU in fiscal year 2003; 2,700 MTU in fiscal year 2004; and 3,000 MTU annually thereafter.

''(b) If the Secretary is unable to begin emplacement by January 31, 1999 at the rates specified in subsection (a), or if the cumulative amount emplaced in any year thereafter is less than that which would have been accepted under the emplacement rate specified in subsection (a), the Secretary shall, as a mitigation measure, adjust the emplacement schedule upward such that within 5 years of the start of emplacement by the Secretary,

''(1) the total quantity accepted by the Secretary is consistent with the total quantity that the Secretary would have accepted if the Secretary had begun emplacement in fiscal year 2000, and

''(2) thereafter the emplacement rate is equivalent to the rate that would be in place pursuant to paragraph (a) above if the Secretary had commenced emplacement in fiscal year 2000.

"SEC. 508. TRANSFER OF TITLE.

''(a) Acceptance by the Secretary of any spent nuclear fuel or high-level radioactive waste shall constitute a transfer of title to the Secretary.

''(b) No later than 6 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary is authorized to accept all spent nuclear fuel withdrawn from Dairyland Power Cooperative's La Crosse Reactor and, upon acceptance, shall provide Dairyland Power Cooperative with evidence of the title transfer. Immediately upon the Secretary's acceptance of such spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage from the date of acceptance until the Secretary removes the spent nuclear fuel from the La Crosse Reactor site.''

"SEC. 509. DECOMMISSIONING PILOT PROGRAM.

''(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experiment test-site reactor located in northwest Arkansas.

''(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

"SEC. 510. WATER RIGHTS.

''(a) NO FEDERAL RESERVATION.—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising under this Act.

''(b) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER NEVADA LAW.—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities under this Act pursuant to the substantive and procedural requirements of the State of Nevada. Nothing in this Act shall be construed to authorize the use of eminent domain by the United States to acquire water rights for such lands.

''(c) EXERCISE OF WATER RIGHTS GENERALLY UNDER NEVADA LAWS.—Nothing in this Act shall be construed to limit the exercise of water rights as provided under Nevada State laws.

''TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

"SEC. 601. DEFINITIONS.

''For purposes of this title—

''(1) CHAIRMAN.—The term ''Chairman'' means the Chairman of the Nuclear Waste Technical Review Board.

''(2) BOARD.—The term ''Board'' means the Nuclear Waste Technical Review Board continued under section 602.

"SEC. 602. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

''(a) CONTINUATION OF THE NUCLEAR WASTE TECHNICAL REVIEW BOARD.—The Nuclear Waste Technical Review Board, established under section 502(a) of the Nuclear Waste Policy Act of 1982 as constituted prior to the date of enactment of the Nuclear Waste Policy Act of 1966, shall continue in effect subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996.

''(b) MEMBERS.—

''(1) NUMBER.—The Board shall consist of 11 members who shall be appointed by the President not later than 90 days after December 22, 1987, from among persons nominated by the National Academy of Sciences in accordance with paragraph (3).

''(2) CHAIR.—The President shall designate a member of the Board to serve as Chairman.

''(3) NATIONAL ACADEMY OF SCIENCES.—

''(A) NOMINATIONS.—The National Academy of Sciences shall, not later than 90 days after December 22, 1987, nominate not less than 22 persons for appointment to the Board from among persons who meet the qualifications described in subparagraph (C).

''(B) VACANCIES.—The National Academy of Sciences shall nominate not less than 2 persons to fill any vacancy on the Board from among persons who meet the qualifications described in subparagraph (C).

''(C) NOMINEES.—

''(i) Each person nominated for appointment to the Board shall be—

''(I) eminent in a field of science or engineering, including environmental sciences; and

''(II) selected solely on the basis of established records of distinguished service.

''(ii) The membership of the Board shall be representatives of the broad range of scientific and engineering disciplines related to activities under this title.

''(iii) No person shall be nominated for appointment to the Board who is an employee of—

''(I) the Department of Energy;

''(II) a national laboratory under contract with the Department of Energy; or

''(III) an entity performing spent nuclear fuel or high-level radioactive waste activities under contract with the Department of Energy.

''(4) VACANCIES.—Any vacancy on the Board shall be filled by the nomination and appointment process described in paragraphs (1) and (3).

''(5) TERMS.—Members of the Board shall be appointed for terms of 4 years, each such term to commence 120 days after December 22, 1987, except that of the 11 members first appointed to the Board, 5 shall serve for 2 years and 6 shall serve for 4 years, to be designated by the President at the time of appointment, except that a member of the Board whose term has expired may continue to serve as a member of the Board until such member's successor has taken office.

"SEC. 603. FUNCTIONS.

''The Board shall limit its evaluations to the technical and scientific validity solely of the following activities undertaken directly by the Secretary after December 22, 1987—

''(1) site characterization activities; and

''(2) activities of the Secretary relating to the packaging or transportation of spent nuclear fuel or high-level radioactive waste.

"SEC. 604. INVESTIGATORY POWERS.

''(a) HEARINGS.—Upon request of the Chairman or a majority of the members of the Board, the Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board. The Secretary or the Secretary's designee or designees shall not be required to appear before the Board or any element of the Board for more than twelve working days per calendar year.

''(b) PRODUCTION OF DOCUMENTS.—

''(1) RESPONSE TO INQUIRIES.—Upon the request of the Chairman or a majority of the members of the Board, and subject to existing law, the Secretary (or any contractor of the Secretary) shall provide the Board with such records, files, papers, data, or information that is generally available to the public as may be necessary to respond to any inquiry of the Board under this title.

''(2) EXTENT.—Subject to existing law, information obtainable under paragraph (1) may include drafts of products and documentation of work in progress.

"SEC. 605. COMPENSATION OF MEMBERS.

''(a) IN GENERAL.—Each member of the Board shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.

''(b) TRAVEL EXPENSES.—Each member of the Board may receive travel expenses, including per diem in lieu of subsidence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

"SEC. 606. STAFF.

''(a) CLERICAL STAFF.—

''(1) AUTHORITY OF CHAIRMAN.—Subject to paragraph (2), the Chairman may appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

''(2) PROVISIONS OF TITLE 5.—Clerical staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

''(b) PROFESSIONAL STAFF.—

''(1) AUTHORITY OF THE CHAIRMAN.—Subject to paragraphs (2) and (3), the Chairman may

appoint and fix the compensation of such professional staff as may be necessary to discharge the responsibilities of the Board.

''(2) NUMBER.—Not more than 10 professional staff members may be appointed under this subsection.

''(3) TITLE 5.—Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS–18 of the General Schedule.

''SEC. 607. SUPPORT SERVICES.

''(a) GENERAL SERVICES.—To the extent permitted by law and requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

''(b) ACCOUNTING, RESEARCH, AND TECHNOLOGY ASSESSMENT SERVICES.—The Comptroller General and the Librarian of Congress shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such facilities, support, funds and services including staff, as may be necessary for the effective performance of the functions of the Board.

''(c) ADDITIONAL SUPPORT.—Upon the request of the Chairman, the Board may secure directly from the head of any department or agency of the United States information necessary to enable it to carry out this title.

''(d) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

''(e) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Board, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–18 of the General Schedule.

''SEC. 608. REPORT.

''The Board shall report not less than 2 times per year to Congress and the Secretary its findings, conclusions, and recommendations.

''SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for expenditures such sums as may be necessary to carry out the provisions of this title.

''SEC. 610. TERMINATION OF THE BOARD.

''The Board shall cease to exist not later than one year after the date on which the Secretary begins disposal of spent nuclear fuel or high-level radioactive waste in the repository.

''TITLE VII—MANAGEMENT REFORM

''SEC. 701. MANAGEMENT REFORM INITIATIVES.

''(a) IN GENERAL.—The Secretary is directed to take actions as necessary to improve the management of the civilian radioactive waste management program to ensure that the program is operated, to the maximum extent practicable, in like manner as a private business.

''(b) AUDITS—

''(1) STANDARD.—The Office of Civilian Radioactive Waste Management, its contractors, and subcontractors at all tiers, shall conduct, or have conducted, audits and examinations of their operations in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects consistent with its role in the program.

''(2) TIME.—The management practices and performances of the Office of Civilian Radioactive Waste Management shall be audited every 5 years by an independent management consulting firm with significant experience in similar audits of private corporations engaged in large nuclear construction projects. The first such audit shall be conducted 5 years after the enactment of the Nuclear Waste Policy Act of 1996.

''(3) COMPTROLLER GENERAL.—The Comptroller General of the United States shall annually make an audit of the Office, in accordance with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit to the Congress a report on the results of each audit conducted under this section.

''(4) TIME.—No audit contemplated by this subsection shall take longer than 30 days to conduct. An audit report shall be issued in final form no longer than 60 days after the audit is commenced.

''(5) PUBLIC DOCUMENTS.—All audit reports shall be public documents and available to any individual upon request.

''(d) VALUE ENGINEERING.—The Secretary shall create a value engineering function within the Office of Civilian Radioactive Waste Management that reports directly to the Director, which shall carry out value engineering functions in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects.

''(e) SITE CHARACTERIZATION.—The Secretary shall employ, on an on-going basis, integrated performance modeling to identify appropriate parameters for the remaining site characterization effort and to eliminate studies of parameters that are shown not to affect long-term repository performance.

''SEC. 702. REPORTING.

''(a) INITIAL REPORT.—Within 180 days of enactment of this section, the Secretary shall report to Congress on its planned actions for implementing the provisions of this Act, including the development of the Integrated Waste Management System. Such report shall include—

''(1) an analysis of the Secretary's progress in meeting its statutory and contractual obligation to accept title to, possession of, and delivery of spent nuclear fuel and high-level radioactive waste beginning no later than November 30, 1999, and in accordance with the acceptance schedule;

''(2) a detailed schedule and timeline showing each action that the Secretary intends to take to meet the Secretary's obligations under this Act and the contracts;

''(3) a detailed description of the Secretary's contingency plans in the event that the Secretary is unable to meet the planned schedule and timeline; and

''(4) an analysis by the Secretary of its funding needs for fiscal years 1997 through 2001.

''(b) ANNUAL REPORTS.—On each anniversary of the submittal of the report required by subsection (a), the Secretary shall make annual reports to the Congress for the purpose of updating the information contained in such report. The annual reports shall be brief and shall notify the Congress of:

''(1) any modifications to the Secretary's schedule and timeline for meeting its obligations under this Act;

''(2) the reasons for such modifications, and the status of the implementation of any of the Secretary's contingency plans; and

''(3) the Secretary's analysis of its funding needs for the ensuing 5 fiscal years.

''SEC. 703. EFFECTIVE DATE.

''This Act shall become effective one day after enactment.''.

AMENDMENT NO. 4985

In lieu of the matter to be inserted, insert the following:

That the Nuclear Waste Policy Act of 1982 is amended to read as follows:

''SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Nuclear Waste Policy Act of 1996'.

''(b) TABLE OF CONTENTS.—

''SEC. 2. DEFINITIONS.

''For purposes of this Act:

''(1) ACCEPT, ACCEPTANCE.—The terms 'accept' and 'acceptance' mean the Secretary's act of taking possession of spent nuclear fuel or high-level radioactive waste.

''(2) AFFECTED INDIAN TRIBE.—The term 'affected Indian tribe' means any Indian tribe—

''(A) whose reservation is surrounded by or borders an affected unit of local government, or

''(B) whose federally defined possessory or usage rights to other lands outside of the

reservation's boundaries arising out of congressionally ratified treaties may be substantially and adversely affected by the locating of an interim storage facility or a repository if the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe.

''(3) AFFECTED UNIT OF LOCAL GOVERNMENT.—The term 'affected unit of local government' means the unit of local government with jurisdiction over the site of a repository or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such unit.

''(4) ATOMIC ENERGY DEFENSE ACTIVITY.—The term 'atomic energy defense activity' means any activity of the Secretary performed in whole or in part in carrying out any of the following functions:

''(A) Naval reactors development.

''(B) Weapons activities including defense inertial confinement fusion.

''(C) Verification and control technology.

''(D) Defense nuclear materials production.

''(E) Defense nuclear waste and materials byproducts management.

''(F) Defense nuclear materials security and safeguards and security investigations.

''(G) Defense research and development.

''(5) CIVILIAN NUCLEAR POWER REACTOR.—The term 'civilian nuclear power reactor' means a civilian nuclear power plant required to be licensed under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)).

''(6) COMMISSION.—The term 'Commission' means the Nuclear Regulatory Commission.

''(7) CONTRACTS.—The term 'contracts' means the contracts, executed prior to the date of enactment of the Nuclear Waste Policy Act of 1996, under section 302(a) of the Nuclear Waste Policy Act of 1982, by the Secretary and any person who generates or holds title to spent nuclear fuel or high-level radioactive waste of domestic origin for acceptance of such waste or fuel by the Secretary and the payment of fees to offset the Secretary's expenditures, and any subsequent contracts executed by the Secretary pursuant to section 401(a) of this Act.

''(8) CONTRACT HOLDERS.—The term 'contract holders' means parties (other than the Secretary) to contracts.

''(9) DEPARTMENT.—The term 'Department' means the Department of Energy.

''(10) DISPOSAL.—The term 'disposal' means the emplacement in a repository of spent nuclear fuel, high-level radioactive waste, other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits recovery of such material for any future purpose.

''(11) DISPOSAL SYSTEM.—The term 'disposal system' means all natural barriers and engineered barriers, and engineered systems and components, that prevent the release of radionuclides from the repository.

''(12) EMPLACEMENT SCHEDULE.—The term 'emplacement schedule' means the schedule established by the Secretary in accordance with section 507(a) for emplacement of spent nuclear fuel and high-level radioactive waste at the interim storage facility.

''(13) ENGINEERED BARRIERS AND ENGINEERED SYSTEMS AND COMPONENTS.—The terms 'engineered barriers' and 'engineered systems and components,' mean man-made components of a disposal system. These terms include the spent nuclear fuel or high-level radioactive waste form, spent nuclear fuel package or high-level radioactive waste package, and other materials placed over and around such packages.

''(14) HIGH-LEVEL RADIOACTIVE WASTE.—The term 'high-level radioactive waste' means—

''(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and

''(B) other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation, which includes any low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Commission for class C radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983.

''(15) FEDERAL AGENCY.—The term 'Federal agency' means any Executive agency, as defined in section 105 of title 5, United States Code.

''(16) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians including any Alaska Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

''(17) INTEGRATED MANAGEMENT SYSTEM.—The term 'integrated management system' means the system developed by the Secretary for the acceptance, transportation, storage, and disposal of spent nuclear fuel and high-level radioactive waste under title II of this Act.

''(18) INTERIM STORAGE FACILITY.—The term 'interim storage facility' means a facility designed and constructed for the receipt, handling, possession, safeguarding, and storage of spent nuclear fuel and high-level radioactive waste in accordance with title II of this Act.

''(19) INTERIM STORAGE FACILITY SITE.—The term 'interim storage facility site' means the specific site within Area 25 of the Nevada Test Site that is designated by the Secretary and withdrawn and reserved in accordance with this Act for the location of the interim storage facility.

''(20) LOW-LEVEL RADIOACTIVE WASTE.—The term 'low-level radioactive waste' means radioactive material that—

''(A) is not spent nuclear fuel, high-level radioactive waste, transuranic waste, or byproduct material as defined in section 11 e(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)); and

''(B) the Commission, consistent with existing law, classifies as low-level radioactive waste.

''(21) METRIC TONS URANIUM.—The terms 'metric tons uranium' and 'MTU' means the amount of uranium in the original unirradiated fuel element whether or not the spent nuclear fuel has been reprocessed.

''(22) NUCLEAR WASTE FUND.—The terms 'Nuclear Waste Fund' and 'waste fund' mean the nuclear waste fund established in the United States Treasury prior to the date of enactment of this Act under section 302(c) of the Nuclear Waste Policy Act of 1982.

''(23) OFFICE.—The term 'Office' means the Office of Civilian Radioactive Waste Management established within the Department prior to the date of enactment of this Act under the provisions of the Nuclear Waste Policy Act of 1982.

''(24) PROGRAM APPROACH.—The term 'program approach' means the Civilian Radioactive Waste Management Program Plan, dated May 6, 1996, as modified by this Act, and as amended from time to time by the Secretary in accordance with this Act.

''(25) REPOSITORY.—The term 'repository' means a system designed and constructed under title II of this Act for the geologic disposal of spent nuclear fuel and high-level radioactive waste, including both surface and subsurface areas at which spent nuclear fuel and high-level radioactive waste receipt, handling, possession, safeguarding, and storage are conducted.

''(26) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(27) SITE CHARACTERIZATION.—The term 'site characterization' means activities, whether in a laboratory or in the field, undertaken to establish the geologic condition and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations, excavations of exploratory facilities, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the licensability of a candidate site for the location of a repository, but not including preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

''(28) SPENT NUCLEAR FUEL.—The term 'spent nuclear fuel' means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

''(29) STORAGE.—The term 'storage' means retention of spent nuclear fuel or high-level radioactive waste with the intent to recover such waste or fuel for subsequent use, processing, or disposal.

''(30) WITHDRAWL.—The term 'withdrawal' has the same definition as that set forth in section 103(j) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(j)).

''(31) YUCCA MOUNTAIN SITE.—The term ''Yucca Mountain site'' means the area in the State of Nevada that is withdrawn and reserved in accordance with this Act for the location of a repository.

''TITLE—OBLIGATIONS

''SEC. 101. OBLIGATIONS OF THE SECRETARY OF ENERGY.

''(a) DISPOSAL.—The Secretary shall develop and operate an integrated management system for the storage and permanent disposal of spent nuclear fuel and high-level radioactive waste.

''(b) INTERIM STORAGE.—The Secretary shall store spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders at an interim storage facility pursuant to section 204 in accordance with the emplacement schedule, beginning not later than November 30, 1999.

''(c) TRANSPORTATION.—The Secretary shall provide for the transportation of spent nuclear fuel and high-level radioactive waste accepted by the Secretary. The Secretary shall procure all systems and components necessary to transport spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders to and among facilities comprising the Integrated Management System. Consistent with the Buy American Act (41 U.S.C. 10a–10c), unless the Secretary shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, all such systems and components procured by the Secretary shall be manufactured in the United States, with the exception of any transportable storage systems purchased by contract holders prior to the effective date of the Nuclear Waste Policy Act of 1996 and procured by the Secretary from such contract holders for use in the integrated management system.

''(d) INTEGRATED MANAGEMENT SYSTEM.—The Secretary shall expeditiously pursue the development of each component of the integrated management system, and in so doing shall seek to utilize effective private sector management and contracting practices.

''(e) PRIVATE SECTOR PARTICIPATION.—In administering the Integrated Management

System, the Secretary shall, to the maximum extent possible, utilize, employ, procure and contract with, the private sector to fulfill the Secretary's obligations and requirements under this Act.

''(f) PRE-EXISTING RIGHTS.—Nothing in this Act is intended to or shall be construed to modify—

''(1) any right of a contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982, or under a contract executed prior to the date of enactment of this Act under that section; or

''(2) obligations imposed upon the federal government by the U.S. District Court of Idaho in an order entered on October 17, 1995 in *United States* v. *Batt* (No. 91–0054–S–EJL).

''(g) LIABILITY.—Subject to subsection (f), nothing in this Act shall be construed to subject the United States to financial liability for the Secretary's failure to meet any deadline for the acceptance or emplacement of spent nuclear fuel or high-level radioactive waste for storage or disposal under this Act.

''TITLE II—INTEGRATED MANAGEMENT SYSTEM

''SEC. 201. INTERMODAL TRANSFER.

''(a) ACCESS.—The Secretary shall utilize heavy-haul truck transport to move spent nuclear fuel and high-level radioactive waste from the mainline rail line at Caliente, Nevada, to the interim storage facility site.

''(b) CAPABILITY DATE.—The Secretary shall develop the capability to commence rail to truck intermodal transfer at Caliente, Nevada, no later than November 30, 1999. Intermodal transfer and related activities are incidental to the interstate transportation of spent nuclear fuel and high-level radioactive waste.

''(c) ACQUISITIONS.—The Secretary shall acquire lands and rights-of-way necessary to commence intermodal transfer at Caliente, Nevada.

''(d) REPLACEMENTS.—The Secretary shall acquire and develop on behalf of, and dedicate to, the City of Caliente, Nevada, parcels of land and right-of-way within Lincoln County, Nevada, as required to facilitate replacement of land and city wastewater disposal facilities necessary to commence intermodal transfer pursuant to this Act. Replacement of land and city wastewater disposal activities shall occur no later than November 30, 1999.

''(e) NOTICE AND MAP.—Within 6 months of the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall—

''(1) publish in the Federal Register a notice containing a legal description of the sites and rights-of-way to be acquired under this subsection; and

''(2) file copies of a map of such sites and rights-of-way with the Congress, the Secretary of the Interior, the State of Nevada, the Archivist of the United States, the Board of Lincoln County Commissioners, the Board of Nye County Commissioners, and the Caliente City Council. Such map and legal description shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors and legal descriptions and make minor adjustments in the boundaries.

''(f) IMPROVEMENTS.—The Secretary shall make improvements to existing roadways selected for heavy-haul truck transport between Caliente, Nevada, and the interim storage facility site as necessary to facilitate year-round safe transport of spent nuclear fuel and high-level radioactive waste.

''(g) LOCAL GOVERNMENT INVOLVEMENT.—The Commission shall enter into a Memorandum of Understanding with the City of Caliente and Lincoln County, Nevada, to provide advice to the Commission regarding intermodal transfer and to facilitate on-site representation. Reasonable expenses of such representation shall be paid by the Secretary.

''(h) BENEFITS AGREEMENT.—

''(1) IN GENERAL.—The Secretary shall offer to enter into an agreement with Lincoln County, Nevada concerning the integrated management system.

''(2) AGREEMENT CONTENT.—Any agreement shall contain such terms and conditions, including such financial and institutional arrangements, as the Secretary and agreement entity determine to be reasonable and appropriate and shall contain such provisions as are necessary to preserve any right to participation or compensation of Lincoln County, Nevada.

''(3) AMENDMENT.—An agreement entered into under this subsection may be amended only with the mutual consent of the parties to the amendment and terminated only in accordance with paragraph (4).

''(4) TERMINATION.—The Secretary shall terminate the agreement under this subsection if any major element of the integrated management system may not be completed.

''(5) LIMITATION.—Only 1 agreement may be in effect at any one time.

''(6) JUDICIAL REVIEW.—Decisions of the Secretary under this section are not subject to judicial review.

''(i) CONTENT OF AGREEMENT.

''(1) SCHEDULE.—In addition to the benefits to which Lincoln County is entitled to under this title, the Secretary shall make payments under the benefits agreement in accordance with the following schedule:

BENEFITS SCHEDULE

[Amounts in millions]

Event	Payment
(A) Annual payments prior to first receipt of spent fuel	$2.5
(B) Annual payments beginning upon first spent fuel receipt	5
(C) Payment upon closure of the intermodal transfer facility	5

''(2) DEFINITIONS.—For purposes of this section, the term—

''(A) 'spent fuel' means high-level radioactive waste or spent nuclear fuel; and

''(B) 'first spent fuel receipt' does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational demonstration.

''(3) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under paragraph (1)(A) shall be made on the date of execution of the benefits agreement and thereafter on the anniversary date of such execution. Annual payments after the first spent fuel receipt until closure of the facility under paragraph (1)(C) shall be made on the anniversary date of such first spent fuel receipt.

''(4) REDUCTION.—If the first spent fuel payment under paragraph (1)(B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under paragraph (1)(A), such first spent fuel payment under paragraph (1)(B) shall be reduced by an amount equal to 1/12 of such annual payment under paragraph (1)(A) for each full month less than 6 that has not elapsed since the last annual payment under paragraph (1)(A).

''(5) RESTRICTIONS.—The Secretary may not restrict the purposes for which the payments under this section may be used.

''(6) DISPUTE.—In the event of a dispute concerning such agreement, the Secretary shall resolve such dispute, consistent with this Act and applicable State law.

''(7) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under this section shall constitute a commitment by the United States to make payments in accordance with such agreement under section 401(c)(2).

''(j) INITIAL LAND CONVEYANCES.

''(1) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in paragraph (2), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Lincoln, Nevada, unless the county notifies the Secretary of Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Lincoln under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Lincoln County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

''(2) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, shall be conveyed under paragraph (1) to the County of Lincoln, Nevada:

Map 10: Lincoln County, Parcel M, Industrial Park Site

Map 11: Lincoln County, Parcel F, Mixed Use Industrial Site

Map 13: Lincoln County, Parcel J, Mixed Use, Alamo Community Expansion Area

Map 14: Lincoln County, Parcel E, Mixed Use, Pioche Community Expansion Area

Map 15: Lincoln County, Parcel B, Landfill Expansion Site.

''(3) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in paragraph (2) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

''(4) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Lincoln, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

''SEC. 202. TRANSPORTATION PLANNING.

''(a) TRANSPORTATION READINESS.—The Secretary shall take those actions that are necessary and appropriate to ensure that the Secretary is able to transport safely spent nuclear fuel and high-level radioactive waste from sites designated by the contract holders to mainline transportation facilities, using routes that minimize, to the maximum practicable extent consistent with Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas, beginning not later than November 30, 1999, and, by the date shall, in consultation with the Secretary of Transportation develop and implement a comprehensive management plan that ensures that safe transportation of spent nuclear fuel and high-level radioactive waste from the sites designated by the contract holders to the interim storage facility site beginning not later than November 30, 1999.

''(b) TRANSPORTATION PLANNING.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation institutional plans to ensure the institutional issues are addressed and resolved on a

schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility no later than November 30, 1999. Among other things, such planning shall provide a schedule and process for addressing and implementing, as necessary, transportation routing plans, transportation contracting plans, transportation training in accordance with Section 203, and public education regarding transportation of spent nuclear fuel and high level radioactive waste; and transportation tracking programs.

SEC. 203. TRANSPORTATION REQUIREMENTS.

''(a) PACKAGE CERTIFICATION.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

''(b) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and local governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and funds to States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste for training for public safety officials of appropriate units of local government. The Secretary shall also provide technical assistance and funds for training directly to national nonprofit employee organizations which demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in-training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste, or emergency response or post-emergency response with respect to such transportation. Training shall cover procedures required for safe routine transportation of these materials, as well as procedures for dealing with emergency response situations, and shall be consistent with any training standards established by the Secretary of Transportation in accordance with subsection (g). The Secretary's duty to provide technical and financial assistance under this subsection shall be limited to amounts specified in annual appropriations.

''(d) PUBLIC EDUCATION.—The Secretary shall conduct a program to educate the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis upon those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel and high-level radioactive waste.

''(e) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Act of 1986, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the Federal, State, and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by 49 U.S.C. sec. 5126.

''(f) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of 49 U.S.C. 20109 and 49 U.S.C. 31105.

''(g) TRAINING STANDARD.—(1) No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary of Transportation, pursuant to authority under other provision of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that evidence of satisfaction of the applicable training standard be provided to an employer before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

''(2) If the Secretary of Transportation determines, in promulgating the regulation required by subparagraph (1), that regulations promulgated by the Commission establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall work through their Memorandum of Understanding to ensure coordination of worker training standards and to avoid duplicative regulation.

''(3) The training standards required to be promulgated under subparagraph (1) shall, among other things deemed necessary and appropriate by the Secretary of Transportation, include the following provisions—

''(A) a specified minimum number of hours of initial off site instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

''(B) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

''(C) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

''(4) There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

''SEC. 204. INTERIM STORAGE.

''(a) AUTHORIZATION.—The Secretary shall design, construct, and operate a facility for the interim storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility site. The interim storage facility shall be subject to licensing pursuant to the Atomic Energy Act of 1954 in accordance with the Commission's regulations governing the licensing of independent spent fuel storage installations, which regulations shall be amended by the Commission as necessary to implement the provisions of this Act. The interim storage facility shall commence operation in phases in accordance with subsection (b).

''(b) SCHEDULE.—(1) The Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at the interim storage facility at the interim storage facility site by November 30, 1999, except that:

''(A) The Secretary shall not begin any construction activities at the interim storage facility site before December 31, 1998.

''(B) The Secretary shall cease all activities (except necessary termination activities) at the Yucca Mountain site if the President determines, in his discretion, on or before December 31, 1998, based on a preponderance of the information available at such time, that the Yucca Mountain site is unsuitable for development as a repository, including geologic and engineered barriers, because of a substantial likelihood that a repository of useful size cannot be designed, licensed, and constructed at the Yucca Mountain site.

''(C) No later than June 30, 1998, the Secretary shall provide to the President and to the Congress a viability assessment of the Yucca Mountain site. The viability assessment shall include—

''(i) the preliminary design concept for the critical elements of the repository and waste package,

''(ii) a total system performance assessment, based upon the design concept and the scientific data and analysis available by June 30, 1998, describing the probable behavior of the repository in the Yucca Mountain geologic setting relative to the overall system performance standard set forth in section 205(d) of this Act,

''(iii) a plan and cost estimate for the remaining work required to complete a license application, and

''(iv) an estimate of the costs to construct and operate the repository in accordance with the design concept.

''(D) Within 18 months of a determination by the President that the Yucca Mountain site is unsuitable for development as a repository under paragraph (B), the President shall designate a site for the construction of an interim storage facility. If the President does not designate a site for the construction of an interim storage facility, or the construction of an interim storage facility at the designated site is not approved by law within 24 months of the President's determination that the Yucca Mountain site is not suitable for development as a repository, the Secretary shall begin construction of an interim storage facility at the interim storage facility site as defined in section 2(19) of this Act. The interim storage facility site as defined in section 2(19) of this Act shall be deemed to be approved by law for purposes of this section.

''(2) Upon the designation of an interim storage facility site by the President under paragraph (1)(D), the Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

''(c) DESIGN.—

''(1) The interim storage facility shall be designed in two phases in order to commence operations no later than November 30, 1999. The design of the interim storage facility shall provide for the use of storage technologies, licensed, approved, or certified by the Commission for use at the interim storage facility as necessary to ensure compatibility between the interim storage facility and contract holders' spent nuclear fuel and facilities, and to facilitate the Secretary's ability to meet the Secretary's obligations under this Act.

''(2) The Secretary shall consent to an amendment to the contracts to provide for reimbursement to contract holders for transportable storage systems purchased by contract holders if the Secretary determines that it is cost effective to use such transportable storage systems as part of the integrated management system, provided that the Secretary shall not be required to expend

any funds to modify contract holders' storage or transport systems or to seek additional regulatory approvals in order to use such systems.

''(d) LICENSING.—

''(1) PHASES.—The interim storage facility shall be licensed by the Commission in two phases in order to commence operations no later than November 30, 1999.

''(2) FIRST PHASE.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall submit to the Commission an application for a license for the first phase of the interim storage facility. The Environmental Report and Safety Analysis Report submitted in support of such license application shall be consistent with the scope of authority requested in the license application. The license issued for the first phase of the interim storage facility shall have a term of 20 years. The interim storage facility licensed in the first place shall have a capacity of not more than 15,000 MTU. The Commission shall issue a final decision granting or denying the application for the first phase license no later than 16 months from the date of the submittal of the application for such license.

''(3) SECOND PHASE.—No later than 30 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall submit to the Commission an application for a license for the second phase interim storage facility. The license for the second phase facility shall authorize a storage capacity of 40,000 MTU. If the Secretary does not submit the license application for construction of a respository by February 1, 2002, or does not begin full spent nuclear fuel receipt operations at a repository by January 17, 2010, the license shall authorize a storage capacity of 60,000 MTU. The license application shall be submitted such that the license can be issued to permit the second phase facility to begin full spent nuclear fuel receipt operations no later than December 31, 2002. The license for the second phase shall have an initial term of up to 100 years, and shall be renewable for additional terms upon application of the Secretary.

''(e) ADDITIONAL AUTHORITY.—

''(1) CONSTRUCTION.—For purposes of complying with this section, the Secretary may commence site preparation for the interim storage facility as soon as practicable after the date of enactment of the Nuclear Waste Policy Act of 1996 and shall commence construction of each phase of the interim storage facility subsequent to submittal of the license application for such phase except that the Commission shall issue an order suspending such construction at any time if the Commission determines that such construction poses an unreasonable risk to public health and safety or the environment. The Commission shall terminate all or part of such order upon a determination that the Secretary has taken appropriate action to eliminate such risk.

''(2) FACILITY USE.—Notwithstanding any otherwise applicable licensing requirement, the Secretary may utilize any facility owned by the Federal Government on the date of enactment of the Nuclear Waste Policy Act of 1996 within the boundaries of the interim storage facility site, in connection with an imminent and substantial endangerment to public health and safety at the interim storage facility prior to commencement of operations during the second phase.

''(3) EMPLACEMENT OF FUEL AND WASTE.—Subject to paragraph (i), once the Secretary has achieved the annual acceptance rate for spend nuclear fuel from civilian nuclear power reactors established pursuant to the contracts executed prior to the date of enactment of the Nuclear Waste Policy Act of 1996, as set forth in the Secretary's annual capacity report dated March, 1995 (DOE/RW–0457), the Secretary shall accept, in an amount not less than 25% of the difference between the contractual acceptance rate and the annual emplacement rate for spent nuclear fuel from civilian nuclear power reactors established under section 507(a), the following radioactive materials:

''(A) spend nuclear fuel or high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act of 1996;

''(B) spend nuclear fuel from foreign research reactors, as necessary to promote non-proliferation objectives; and

''(C) spend nuclear fuel, including spend nuclear fuel from naval reactors, and high-level radioactive waste from atomic energy defense activities.

''(f) NATIONAL ENVIRONMENTAL POLICY ACT OF 1996.—

''(1) PRELIMINARY DECISIONMAKING ACTIVITIES.—The Secretary's and President's activities under this section, including, but not limited to, the selection of a site for the interim storage facility, assessments, determinations of designations made under section 204(b), the preparation and submittal of a license application and supporting documentation, the construction of a facility under paragraph (e)(1) of this section, and facility use pursuant to paragraph (e)(2) of this section shall be considered preliminary decisionmaking activities for purposes of judicial review. The Secretary shall not prepare an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C) or any environmental review under subparagraph (E) or (F) of such Act before conducting these activities.

''(2) ENVIRONMENTAL IMPACT STATEMENT.—

''(A) FINAL DECISION.—A final decision by the Commission to grant or deny a license application for the first or second phase of the interim storage facility shall be accompanied by an Environmental Impact Statement prepared under section 103(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). In preparing such Environmental Impact Statement, the Commission—

''(i) shall ensure that the scope of the Environmental Impact Statement is consistent with the scope of the licensing action; and

''(ii) shall analyze the impacts of the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility in a generic manner.

''(B) CONSIDERATIONS.—Such Environmental Impact Statement shall not consider—

''(i) the need for the interim storage facility, including any individual component thereof;

''(ii) the time of the initial availability of the interim storage facility;

''(iii) any alternatives to the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility;

''(iv) any alternatives to the site of the facility as designated by the Secretary in accordance with subsection (a);

''(v) any alternatives to the design criteria for such facility or any individual component thereof, as specified by the Secretary in the license application; or

''(vi) the environmental impacts of the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility beyond the initial term of the license or the term of the renewal period for which a license renewal application is made.

''(g) JUDICIAL REVIEW.—Judicial review of the Commission's environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be consolidated with judicial review of the Commission's licensing decision. No court shall have jurisdiction to enjoin the construction or operation of the interim storage facility prior to its final decision on review of the Commission's licensing action.

''(h) WASTE CONFIDENCE.—The Secretary's obligation to construct and operate the interim storage facility in accordance with this section and the Secretary's obligation to develop an integrated management system in accordance with the provisions of this Act, shall provide sufficient and independent grounds for any further findings by the Commission of reasonable assurance that spent nuclear fuel and high-level radioactive waste will be disposed of safely and on a timely basis for purposes of the Commission's decision to grant or amend any license to operate any civilian nuclear power reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.).

''(i) STORAGE OF OTHER SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—No later than 18 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Commission shall, by rule, establish criteria for the storage in the interim storage facility of fuel and waste listed in paragraph (e)(3)(A) through (C), to the extent such criteria are not included in regulations issued by the Commission and existing on the date of enactment of the Nuclear Waste Policy Act of 1996. Following establishment of such criteria, the Secretary shall seek authority, as necessary, to store fuel and waste listed in paragraph (e)(3)(A) through (C) at the interim storage facility. None of the activities carried out pursuant to this paragraph shall delay, or otherwise affect, the development, construction, licensing, or operation of the interim storage facility.

''(j) SAVINGS CLAUSE.—The Commission shall, by rule, establish procedures for the licensing of any technology for the dry storage of spent nuclear fuel by rule and without, to the maximum extent possible, the need for site-specific approvals by the Commission. Nothing in this Act shall affect any such procedures, or any licenses or approvals issued pursuant to such procedures in effect on the date of enactment.

''SEC. 205. PERMANENT REPOSITORY.

''(a) REPOSITORY CHARACTERIZATION.—

''(1) GUIDELINES.—The guidelines promulgated by the Secretary and published at 10 CFR part 960 are annulled and revoked and the Secretary shall make no assumptions or conclusions about the licensability of the Yucca Mountain site as a repository by reference to such guidelines.

''(2) SITE CHARACTERIZATION ACTIVITIES.—The Secretary shall carry out appropriate site characterization activities at the Yucca Mountain site in accordance with the Secretary's program approach to site characterization. The Secretary shall modify or eliminate those site characterization activities designed only to demonstrate the suitability of the site under the guidelines referenced in paragraph (1).

''(3) SCHEDULE DATE.—Consistent with the schedule set forth in the program approach, as modified to be consistent with the Nuclear Waste Policy Act of 1996, no later than February 1, 2002, the Secretary shall apply to the Commission for authorization to construct a repository. If, at any time prior to the filing of such application, the Secretary determines that the Yucca Mountain site cannot satisfy the Commission's regulations applicable to the licensing of a geologic repository, the Secretary shall terminate site characterization activities at the site, notify Congress and the State of Nevada of the Secretary's determination and the reasons

therefor, and recommend to Congress not later than 6 months after such determination further actions, including the enactment of legislation, that may be needed to manage the Nation's spent nuclear fuel and high-level radioactive waste.

''(4) MAXIMIZING CAPACITY.—In developing an application for authorization to construct the repository, the Secretary shall seek to maximize the capacity of the repository, in the most cost-effective manner, consistent with the need for disposal capacity.

''(b) REPOSITORY LICENSING.—Upon the completion of any licensing proceeding for the first phase of the interim storage facility, the Commission shall amend its regulations governing the disposal of spent nuclear fuel and high-level radioactive waste in geologic repositories to the extent necessary to comply with this Act. Subject to subsection (c), such regulations shall provide for the licensing of the repository according to the following procedures:

''(1) CONSTRUCTION AUTHORIZATION.—The Commission shall grant the Secretary a construction authorization for the repository upon determining that there is reasonable assurance that spent nuclear fuel and high-level radioactive waste can be disposed of in the repository—

''(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

''(B) without unreasonable risk to the health and safety of the public; and

''(C) consistent with the common defense and security.

''(2) LICENSE.—Following substantial completion of construction and the filing of any additional information needed to complete the license application, the Commission shall issue a license to dispose of spent nuclear fuel and high-level radioactive waste in the repository if the Commission determines that the repository has been constructed and will operate—

''(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

''(B) without unreasonable risk to the health and safety of the public; and

''(C) consistent with the common defense and security.

''(3) CLOSURE.—After emplacing spent nuclear fuel and high-level radioactive waste in the repository and collecting sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with the Commission's regulations applicable to the licensing of a repository, as modified in accordance with this Act, the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The Commission shall grant such license amendment upon finding that there is reasonable assurance that the repository can be permanently closed—

''(A) in conformity with the Secretary's application to amend the license, the provisions of this Act, and the regulations of the Commission;

''(B) without unreasonable risk to the health and safety of the public; and

''(C) consistent with the common defense and security.

''(4) POST-CLOSURE.—The Secretary shall take those actions necessary and appropriate at the Yucca Mountain site to prevent any activity at the site subsequent to repository closure that poses an unreasonable risk of—

''(A) breaching the repository's engineered or geologic barriers; or

''(B) increasing the exposure of individual members of the public to radiation beyond the release standard established in subsection (d)(1).

''(c) MODIFICATION OF REPOSITORY LICENSING PROCEDURE.—The Commission's regulations shall provide for the modification of the repository licensing procedure, as appropriate, in the event that the Secretary seeks a license to permit the emplacement in the repository, on a retrievable basis, of spent nuclear fuel or high-level radioactive waste as is necessary to provide the Secretary with sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with applicable regulations.

''(d) REPOSITORY LICENSING STANDARDS.—The Administrator of the Environmental Protection Agency shall, pursuant to authority under other provisions of law, issue generally applicable standards for the protection of the public from releases of radioactive materials or radioactivity from the repository. Such standards shall be consistent with the overall system performance standard established by this subsection unless the Administrator determines by rule that the overall system performance standard would constitute an unreasonable risk to health and safety. The Commission's repository licensing determinations for the protection of the public shall be based solely on a finding whether the repository can be operated in conformance with the overall system performance standard established in paragraph (1), applied in accordance with the provisions of paragraph (2), and the Administrator's radiation protection standards. The Commission shall amend its regulations in accordance with subsection (b) to incorporate each of the following licensing standards:

''(1) ESTABLISHMENT OF OVERALL SYSTEM PERFORMANCE STANDARD.—The standard for protection of the public from release of radioactive material or radioactivity from the repository shall prohibit releases that would expose an average member of the general population in the vicinity of the Yucca Mountain site to an annual dose in excess of 100 millirems unless the Commission determines by rule that such standard would constitute an unreasonable risk to health and safety and establishes by rule another standard which will protect health and safety. Such standard shall constitute an overall system performance standard.

''(2) APPLICATION OF OVERALL SYSTEM PERFORMANCE STANDARD.—The Commission shall issue the license if it finds reasonable assurance that for the first 1,000 years following the commencement of repository operations, the overall system performance standard will be met based on a probabilistic evaluation, as appropriate, of compliance with the overall system performance standard in paragraph (1).

''(3) FACTORS.—For purposes of making the finding in paragraph (2)—

''(A) the Commission shall not consider catastrophic events where the health consequences of individual events themselves can be reasonably assumed to exceed the health consequences due to the impact of the events on repository performance;

''(B) for the purpose of this section, an average member of the general population in the vicinity of the Yucca Mountain site means a person whose physiology, age, general health, agricultural practices, eating habits, and social behavior represent the average for persons living in the vicinity of the site. Extremes in social behavior, eating habits, or other relevant practices or characteristics shall not be considered; and

''(C) the Commission shall assume that, following repository closure, the inclusion of engineered barriers and the Secretary's post-closure actions at the Yucca Mountain site, in accordance with subsection (b)(4), shall be sufficient to—

''(i) prevent any human activity at the site that poses an unreasonable risk of breaching the repository's engineered or geologic barriers; and

''(ii) prevent any increase in the exposure of individual members of the public to radiation beyond the allowable limits specified in paragraph (1).

''(4) ADDITIONAL ANALYSIS.—The Commission shall analyze the overall system performance through the use of probabilistic evaluations that use best estimate assumptions, data, and methods for the period commencing after the first 1,000 years of operation of the repository and terminating at 10,000 years after the commencement of operation of the repository.

''(e) NATIONAL ENVIRONMENTAL POLICY ACT.—

''(1) SUBMISSION OF STATEMENT.—Construction and operation of the repository shall be considered a major Federal action significantly affecting the quality of the human environment for purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the construction and operation of the repository to the Commission with the license application and shall supplement such environmental impact statement as appropriate.

''(2) CONSIDERATIONS.—For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary shall not consider in the environmental impact statement the need for the repository, or alternative sites or designs for the repository.

''(3) ADOPTION BY COMMISSION.—The Secretary's environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization under subsection (b)(1), a license under subsection (b)(2), or a license amendment under subsection (b)(3). To the extent such statement or supplement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969, and no further consideration shall be required, except that nothing in this subsection shall affect any independent responsibilities of the Commission to protect the public health and safety under the Atomic Energy Act of 1954. In any such statement or supplement prepared with respect to the repository, the Commission shall not consider the need for a repository, or alternate sites or designs for the repository.

''(f) JUDICIAL REVIEW.—No court shall have jurisdiction to enjoin issuance of the Commission repository licensing regulations prior to its final decision on review of such regulations.

''SEC. 206. LAND WITHDRAWAL.

''(a) WITHDRAWAL AND RESERVATION.—

''(1) WITHDRAWAL.—Subject to valid existing rights, the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including the mineral leasing laws, the geothermal leasing laws, the material sale laws, and the mining laws.

''(2) JURISDICTION.—Jurisdiction of any land within the interim storage facility site and the Yucca Mountain site managed by the Secretary of the Interior or any other Federal officer is transferred to the Secretary.

''(3) RESERVATION.—The interim storage facility site and the Yucca Mountain site are reserved for the use of the Secretary for the construction and operation, respectively, of the interim storage facility and the repository and activities associated with the purposes of this title.

''(b) LAND DESCRIPTION.—

''(1) BOUNDARIES.—The boundaries depicted on the map entitled 'Interim Storage Facility Site Withdrawal Map,' dated March 13, 1996, and on file with the Secretary, are established as the boundaries of the Interim Storage Facility site.

''(2) BOUNDARIES.—The boundaries depicted on the map entitled 'Yucca Mountain Site Withdrawal Map,' dated July 9, 1996, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

''(3) NOTICE AND MAPS.—Within 6 months of the date of the enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall—

''(A) publish in the Federal Register a notice containing a legal description of the interim storage facility site; and

''(B) file copies of the maps described in paragraph (1), and the legal description of the interim storage facility site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

''(4) NOTICE AND MAPS.—Concurrent with the Secretary's application to the Commission for authority to construct the repository, the Secretary shall—

''(A) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

''(B) file copies of the maps described in paragraph (2), and the legal description of the Yucca Mountain site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

''(5) CONSTRUCTION.—The maps and legal descriptions of the interim storage facility site and the Yucca Mountain site referred to in this subsection shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

''TITLE III—LOCAL RELATIONS

''SEC. 301. FINANCIAL ASSISTANCE.

''(a) GRANTS.—The Secretary is authorized to make grants to any affected Indian tribe or affected unit of local government for purposes of enabling the affected Indian tribe or affected unit of local government—

''(1) to review activities taken with respect to the Yucca Mountain site for purposes of determining any potential economic, social, public health and safety, and environmental impacts of the integrated management system on the affected Indian tribe or the affected unit of local government and its residents;

''(2) to develop a request for impact assistance under subsection (c);

''(3) to engage in any monitoring, testing, or evaluation activities with regard to such site;

''(4) to provide information to residents regarding any activities of the Secretary, or the Commission with respect to such site; and

''(5) to request information from, and make comments and recommendations to, the Secretary regarding any activities taken with respect to such site.

''(b) SALARY AND TRAVEL EXPENSES.—Any salary or travel expense that would ordinarily be incurred by any affected Indian tribe or affected unit of local government may not be considered eligible for funding under this section.

''(c) FINANCIAL AND TECHNICAL ASSISTANCE.—

''(1) ASSISTANCE REQUESTS.—The Secretary is authorized to offer to provide financial and technical assistance to any affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government of the development of the integrated management system.

''(2) REPORT.—Any affected Indian tribe or affected unit of local government may request assistance under this section by preparing and submitting to the Secretary a report on the economic, social, public health and safety, and environmental impacts that are likely to result from activities of the integrated management system.

''(d) OTHER ASSISTANCE.—

''(1) TAXABLE AMOUNTS.—In addition to financial assistance provided under this subsection, the Secretary is authorized to grant to any affected Indian tribe or affected unit of local government an amount each fiscal year equal to the amount such affected Indian tribe or affected unit of local government, respectively, would receive if authorized to tax integrated management system activities, as such affected Indian tribe or affected unit of local government taxes the non-Federal real property and industrial activities occurring within such affected unit of local government.

''(2) TERMINATION.—Such grants shall continue until such time as all such activities, development, and operations are terminated at such site.

''(3) ASSISTANCE TO INDIAN TRIBES AND UNITS OF LOCAL GOVERNMENT.—

''(A) PERIOD.—Any affected Indian tribe or affected unit of local government may not receive any grant under paragraph (1) after the expiration of the 1-year period following the date on which the Secretary notifies the affected Indian tribe or affected unit of local government of the termination of the operation of the integrated management system.

''(B) ACTIVITIES.—Any affected Indian tribe or affected unit of local government may not receive any further assistance under this section if the integrated management system activities at such site are terminated by the Secretary or if such activities are permanently enjoined by any court.

''SEC. 302. ON-SITE REPRESENTATIVE.

''The Secretary shall offer to the unit of local government within whose jurisdiction a site for an interim storage facility or repository is located under this Act an opportunity to designate a representative to conduct on site oversight activities at such site. The Secretary is authorized to pay the reasonable expenses of such representative.

''SEC. 303. ACCEPTANCE OF BENEFITS.

''(a) CONSENT.—The acceptance or use of any of the benefits provided under this title by any affected Indian tribe or affected unit of local government shall not be deemed to be an expression of consent, express, or implied, either under the Constitution of the State or any law thereof, to the siting of an interim storage facility or repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwthstanding.

''(b) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiesence, or waiver, or consensual involvement, in response to any decision by the State to oppose the siting in Nevada of an interim storage facility or repository premised upon or related to the acceptance or use of benefits under this title.

''(c) LIABILITY.—No liability of any nature shall accrue to be asserted against any official of any governmental unit of Nevada premised solely upon the acceptance or use of benefits under this title.

''SEC. 304. RESTRICTIONS ON USE OF FUNDS.

''None of the funding provided under this title may be used—

''(1) directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code;

''(2) for litigation purposes; and

''(3) to support multistate efforts or other coalition-building activities inconsistent with the purpose of this Act.

''SEC. 305. LAND CONVEYANCES.

''(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, Nevada, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

''(b) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, and on file with the Secretary shall be conveyed under subsection (a) to the County of Nye, Nevada:

''Map 1: Proposed Pahrump Industrial Park Site

''Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

''Map 3: Pahrump Landfill Sites

''Map 4: Amargosa Valley Regional Landfill Site

''Map 5: Amargosa Valley Municipal Landfill Site

''Map 6: Beatty Landfill/Transfer Station Site

''Map 7: Round Mountain Landfill Site

''Map 8: Tonopah Landfill Site

''Map 9: Gabbs Landfill Site.

''(3) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in subsection (b) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

''(4) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

''TITLE IV—FUNDING AND ORGANIZATION

''SEC. 401. PROGRAM FUNDING.

''(a) CONTRACTS.—

''(1) AUTHORITY OF SECRETARY.—In the performance of the Secretary's functions under this Act, the Secretary is authorized to enter into contracts with any person who generates or holds title to spent nuclear fuel or high level radioactive waste of domestic origin for the acceptance of title and possession, transportation, interim storage, and disposal of such waste or spent fuel. Such contracts shall provide for payment of annual fees to the Secretary in the amounts set by the Secretary pursuant to paragraph (2) and (3). Except as provided in paragraphs (3),

fees assessed pursuant to this paragraph shall be paid to the Treasury of the United States and shall be available for use by the Secretary pursuant to this section until expended. Subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996, the contracts executed under section 302(a) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act, provided that the Secretary shall consent to an amendment to such contracts as necessary to implement the provisions of this Act.

''(2) ANNUAL FEES.—

''(A) For electricity generated by civilian nuclear power reactors and sold between January 7, 1983, and September 30, 2002, the fee under paragraph (1) shall be equal to 1.0 mill per kilowatt hour generated and sold. For electricity generated by civilian nuclear power reactors and sold on or after October 1, 2002, the aggregate amount of fees collected during each fiscal year shall be no greater than the annual level of appropriations for expenditures on those activities consistent with subsection (d) for that fiscal year, minus—

''(i) any unobligated balance collected pursuant to this section during the previous fiscal year; and

''(ii) the percentage of such appropriation required to be funded by the Federal Government pursuant to section 403.

The Secretary shall determine the level of the annual fee for each civilian nuclear power reactor based on the amount of electricity generated and sold, except that the annual fee collected under this subparagraph shall not exceed 1.0 mill per kilowatt-hour generated and sold.

''(B) EXPENDITURES IF SHORTFALL.—If, during any fiscal year on or after October 1, 2002, the aggregate amount of fees assessed pursuant to subparagraph (A) is less than the annual level of appropriations for expenditures on those activities specified in subsection (d) for that fiscal year, minus—

''(i) any unobligated balance collected pursuant to this section during the previous fiscal year; and

''(ii) the percentage of such appropriations required to be funded by the Federal Government pursuant to section 403, the Secretary may make expenditures from the Nuclear Waste Fund up to the level of the fees assessed.

''(C) RULES.—The Secretary shall, by rule, establish procedures necessary to implement this paragraph.

''(3) ONE-TIME FEE.—For spent nuclear fuel or solidified high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor prior to January 7, 1983, the fee shall be in an amount equivalent to an average charge of 1.0 mill per kilowatt-hour for electricity generated by such spent nuclear fuel, or such solidified high-level waste derived therefrom. Payment of such one-time fee prior to the date of enactment of the Nuclear Waste Policy Act of 1996 shall satisfy the obligation imposed under this paragraph. Any one-time fee paid and collected subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996 pursuant to the contracts, including any interest due pursuant to such contracts, shall be paid to the Nuclear Waste Fund no later than September 30, 2002. The Commission shall suspend the license of any licensee who fails or refuses to pay the full amount of the fee referred to in this paragraph on or before September 30, 2002, and the license shall remain suspended until the full amount of the fee referred to in this paragraph is paid. The person paying the fee under this paragraph to the Secretary shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of spent fuel or high-level radioactive waste derived from spent nuclear fuel used to generate electricity in a civilian power reactor prior to January 7, 1983.

''(4) ADJUSTMENTS TO FEE.—The Secretary shall annually review the amount of the fees established by paragraphs (2) and (3), together with the existing balance of the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1996, to evaluate whether collection of the fee will provide sufficient revenues to offset the costs as defined in subsection (c)(2). In the event the Secretary determines that the revenues being collected are either insufficient or excessive to recover the costs incurred by the Federal Government that are specified in subsection (c)(2), the Secretary shall propose an adjustment to the fee in subsection (c)(2) to ensure full cost recovery. The Secretary shall immediately transmit the proposal for such an adjustment to both houses of Congress.

''(b) ADVANCE CONTRACTING REQUIREMENT.—

''(1) IN GENERAL.—

''(A) LICENSE ISSUANCE AND RENEWAL.—The Commission shall not issue or renew a license to any person to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) unless—

''(i) such person has entered into a contract under subsection (a) with the Secretary; or

''(ii) the Secretary affirms in writing that such person is actively and in good faith negotiating with the Secretary for a contract under this section.

''(B) PRECONDITION.—The Commission, as it deems necessary or appropriate, may require as a precondition to the issuance or renewal of a license under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) that the applicant for such license shall have entered into an agreement with the Secretary for the disposal of spent nuclear fuel and high-level radioactive waste that may result from the use of such license.

''(2) DISPOSAL IN REPOSITORY.—Except as provided in paragraph (1), no spent nuclear fuel or high-level radioactive waste generated or owned by any person (other than a department of the United States referred to in section 101 or 102 of title 5, United States Code) may be disposed of by the Secretary in the repository unless the generator or owner of such spent fuel or waste has entered into a contract under subsection (a) with the Secretary by not later than the date on which such generator or owner commences generation of, or takes title to, such spent fuel or waste.

''(3) ASSIGNMENT.—The rights and duties of contract holders are assignable.

''(c) NUCLEAR WASTE FUND.—

''(1) IN GENERAL.—The Nuclear Waste Fund established in the Treasury of the United States under section 302(c) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act and shall consist of—

''(A) the existing balance in the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1996; and

''(B) all receipts, proceeds, and recoveries realized under subsections (a), and (c)(3) subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996, which shall be deposited in the Nuclear Waste Fund immediately upon their realization.

''(2) USE.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to subsections (d) and (e), only for purposes of the integrated management system.

''(3) ADMINISTRATION OF NUCLEAR WASTE FUND—

''(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

''(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

''(i) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Nuclear Waste Fund; and

''(ii) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings.

''(C) EXEMPTION.—Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Nuclear Waste Fund, shall be exempt from annual apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

''(d) BUDGET.—The Secretary shall submit the budget for implementation of the Secretary's responsibilities under this Act to the Office of Management and Budget annually along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 31, United States Code. The budget shall consist of the estimates made by the Secretary of expenditures under this Act and other relevant financial matters for the succeeding 3 fiscal years, and shall be included in the budget of the United States Government.

''(e) APPROPRIATIONS.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to appropriations, which shall remain available until expended.

''SEC. 402. OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.

''(a) ESTABLISHMENT.—There hereby is established within the Department of Energy an Office of Civilian Radioactive Waste Management. The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(b) FUNCTIONS OF DIRECTOR.—The Director of the Office shall be responsible for carrying out the functions of the Secretary under this Act, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Secretary.

''SEC. 403. FEDERAL CONTRIBUTION.

''(a) ALLOCATION.—No later than one year from the date of enactment of the Nuclear Waste Policy Act of 1966, acting pursuant to section 554 of title 5, United States Code, the Secretary shall issue a final rule establishing the appropriate portion of the costs of managing spent nuclear fuel and high-level radioactive waste under this Act allocable to the interim storage or permanent disposal of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors. The share of costs allocable to the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors shall include,

''(1) an appropriate portion of the costs associated with research and development activities with respect to development of an interim storage facility and repository; and

''(2) as appropriate, interest on the principal amounts due calculated by reference to the appropriate Treasury bill rate as if the payments were made at a point in time consistent with the payment dates for spent nuclear fuel and high-level radioactive waste under the contracts.

''(b) APPROPRIATION REQUEST.—In addition to any request for an appropriation from the Nuclear Waste Fund, the Secretary shall request annual appropriations from general revenues in amounts sufficient to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

''(c) REPORT.—In conjunction with the annual report submitted to Congress under section 702, the Secretary shall advise the Congress annually of the amount of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, requiring management in the integrated management system.

''(d) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

''TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

''SEC. 501. COMPLIANCE WITH OTHER LAWS.

''If the requirements of any Federal, State, or local law (including a requirement imposed by regulation or by any other means under such a law) are inconsistent with or duplicative of the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) or of this Act, the Secretary shall comply only with the requirements of the Atomic Energy Act of 1954 and of this Act in implementing the integrated management system.

''SEC. 502. JUDICIAL REVIEW OF AGENCY ACTIONS.

''(a) JURISDICTION OF THE UNITED STATES COURTS OF APPEALS.—

''(1) ORIGINAL AND EXCLUSIVE JURISDICTION.—Except for review in the Supreme Court of the United States, and except as otherwise provided in this Act, the United States courts of appeals shall have original and exclusive jurisdiction over any civil action—

''(A) for review of any final decision or action of the Secretary, the President, or the Commission under this Act;

''(B) alleging the failure of the Secretary, the President, or the Commission to make any decision, or take any action, required under this Act;

''(C) challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or

''(D) for review of any environmental impact statement prepared or environmental assessment pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or alleging a failure to prepare such statement with respect to any such action.

''(2) VENUE.—The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia Circuit.

''(b) DEADLINE FOR COMMENCING ACTION.—A civil action for judicial review described under subsection (a)(1) may be brought no later than 180 days after the date of the decision or action or failure to act involved, as the case may be, except that if a party shows that he did not know of the decision or action complained of (or of the failure to act), and that a reasonable person acting under the circumstances would not have known, such party may bring a civil action no later than 180 days after the date such party acquired actual or constructive knowledge of such decision, action, or failure to act.

''(c) APPLICATION OF OTHER LAW.—The provisions of this section relating to any matter shall apply in lieu of the provisions of any other Act relating to the same matter.

''SEC. 503. LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS.

''(a) ORAL ARGUMENT.—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after January 7, 1983, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to such party. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

''(b) ADJUDICATORY HEARING.—

''(1) DESIGNATION.—At the conclusion of any oral argument under subsection (a), the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

''(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

''(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

''(2) DETERMINATION.—In making a determination under this subsection, the Commission—

''(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

''(B) shall not consider—

''(i) any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor to which a construction permit has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

''(ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless

''(I) such issue results from any revision of siting or design criteria by the Commission following such decision; and

''(II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

''(3) APPLICATION.—The provisions of paragraph (2)(B) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

''(4) CONSTRUCTION.—The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear power plant by the Commission.

''(c) JUDICIAL REVIEW.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of failure by the Commission to use a particular procedure pursuant to this section unless—

''(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and

''(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

''SEC. 504. SITING A SECOND REPOSITORY.

''(a) CONGRESSIONAL ACTION REQUIRED.—The Secretary may not conduct site-specific activities with respect to a second repository unless Congress has specifically authorized and appropriated funds for such activities.

''(b) REPORT.—The Secretary shall report to the President and to Congress on or after January 1, 2007, but not later than January 1, 2010, on the need for a second repository.

''SEC. 505. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.

''(a) FINANCIAL ARRANGEMENTS.—

''(1) STANDARDS AND INSTRUCTIONS.—The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), such standards and instructions as the Commission may deem necessary or desirable to ensure in the case of each license for the disposal of low-level radioactive waste that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission for the decontamination, decommissioning, site closure, and reclamation of site, structures, and equipment used in conjunction with such low-level radioactive waste. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of any agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021), by the appropriate State or State entity, prior to issuance of licenses for low-level radioactive waste disposal or, in the case of licenses in effect on January 7, 1983, prior to termination of such licenses.

''(2) BONDING, SURETY, OR OTHER FINANCIAL ARRANGEMENTS.—If the Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before termination of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

''(b) TITLE AND CUSTODY.—

''(1) AUTHORITY OF SECRETARY.—The Secretary shall have authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and land and following termination of the license issued by the Commission for such disposal, if the Commission determines that—

''(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a);

''(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

''(C) Federal ownership and management of such site is necessary or desirable in order to protect the public health and safety, and the environment.

''(2) PROTECTION.—If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.

''(c) SPECIAL SITES.—If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and the land on which it is disposed when such site has been decontaminated and stabilized in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site.

''SEC. 506. NUCLEAR REGULATORY COMMISSION TRAINING AUTHORIZATION.

''The Commission is authorized and directed to promulgate regulations, or other appropriate regulatory guidance, for the training and qualifications of civilian nuclear power plant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear power plant operator licenses and for operator requalification programs; requirements governing Commission administration of requalification examinations; requirements for operating tests at civilian nuclear power plant simulators, and instructional requirements for civilian nuclear power plant licensee personnel training programs.

''SEC. 507. EMPLACEMENT SCHEDULE.

''(a) The emplacement schedule shall be implemented in accordance with the following:

''(1) Emplacement priority ranking shall be determined by the Department's annual 'Acceptance Priority Ranking' report.

''(2) The Secretary's spent fuel emplacement rate shall be no less than the following: 1,200 MTU in fiscal year 2000 and 1,200 MTU in fiscal year 2001; 2,000 MTU in fiscal year 2002 and 2000 MTU in fiscal year 2003; 2,700 MTU in fiscal year 2004; and 3,000 MTU annually thereafter.

''(b) If the Secretary is unable to begin emplacement by January 31, 1999 at the rates specified in subsection (a), or if the cumulative amount emplaced in any year thereafter is less than that which would have been accepted under the emplacement rate specified in subsection (a), the Secretary shall, as a mitigation measure, adjust the emplacement schedule upward such that within 5 years of the start of emplacement by the Secretary,

''(1) the total quantity accepted by the Secretary is consistent with the total quantity that the Secretary would have accepted if the Secretary had begun emplacement in fiscal year 2000, and

''(2) thereafter the emplacement rate is equivalent to the rate that would be in place pursuant to paragraph (a) above if the Secretary had commenced emplacement in fiscal year 2000.

''SEC. 508. TRANSFER OF TITLE.

''(a) Acceptance by the Secretary of any spent nuclear fuel or high-level radioactive waste shall constitute a transfer of title to the Secretary.

''(b) No later than 6 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary is authorized to accept all spent nuclear fuel withdrawn from Dairyland Power Cooperative's La Crosse Reactor and, upon acceptance, shall provide Dairyland Power Cooperative with evidence of the title transfer. Immediately upon the Secretary's acceptance of such spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage from the date of acceptance until the Secretary removes the spent nuclear fuel from the La Crosse Reactor site.''

''SEC. 509. DECOMMISSIONING PILOT PROGRAM.

''(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experiment test-site reactor located in northwest Arkansas.

''(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

''SEC. 510. WATER RIGHTS.

''(a) NO FEDERAL RESERVATION.—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising under this Act.

''(b) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER NEVADA LAW.—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities under this Act pursuant to the substantive and procedural requirements of the State of Nevada. Nothing in this Act shall be construed to authorize the use of eminent domain by the United States to acquire water rights for such lands.

''(c) EXERCISE OF WATER RIGHTS GENERALLY UNDER NEVADA LAWS.—Nothing in this Act shall be construed to limit the exercise of water rights as provided under Nevada State laws.

''TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

''SEC. 601. DEFINITIONS.

''For purposes of this title—

''(1) CHAIRMAN.—The term ''Chairman'' means the Chairman of the Nuclear Waste Technical Review Board.

''(2) BOARD.—The term ''Board'' means the Nuclear Waste Technical Review Board continued under section 602.

''SEC. 602. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

''(a) CONTINUATION OF THE NUCLEAR WASTE TECHNICAL REVIEW BOARD.—The Nuclear Waste Technical Review Board, established under section 502(a) of the Nuclear Waste Policy Act of 1982 as constituted prior to the date of enactment of the Nuclear Waste Policy Act of 1966, shall continue in effect subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996.

''(b) MEMBERS.—

''(1) NUMBER.—The Board shall consist of 11 members who shall be appointed by the President not later than 90 days after December 22, 1987, from among persons nominated by the National Academy of Sciences in accordance with paragraph (3).

''(2) CHAIR.—The President shall designate a member of the Board to serve as Chairman.

''(3) NATIONAL ACADEMY OF SCIENCES.—

''(A) NOMINATIONS.—The National Academy of Sciences shall, not later than 90 days after December 22, 1987, nominate not less than 22 persons for appointment to the Board from among persons who meet the qualifications described in subparagraph (C).

''(B) VACANCIES.—The National Academy of Sciences shall nominate not less than 2 persons to fill any vacancy on the Board from among persons who meet the qualifications described in subparagraph (C).

''(C) NOMINEES.—

''(i) Each person nominated for appointment to the Board shall be—

''(I) eminent in a field of science or engineering, including environmental sciences; and

''(II) selected solely on the basis of established records of distinguished service.

''(ii) The membership of the Board shall be representatives of the broad range of scientific and engineering disciplines related to activities under this title.

''(iii) No person shall be nominated for appointment to the Board who is an employee of—

''(I) the Department of Energy;

''(II) a national laboratory under contract with the Department of Energy; or

''(III) an entity performing spent nuclear fuel or high-level radioactive waste activities under contract with the Department of Energy.

''(4) VACANCIES.—Any vacancy on the Board shall be filled by the nomination and appointment process described in paragraphs (1) and (3).

''(5) TERMS.—Members of the Board shall be appointed for terms of 4 years, each such term to commence 120 days after December 22, 1987, except that of the 11 members first appointed to the Board, 5 shall serve for 2 years and 6 shall serve for 4 years, to be designated by the President at the time of appointment, except that a member of the Board whose term has expired may continue to serve as a member of the Board until such member's successor has taken office.

''SEC. 603. FUNCTIONS.

''The Board shall limit its evaluations to the technical and scientific validity solely of the following activities undertaken directly by the Secretary after December 22, 1987—

''(1) site characterization activities; and

''(2) activities of the Secretary relating to the packaging or transportation of spent nuclear fuel or high-level radioactive waste.

''SEC. 604. INVESTIGATORY POWERS.

''(a) HEARINGS.—Upon request of the Chairman or a majority of the members of the Board, the Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. Any member of the Board may administer oaths or affirmations to witnesses appearing before the

Board. The Secretary or the Secretary's designee or designees shall not be required to appear before the Board or any element of the Board for more than twelve working days per calendar year.

''(b) PRODUCTION OF DOCUMENTS.—

''(1) RESPONSE TO INQUIRIES.—Upon the request of the Chairman or a majority of the members of the Board, and subject to existing law, the Secretary (or any contractor of the Secretary) shall provide the Board with such records, files, papers, data, or information that is generally available to the public as may be necessary to respond to any inquiry of the Board under this title.

''(2) EXTENT.—Subject to existing law, information obtainable under paragraph (1) may include drafts of products and documentation of work in progress.

''SEC. 605. COMPENSATION OF MEMBERS.

''(a) IN GENERAL.—Each member of the Board shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.

''(b) TRAVEL EXPENSES.—Each member of the Board may receive travel expenses, including per diem in lieu of subsidence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

''SEC. 606. STAFF.

''(a) CLERICAL STAFF.—

''(1) AUTHORITY OF CHAIRMAN.—Subject to paragraph (2), the Chairman may appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

''(2) PROVISIONS OF TITLE 5.—Clerical staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

''(b) PROFESSIONAL STAFF.—

''(1) AUTHORITY OF THE CHAIRMAN.—Subject to paragraphs (2) and (3), the Chairman may appoint and fix the compensation of such professional staff as may be necessary to discharge the responsibilities of the Board.

''(2) NUMBER.—Not more than 10 professional staff members may be appointed under this subsection.

''(3) TITLE 5.—Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS–18 of the General Schedule.

''SEC. 607. SUPPORT SERVICES.

''(a) GENERAL SERVICES.—To the extent permitted by law and requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

''(b) ACCOUNTING, RESEARCH, AND TECHNOLOGY ASSESSMENT SERVICES.—The Comptroller General and the Librarian of Congress shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such facilities, support, funds and services including staff, as may be necessary for the effective performance of the functions of the Board.

''(c) ADDITIONAL SUPPORT.—Upon the request of the Chairman, the Board may secure directly from the head of any department or agency of the United States information necessary to enable it to carry out this title.

''(d) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

''(e) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Board, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–18 of the General Schedule.

''SEC. 608. REPORT.

''The Board shall report not less than 2 times per year to Congress and the Secretary its findings, conclusions, and recommendations.

''SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for expenditures such sums as may be necessary to carry out the provisions of this title.

''SEC. 610. TERMINATION OF THE BOARD.

''The Board shall cease to exist not later than one year after the date on which the Secretary begins disposal of spent nuclear fuel or high-level radioactive waste in the repository.

''TITLE VII—MANAGEMENT REFORM

''SEC. 701. MANAGEMENT REFORM INITIATIVES.

''(a) IN GENERAL.—The Secretary is directed to take actions as necessary to improve the management of the civilian radioactive waste management program to ensure that the program is operated, to the maximum extent practicable, in like manner as a private business.

''(b) AUDITS—

''(1) STANDARD.—The Office of Civilian Radioactive Waste Management, its contractors, and subcontractors at all tiers, shall conduct, or have conducted, audits and examinations of their operations in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects consistent with its role in the program.

''(2) TIME.—The management practices and performances of the Office of Civilian Radioactive Waste Management shall be audited every 5 years by an independent management consulting firm with significant experience in similar audits of private corporations engaged in large nuclear construction projects. The first such audit shall be conducted 5 years after the enactment of the Nuclear Waste Policy Act of 1996.

''(3) COMPTROLLER GENERAL.—The Comptroller General of the United States shall annually make an audit of the Office, in accordance with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit to the Congress a report on the results of each audit conducted under this section.

''(4) TIME.—No audit contemplated by this subsection shall take longer than 30 days to conduct. An audit report shall be issued in final form no longer than 60 days after the audit is commenced.

''(5) PUBLIC DOCUMENTS.—All audit reports shall be public documents and available to any individual upon request.

''(d) VALUE ENGINEERING.—The Secretary shall create a value engineering function within the Office of Civilian Radioactive Waste Management that reports directly to the Director, which shall carry out value engineering functions in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects.

''(e) SITE CHARACTERIZATION.—The Secretary shall employ, on an on-going basis, integrated performance modeling to identify appropriate parameters for the remaining site characterization effort and to eliminate studies of parameters that are shown not to affect long-term repository performance.

''SEC. 702. REPORTING.

''(a) INITIAL REPORT.—Within 180 days of enactment of this section, the Secretary shall report to Congress on its planned actions for implementing the provisions of this Act, including the development of the Integrated Waste Management System. Such report shall include—

''(1) an analysis of the Secretary's progress in meeting its statutory and contractual obligation to accept title to, possession of, and delivery of spent nuclear fuel and high-level radioactive waste beginning no later than November 30, 1999, and in accordance with the acceptance schedule;

''(2) a detailed schedule and timeline showing each action that the Secretary intends to take to meet the Secretary's obligations under this Act and the contracts;

''(3) a detailed description of the Secretary's contingency plans in the event that the Secretary is unable to meet the planned schedule and timeline; and

''(4) an analysis by the Secretary of its funding needs for fiscal years 1997 through 2001.

''(b) ANNUAL REPORTS.—On each anniversary of the submittal of the report required by subsection (a), the Secretary shall make annual reports to the Congress for the purpose of updating the information contained in such report. The annual reports shall be brief and shall notify the Congress of:

''(1) any modifications to the Secretary's schedule and timeline for meeting its obligations under this Act;

''(2) the reasons for such modifications, and the status of the implementation of any of the Secretary's contingency plans; and

''(3) the Secretary's analysis of its funding needs for the ensuing 5 fiscal years.

''SEC. 703. EFFECTIVE DATE.

''This Act shall become effective——days after enactment.''.

THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

PRESSLER AMENDMENT NO. 4986

(Ordered to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill (H.R. 3540) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes; as follows:

On page 198, between lines 17 and 18, insert the following:

SENSE OF SENATE ON DELIVERY BY CHINA OF CRUISE MISSILES TO IRAN

SEC. 580. (a) FINDINGS.—The Senate makes the following findings:

(1) On February 22, 1996, the Director of Central Intelligence informed the Senate that the Government of the People's Republic of China had delivered cruise missiles to Iran.

(2) On June 19, 1996, the Under Secretary of State for Arms Control and International Security Affairs informed Congress that the Department of State had evidence of Chinese-produced cruise missiles in Iran.

(3) On at least three occasions in 1996, including July 15, 1996, the Commander of the United States Fifth Fleet has pointed to the threat posed by Chinese-produced cruise missiles to the 15,000 United States sailors and marines stationed in the Persian Gulf region.

(4) Section 1605 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484; 50 U.S.C. 1701 note) both requires and authorizes the President to impose sanctions against any foreign government that delivers cruise missiles to Iran.

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

(1) the Government of the People's Republic of China should immediately halt the delivery of cruise missiles and other advanced conventional weapons to Iran; and

(2) the President should enforce all appropriate sanctions under United States law with respect to the delivery by that government of cruise missiles to Iran.

THE AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

LEAHY (AND OTHERS) AMENDMENT NO. 4987

Mr. LEAHY (for himself, Ms. SNOWE, Mr. GREGG, Mr. JEFFORDS, Mr. SMITH, Mr. COHEN, Mr. MOYNIHAN, Mr. KENNEDY, and Mr. KERRY) proposed an amendment to the bill (H.R. 3603) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. ___. NORTHERN FOREST STEWARDSHIP.

(a) FINDINGS.—With respect to the Northern Forest in the States of Maine, New Hampshire, New York, and Vermont, Congress finds that—

(1) the current land ownership and management patterns have served the people and forests of the region well; public policies relating to the Northern Forest should seek to reinforce rather than replace the patterns of ownership and use that have characterized lands in the Northern Forest for decades;

(2) people have a right to participate in decisions that affect them;

(3) the rights of private property owners must be respected;

(4) natural systems must be sustained over the long term, including air, soil, water, and the diversity of plant and animal species;

(5) the history and culture of the Northern Forest and the connections between people and the land must be respected;

(6) States should work in partnership with local governments and the Federal Government;

(7) differences among the 4 Northern Forest States must be recognized;

(8) people must appreciate that the Northern Forest has values that are important beyond the boundaries of the Northern Forest;

(9) because public funds are scarce, the greatest public benefit must be secured for any additional investment;

(10) proposals must be judged by their long-term benefits, looking at least 50 years into the future;

(11) programs and regulations in existence on the date of enactment of this Act should be continually evaluated, built upon, and improved before new ones are created;

(12) the actions described in this section are most appropriately directed by the States, with assistance from the Federal Government, as requested by the States;

(13) certain Federal tax policies work against the long-term ownership, management, and conservation of forest land in the Northern Forest region, and Congress and the President should enact additional legislation to address those tax policies as soon as possible; and

(14) this section effectuates certain recommendations of the Northern Forest Lands Council that were developed with broad public input and the involvement of Federal, State, and local governments.

(b) PRINCIPLES OF SUSTAINABILITY.—

(1) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service, is authorized, at the request of the State of Maine, New Hampshire, New York, or Vermont, to provide technical assistance for a State-based initiative directed by the State, to define the appropriate benchmarks of sustainable forest management that address the principles of sustainability, as recommended by the Northern Forest Lands Council.

(2) PRINCIPLES OF SUSTAINABILITY.—It is the sense of Congress that for the purposes of paragraph (1), principles of sustainability should include—

(A) maintenance of soil productivity;

(B) conservation of water quality, wetlands, and riparian zones;

(C) maintenance or creation of a healthy balance of forest age classes;

(D) continuous flow of timber, pulpwood, and other forest products;

(E) improvement of the overall quality of the timber resource as a foundation for more value-added opportunities;

(F) addressing scenic quality by limiting adverse aesthetic impacts of forest harvesting, particularly in high-elevation areas and vistas;

(G) conservation and enhancement of habitats that support a full range of native flora and fauna;

(H) protection of unique or fragile natural areas; and

(I) continuation of opportunities for traditional recreation.

(c) NORTHERN FOREST RESEARCH COOPERATIVE.—The Secretary of Agriculture, acting through the Northeastern Forest Experiment Station and the Chief of the Forest Service, is authorized, at the request of the State of Maine, New Hampshire, New York, or Vermont, to cooperate with the State, the land grant universities of the State, natural resource and forestry schools, other Federal agencies, and other interested parties in coordinating ecological and economic research, including—

(1) research at those universities on ecosystem health, forest management, product development, economics, and related fields;

(2) development of specific forest management guidelines to achieve principles of sustainability described in subsection (b) as recommended by the Northern Forest Lands Council;

(3) technology transfer to the wood products industry on efficient processing, pollution prevention, and energy conservation;

(4) dissemination of existing and new information to landowners, public and private resource managers, State forest citizen advisory committees, and the general public through professional associations, publications, and other information clearinghouse activities; and

(5) analysis of strategies for the protection of areas of outstanding ecological significance, high biodiversity, and the provision of important recreational opportunities, including strategies for areas identified through State land acquisition planning processes.

(d) INTERSTATE COORDINATION STRATEGY.—At the request of the States of Maine, New Hampshire, New York, and Vermont, the Chief of the Forest Service is authorized to make a representative of the State and Private Forest Program available to meet with representatives of the States to coordinate the implementation of Federal and State policy recommendations issued by the Northern Forest Lands Council and other policies agreed to by the States.

(e) LAND CONSERVATION.—.

(1) FEDERAL ASSISTANCE.—The Secretary of Agriculture (acting through the Chief of the Forest Service) and the Secretary of the Interior (acting through the Director of the National Park Service and Director of the United States Fish and Wildlife Service) at the request of the State of Maine, New Hampshire, Vermont, or New York, is authorized to provide technical and financial assistance for a State-managed public land acquisition planning process and land acquisition initiatives directed by the State.

(2) PROGRAM DEVELOPMENT.—A goal-oriented planning process for a State described in paragraph (1) to establish a land conservation program shall include—

(A) identification of, and setting of priorities for the acquisition of, fee or less-than-fee interests in exceptional and important lands, in accordance with criteria that include—

(i) places offering outstanding recreational opportunities, including locations for hunting, fishing, trapping, hiking, camping, and other forms of back-country recreation;

(ii) recreational access to river and lake shorelines;

(iii) land supporting vital ecological functions and values;

(iv) habitats for rare, threatened, or endangered natural communities, plants, and wildlife;

(v) areas of outstanding scenic value and significant geological features; and

(vi) working private forest lands that are of such significance or so threatened by conversion that conservation easements should be purchased;

(B) acquisition of land and interests in land only from willing sellers;

(C) involvement of local governments and landowners in the planning process in a meaningful way that acknowledges their concerns about public land acquisition;

(D) recognition that zoning, while an important land use mechanism, is not an appropriate substitution for acquisition;

(E) assurances that unilateral eminent domain will only be used with the consent of the landowner to clear title and establish purchase prices;

(F) efficient use of public funds by purchasing only the rights necessary to best identify and protect exceptional values;

(G) consideration of the potential impacts and benefits of land and easement acquisition on local and regional economies;

(H) consideration of the necessity of including costs of future public land management in the assessment of overall costs of acquisition;

(I) minimization of adverse tax consequences to municipalities by making funds available to continue to pay property taxes based at least on current use valuation of parcels acquired, payments in lieu of taxes, user fee revenues, or other benefits, where appropriate;

(J) identification of the potential for exchanging public land for privately held land of greater public value; and

(K) assurances that any land or interests inland that are acquired are used and managed for their intended purposes.

(3) WILLING SELLER.—No Federal funds made available to carry out this section may be expended for acquisition of private or public property unless the owner of the property willingly offers the property for sale.

(4) LAND ACQUISITION.—

(A) FUNDING.—After completion of the planning process under paragraph (2), a Federal and State cooperative land acquisition project under this section may be carried out with funding provided exclusively by the Federal Government or with funding provided by both the Federal Government and a State government.

(B) OBJECTIVES.—A cooperative land acquisition project funded under this section shall promote State land conservation objectives that correspond with Federal goals and the recommendations of the Northern Forest Lands Council.

(5) COMPLEMENTARY PROGRAM.—The Secretary of the Interior shall conduct activities under this subsection—

(A) as a complement to the State Comprehensive Outdoor Recreation Plan for each Northern Forest State in existence on the date of enactment of this section; and

(B) with a landscape perspective.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated, out of any funds made available for State purposes under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8), such sums as are necessary to carry out this subsection.

(B) EFFECT ON APPORTIONMENT.—Apportionment among the States under section 6(b) of the Act (16 U.S.C. 460*l*–8(b)) shall be from funds not appropriated under subparagraph (A).

(f) LANDOWNER LIABILITY EXEMPTION.—

(1) FINDINGS.—Congress finds that—

(A) many landowners keep their land open and available for responsible recreation; and

(B) private lands help provide important forest-based recreation opportunities for the public in the Northern Forest region.

(2) SENSE OF CONGRESS.—It is the sense of Congress that States and other interested persons should pursue initiatives that—

(A) strengthen relief-from-liability laws to protect landowners that allow responsible public recreational use of their lands;

(B) update relief-from-liability laws to establish hold-harmless mechanisms for landowners that open their land to public use, including provision for payment by the State of the costs of a landowner's defense against personal injury suits and of the costs of repairing property damage and removing litter;

(C) private additional reductions in property taxes for landowners that allow responsible public recreational use of their lands;

(D) provide for purchases by the State of land in fee and of temporary and permanent recreation easements and leases, including rights of access;

(E) foster State and private cooperative recreation agreements;

(F) create recreation coordinator and landowner liaison and remote ranger positions in State government to assist in the management of public use of private lands and provide recreation opportunities and other similar services;

(G) strengthen enforcement of trespass, antilittering, and antidumping laws;

(H) improve recreation user education programs; and

(I) improve capacity in State park and recreation agencies to measure recreational use (including types, amounts, locations, and concentrations of use) and identify and address trends in use before the trends create problems.

(g) NONGAME CONSERVATION.—

(1) FINDINGS.—Congress finds that—

(A) private landowners often manage their lands in ways that produce a variety of public benefits, including wildlife habitat; and

(B) there should be more incentives for private landowners to exceed current forest management standards and responsibilities under Federal laws.

(2) SENSE OF CONGRESS.—It is the sense of Congress that Congress should make it a priority to consider legislation that creates a funding mechanism to support the conservation of nongame fish and wildlife and associated recreation activities on public and private lands and does not replace, substitute, or duplicate existing laws that support game fish and wildlife.

(h) WATER QUALITY.—The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Agriculture and the Secretary of the Interior, is authorized, at the request of the State of Maine, New Hampshire, New York, or Vermont, to provide technical and financial assistance to assess water quality trends within the Northern Forest region.

(i) RURAL COMMUNITY ASSISTANCE.—

(1) IN GENERAL.—The Secretary of Agriculture is authorized, at the request of the State of Maine, New Hampshire, New York, or Vermont, to provide technical and financial assistance to the State, working in partnership with the forest products industry, local communities, and other interests to develop technical and marketing capacity within rural communities for realizing value-added opportunities in the forest products sector.

(2) RURAL COMMUNITY ASSISTANCE PROGRAM.—Sufficient funds from the rural community assistance program under paragraph (1) shall be directed to support State-based public and private initiatives to—

(A) strengthen partnerships between the public and private sectors and enhance the viability of rural communities;

(B) develop technical capacity in the utilization and marketing of value-added forest products; and

(C) develop extension capacity in delivering utilization and marketing information to forest-based businesses.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out subsections (b), (c), (d), (e), (h), and (i) of this section and section 2371 of the Rural Economic Development Act of 1990 (7 U.S.C. 6601) in the States of Maine, New Hampshire, New York, and Vermont.

(h) APPLICABILITY.—This section shall be in effect during fiscal year 1997 and each fiscal year thereafter.

THURMOND (AND HOLLINGS) AMENDMENT NO. 4988

Mr. COCHRAN (for Mr. THURMOND, for himself and Mr. HOLLINGS) proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 12, line 25, strike ''$46,330,000'' and insert in lieu thereof ''$46,830,000''.

On page 14, line 10, strike ''$418,620,000'' and insert in lieu thereof ''$419,120,000''.

On page 21, line 4, strike ''$47,517,000'' and insert ''$47,017,000''.

FRAHM AMENDMENT NO. 4989

Mr. COCHRAN (for Mrs. FRAHM) proposed an amendment to the bill, H.R. 3603, supra; as follows:

At the appropriate place in title VII of the bill, add the following new section:

SEC. 7. RURAL HOUSING PROGRAM EXTENSIONS.

(a) EXTENSION OF MULTIFAMILY RURAL HOUSING LOAN PROGRAM.—

(1) AUTHORITY TO MAKE LOANS.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking ''September 30, 1996'' and inserting ''September 30, 1997''.

(2) SET-ASIDE FOR NONPROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking ''fiscal year 1996'' and inserting ''fiscal year 1997''.

(b) EXTENSION OF HOUSING IN UNDERSERVED AREAS PROGRAM.—The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking ''fiscal year 1996'' and inserting ''fiscal year 1997''.

(c) REFORMS FOR MULTIFAMILY RURAL HOUSING LOAN PROGRAM.—

(1) LIMITATION ON PROJECT TRANSFERS.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by inserting after subsection (g) the following new subsection:

''(h) PROJECT TRANSFERS.—After the date of the enactment of the Act entitled 'An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes', the ownership or control of a project for which a loan is made or insured under this section may be transferred only if the Secretary determines that such transfer would further the provision of housing and related facilities for low-income families or persons and would be in the best interests of residents and the Federal Government.''.

(2) EQUITY LOANS.—Section 515(t) of the Housing Act of 1949 (42 U.S.C. 1485(t)) is amended—

(A) by striking paragraphs (4) and (5); and

(B) by redesignating paragraphs (6) through (8) as paragraphs (4) through (6), respectively.

(3) EQUITY TAKEOUT LOANS TO EXTEND LOW-INCOME USE.—

(A) AUTHORITY AND LIMITATION.—Section 502(c)(4)(B)(iv) of the Housing Act of 1949 (42 U.S.C. 1472(c)(4)(B)(iv)) is amended by inserting before the period at the end the following: ''or under paragraphs (1) and (2) of section 514(j), except that an equity loan referred to in this clause may not be made available after the date of the enactment of the Act entitled 'An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes', unless the Secretary determines that the other incentives available under this subparagraph are not adequate to provide a fair return on the investment of the borrower, to prevent prepayment of the loan insured under section 514 or 515, or to prevent the displacement of tenants of the housing for which the loan was made''.

(B) APPROVAL OF ASSISTANCE.—Section 502(c)(4)(C) of the Housing Act of 1949 (42 U.S.C. 1472(c)(4)(C)) is amended by striking ''(C)'' and all that follows through ''provided—'' and inserting the following:

''(C) APPROVAL OF ASSISTANCE.—The Secretary may approve assistance under subparagraph (B) for assisted housing only if the restrictive period has expired for any loan for the housing made or insured under section 514 or 515 pursuant to a contract entered into after December 21, 1979, but before the date of the enactment of the Department of Housing and Urban Development Reform Act of 1989, and the Secretary determines that the combination of assistance provided—''.

(C) TECHNICAL CORRECTION.—Section 515(c)(1) of the Housing Act of 1949 (42 U.S.C. 1485(c)(1)) is amended by striking ''December 21, 1979'' and inserting ''December 15, 1989''.

(d) EQUITY SKIMMING PENALTIES.—

(1) INSURANCE OF LOANS FOR THE PROVISION OF HOUSING AND RELATED FACILITIES FOR DOMESTIC FARM LABOR.—Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by adding at the end the following new subsection:

''(j) EQUITY SKIMMING PENALTY.—Whoever, as an owner, agent, or manager, or who is otherwise in custody, control, or possession of property that is security for a loan made or insured under this section willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual or necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined not more than $250,000 or imprisoned not more than 5 years, or both.''.

(2) DIRECT AND INSURED LOANS TO PROVIDE HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES IN RURAL AREAS.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by adding at the end the following new subsection:

''(aa) EQUITY SKIMMING PENALTY.—Whoever, as an owner, agent, or manager, or who is otherwise in custody, control, or possession of property that is security for loan made or insured under this section willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose than other than to meet actual or necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined not more than $250,000 or imprisoned not more than 5 years, or both.''.

LEAHY AMENDMENT NO. 4990

Mr. BUMPERS (for Mr. LEAHY) proposed an amendment to the bill, H.R. 3603, supra; as follows:

At the end of the bill, add the following:

SEC. . REAUTHORIZATION OF NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking ''1991, 1992, and 1993'' each place it appears and inserting ''1'991 through 1997''.

KERREY AMENDMENTS NOS. 4991–4992

Mr. BUMPERS (for Mr. KERREY) proposed two amendments to the bill, H.R. 3603, supra; as follows:

AMENDMENT NO. 4991

In lieu of the pending amendment insert the following:

SEC. . DEPARTMENT OF AGRICULTURE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) DEFINITIONS.—For the purposes of this section—

(1) the term ''agency'' means the Department of Agriculture;

(2) the term ''employee'' means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency (or an individual employed by a county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5))), is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(C) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(D) an employee who, upon completing an additional period of service as referred to in section 3(b)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 5597 note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(E) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(F) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(G) any employee who, during the twenty four month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve month period preceding the date of separation, received a retention allowance under section 5754 of title 5, United States Code.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The head of the agency, prior to obligating any resources for voluntary separation incentive payments, shall submit to the House and Senate Committees on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered; and

(C) a description of how the agency will operate without the eliminated positions and functions.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by an agency to any employee only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; or

(ii) an amount determined by the agency head not to exceed $25,000 in fiscal year 1997, $20,000 in fiscal year 1998, $15,000 in fiscal year 1999, or $10,000 in fiscal year 2000;

(D) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(E) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(3) LIMITATION.—No amount shall be payable under this section based on any separation occurring before the date of the enactment of this Act, or after September 30, 2000.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term ''final basic pay'', with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) EFFECTIVE DATE.—This section shall take effect October 1, 1996.

AMENDMENT NO. 4992

On page 25, line 16, strike ''$795,000,000'' and insert ''$725,000,000''.

On page 29, between lines 7 and 8, insert the following:

RISK MANAGEMENT

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $70,000,000, of which not to exceed $700 shall be available for official reception and representation expenses, as authorized by section 506(i) of the Federal Crop Insurance Act (7 U.S.C. 1506(i)): *Provided*, That this appropriation shall be available only to the extent that an official budget request for a specific dollar amount is submitted by the President to Congress.

BUMPERS AMENDMENT NO. 4993

Mr. BUMPERS proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 12, line 25, strike ''$46,830,000: and insert in lieu thereof ''$47,080,000''.

On page 14, line 10, strike ''$419,120,000'' and insert in lieu thereof ''$419,370,000''.

On page 21, line 4, strike ''47,017,000'' and insert in lieu thereof ''$46,767,000''.

HEFLIN AMENDMENT NO.4994

Mr. COCHRAN (for Mr. HEFLIN) proposed an amendment to the bill, H.R. 3603, supra; as follows:

At the appropriate place, insert:

''Section 101(b) of the Agriculture and Food Act of 1981 (Public Law 97–98; 7 U.S.C. 608c note) is amended by striking ''1996'' and inserting ''2002''.

SANTORUM AMENDMENT NO. 4995

Mr. SANTORUM proposed an amendment to the bill, H.R. 3603, supra; as follows:

At the end of the bill, add the following:

SEC. . LIMITATION ON AMOUNT OF NONRECOURSE LOANS FOR PEANUTS.

None of the funds appropriated or otherwise made available by this Act may be used to provide to a producer of a crop of quota peanuts a total amount of nonrecourse loans under section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271) in excess of $125,000.

BUMPERS AMENDMENT NO. 4996

Mr. BUMPERS proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 42, line 22, after ''development'' add the following, ''as provided under section 747 (e) of public Law 104–127''.

SARBANES (AND MIKULSKI) AMENDMENT NO. 4997

Mr. BUMPERS (for Mr. SARBANES, for himself and Ms. MIKULSKI) proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 5, line 8, strike ''$25,587,000'' and insert ''$23,505,400''.

On page 5, line 10, strike ''$146,135,000'' and insert ''$144,053,400''.

On page 10, line 18, strike ''$721,758,000'' and insert ''$722,839,600''.

HATCH (AND HARKIN) AMENDMENT NO. 4998

Mr. COCHRAN (for Mr. HATCH, for himself and Mr. HARKIN) proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 55, line 7, after the colon, insert the following: ''*Provided further,* That a sufficient amount of these funds shall be used to ensure compliance with the statutory deadlines set forth in section 505(j)(4)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 3555(j)(4)(A)):''.

SMITH AMENDMENT NO. 4999

Mr. COCHRAN (for Mr. SMITH) proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 47, line 17, before the period, insert the following: '': *Provided further,* That notwithstanding section 306(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(7)), the town of Berlin, New Hampshire, shall be eligible during fiscal year 1997 for a grant under the rural utilities assistance program''.

SMITH AMENDMENT NO. 5000

Mr. COCHRAN (for Mr. SMITH) proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 47, line 17, before the period, insert the following: '': *Provided further,* That, notwithstanding section 306(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(7)), the town of Berlin, New Hampshire, shall be eligible during fiscal year 1997 for a grant under the rural utilities assistance program''.

CRAIG (AND OTHERS) AMENDMENT NO. 5001

Mr. COCHRAN (for Mr. CRAIG for himself, Mr. HELMS, Mr. LEAHY, and Mr. WYDEN) proposed an amendment to the bill, H.R. 3603, supra; as follows:

At the end of the matter proposed to be inserted by the amendment, insert the following:

SEC. REVIEW AND REPORT ON H–2A NONIMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the enactment of this Act may impact the future availability of an adequate work force for the producers of our Nation's labor intensive agricultural commodities and livestock.

(b) REVIEW.—The Comptroller General shall review the effectiveness of the H–2A nonimmigrant worker program to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the Comptroller General shall review the program to determine—

(1) that the program ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the date of enactment of this Act;

(2) that the program ensures that there is timely approval of applications for temporary foreign workers under the H–2A nonimmigrant worker program in the event of shortages of United States workers after the date of enactment of this Act;

(3) that the program ensures that implementation of the H–2A nonimmigrant worker program is not displacing United States agricultural workers or diminishing the terms and conditions of employment of United States agricultural workers; and

(4) if and to what extent the H–2A nonimmigrant worker program is contributing to the problem of illegal immigration.

(c) REPORT.—Not later than December 31, 1996, or three months after the date of enactment of this Act, whichever is sooner, the Comptroller General shall submit a report to Congress setting forth the findings of the review conducted under subsection (b);

(d) DEFINITIONS.—As used in this section—

(1) the term ''Comptroller General'' means the Comptroller General of the United States; and

(2) the term ''H–2A nonimmigrant worker program'' means the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

NOTICE OF HEARING

SPECIAL COMMITTEE ON AGING

Mr. COHEN. Mr. President, I wish to announce that the Special Committee on Aging will hold a hearing on Tuesday, July 30, 1996, at 9:30 a.m., in room 628 of the Dirksen Senate Office Building. The hearing will discuss suicide among the elderly.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 23, at 2 p.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 23, 1996, at 3 p.m.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, July 23, at 3 p.m., for a hearing on the nomination of Franklin D. Raines, to be Director of the Office of Management and Budget.

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

COMMITTEE ON SMALL BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for an oversight hearing on Tuesday, July 23, 1996, which will begin at 3 p.m. in room 428A of the Russell Senate Office Building. The hearing is entitled ''Implementation of the Small Business Regulatory Enforcement Fairness Act of 1996,''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 23, 1996, at 1 p.m. to hold a closed hearing on Intelligence Matters.

The Presiding Officer. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION FEDERALISM AND PROPERTY RIGHT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism, and Property Rights of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Tuesday, July 23, 1995, at 2 p.m., in Senate Dirksen room 226, to hold a hearing on, ''Reauthorization of the U.S. Commission on Civil Rights.''

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

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. DOMENICI. The Finance Committee requests unanimous consent for the Subcommittee on International Trade and the Caucus on International Narcotics Control to a conduct a hearing on Tuesday, July 23, 1996, beginning at 10 a.m.,in room SD 2145

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

ADDITIONAL STATEMENTS

TRIBUTE TO HARRY RUTH

● Mr. McCONNELL. Mr. President, I rise today to recognize a man who has played a pivotal role in the economic growth and development of western Kentucky. Harry Ruth, president of the Greater Paducah Economic Development Council, will be able to retire with the satisfaction of a job well done.

When Ruth interviewed for the job in 1989, the committee members who interviewed him were immediately convinced that he was the right person for the job. Aubrey Lippert, a bank president in Paducah, told the Paducah Sun that Ruth ''has the ability to walk into a room full of strangers and make everyone feel comfortable''.

Since he became president of GPEDC, Harry Ruth has given ''100 percent of his ability and energy'' to making Paducah and the region a better place to live. According to the Paducah Sun, Ruth has played a large part in bringing to Paducah a great deal of infrastructure necessary to expand economic development. This includes the Paducah Information Age Park, a 600-acre high-technology park on the outskirts of the city and a University of Kentucky engineering extension program that will open in about 2 years. In addition, a new industrial park is in the planning stages and the community has improved its image considerably.

Further proof of the growth that has taken place during Ruth's tenure can be found in the general economic indicators in the community. There are more jobs in Paducah than there were 7 years ago, employment is up, unemployment is down, and retail sales are up.

Dwane Tucker, who worked closely with Ruth on the Information Age Park project, told the Paducah Sun that Ruth ''gave an enormous amount of time to positioning [the] community for long-term growth . . . He put the needs of the organization above his own needs.'' Tucker added, ''He's also exceptionally skilled at building long-term relationships with people and organizations.''

It's said that a man's greatest legacy is his friends—and in that regard, Harry Ruth has a rich legacy indeed. As Harry closes this particular chapter in his life, he can take special satisfaction in the relationships he has built. It is with pleasure that I count myself among Harry Ruth's many friends in Kentucky.

Mr. President, I would like to pay tribute to Harry Ruth for his dedicated service to western Kentucky.

REV. JOHN NUTTING

● Mr. LEAHY. Mr. President, Vermont is a very small State in geography but extremely large in the quality of our people.

One of the very special people in Vermont is the Reverend John Nutting. For as long as I can remember my good friend John has been an outspoken and extremely effective advocate for those in Vermont who need him the most. An article in the Vermont Sunday Rutland Herald and the Sunday Times Argus speaks well of his lifetime service to our State. I ask that it be printed in the RECORD. Marcelle and I are among those privileged to have known and worked with John and I send him my very best as he opens his next career.

The article follows:

[From the Sunday Rutland Herald and the Sunday Times Argus, June 16, 1996]

ACTIVIST'S ACTIVIST REV. JOHN NUTTING LEAVING THE FIELD

(By Kristin Bloomer)

It's hot as heck under the studio skylights, and Rev. John Nutting is hawking one of his paintings.

''Name your price,'' he says, gesturing to a few of the smaller watercolors in his second-story garage studio in Waterbury. ''Any price.''

Nutting is walking around in his regular gear; a yellow shirt, denim shorts, white socks and sandals. No one has said anything about buying any paintings, but Nutting, 64, doesn't seem to want to take no for an answer.

''Come on. Don't be shy,'' he says with a broad, goofy smile and turning toward some larger forest scenes. ''Hundred and fifty bucks. I have an easy payment plan. You can pay me in increments, whatever you want, 'til it's all paid up.''

It's hard to say no to John Nutting, for 40 years one of Vermont's most active and visible social activists.

''He represents what has really been at the heart of what's good in Vermont,'' says Scudder Parker, a former minister and legislator who has known Nutting all his life. At a recent retirement party for Nutting, Gustave Seelig, executive director of the Vermont Housing and Conservation Board, called him Vermont's leader of ''a conspiracy of good will.''

In addition to serving as a pastor and outreach minister for the United Church of Christ since 1956 and more recently, writing a 500-page book on the church's history (on sale for $50), Nutting has served as president of the Vermont Association for Mental Health, chair of the Vermont Human Services Board, vice president of the Vermont Natural Resources Council, Vermont Housing and Conservation Board member, and consumer board member for the Vermont Program for Quality in Health Care.

He will retire from his ministry July 1. A retirement party for Nutting is set for Sunday, June 29, at the Second Congressional Church in Hyde Park. He says he has ''no set plans,'' aside from wanting to sell his house and move with his wife to Colorado.

Nutting says he will have more time to paint—though friends, colleagues and social advocates say they will miss him.

''Good'' Nutting exclaims. ''That's great I love it, I love it. Weep! Weep! Worry! Gnash your teeth. * * * In a sense, I want someone else to do it. I've done it. I see it now as 'the ministry of getting out of the way.'''

''Getting out of the way,'' however, may be hard for Nutting.

''I'm in massive denial,'' he admits.

Many of the organizations and programs he founded on behalf of Vermont's poor will continue—he's made sure of that. For example, Camp Bethany Birches—an annual, free, three-day event for low-income people—has drawn as many as 200 people annually for almost 20 years, and will continue to serve as a tool for political empowerment Campers will still gather to set the coming year's lobbying/legislative agenda.

''You could say the theme through my ministry has been to create a community out of diversity, to gather people who don't naturally come together,'' Nutting says. ''The idea is to create this new kind of community, that we all might be one.''

''The Hyde Park pastor never wanted to enter the ministry until he was assigned to a congregation in West Dover for a summer. In college he had wanted to be a physician, like his father in Duluth, Minn., until senior year. Then he switched to history and enrolled at Yale Divinity School, still without a commitment to becoming a minister.

''I was interested in figuring out the Monty Python thing—the meaning of life,'' he says, smiling.

''His greatest theological influences were Karl Barth, a Swiss theologian who became a church leader in opposing the Nazis, and Jurgen Moltmann, one of the leading proponents of the ''theology of hope,'' a belief that God's promise to act in the future is more important than God's action in the past. Moltmann's belief that people should not withdraw from the world but act in it to aid the coming of a better one became Nutting's inspiration.

The list of programs he has helped initiate in Vermont reads like a hippie agenda: Project Love, a series of evening dinners geared toward low-income people; Partners in Service, an adopt-a-social-worker program for churches; Vermont Assistance Inc., a corporation that hired and funded a low-income advocate when Vermont Legal Aid was prohibited from lobbying the Legislature; Vermont Campaign to End Childhood Hunger; Vermont Food Bank; Bridges to Peace, an exchange program with the Soviet Union; and Neighbors in Need, an organization that has distributed thousands of dollars worth of emergency grants to low-income people. That's just to name a few.

But Nutting, who started doing singing gigs in homes and ski areas in the nineteen fifties, predates most hippies.

''I had a Volkswagen bug, and I could get 12 folding chairs in the back, my guitar, song books, three kids and my wife,'' Nutting said. ''We would go off to prayer meetings—the traveling church.''

He also cut a record, called ''Songs of Lamoille County,'' which begins with a spoken ballad called ''Hills of Dover.'' Nutting's voice sounds uncannily like Pete Seeger's.

''I came to Vermont in the summer of 1954, and I've been here off an on ever since,'' Nutting narrates against the guitar chords. ''That year, I lived with Ted Burchards on a farm in the town of West Dover.''

The two worked the land together, Nutting says, and he tells how he would listen from the house as Burchards mowed the lawn and, invariably, hit a rock: ''He'd stop, swear a few times, and then back it up and start over, go around that rock. That's been the story of Vermonters almost ever since they came here; they've had to back up and start over. It's been the land that's made the difference.''●

LILLIAN HOFFMAN

● Mr. BROWN. Mr. President, Lillian Hoffman was a great lady who will be truly missed. She made the world a better place and brought energy, commitment, and integrity to every cause

she supported. Her valiant efforts on behalf of Soviet Jewery I am convinced made a real difference in the lives of many.

As a volunteer for the American Red Cross during World War II, Lillian acquired a taste for public service and community work. Lillian committed herself to gaining freedom for Jewish refuseniks from the former Soviet Union for over 20 years. She was cochairwoman of the Colorado Committee of Concern for Soviet Jewry since the group was formed in 1970. This committee fought for people that faced oppression in their homeland. Lillian spent endless hours writing letters and telegrams and making phone calls to Soviet and U.S. officials to help gain the release of Jewish families who were refused immigration visas. She showed what real determination was.

In 1974, Lillian went to Washington, DC to lobby for the Jackson-Vannik amendment, which linked trade with the Soviet Union with the emigration of Soviet Jews. The amendment was passed in large part thanks to Lillian's efforts.

In addition to dealing with the oppression of Jews in the Soviet Union, Lillian turned her attention to other causes. Lillian began to focus on her opposition to Israeli terroritorial concessions and to free Raoul Wallenberg. Lillian was a member of the Raoul Wallenberg Committee. Mr. Wallenberg, a Swedish diplomat, saved 100,000 Hungarian Jews during World War II from Nazi death camps. Lillian presented a bust of Wallenberg as a gift to the U.S. Government which stands in the U.S. Capitol.

Lillian was well known for her efforts nationally and internationally. Her endless contributions to our community in Colorado and around the world were truly remarkable and will never be forgotten.

Those of us who knew Lillian Hoffman will never forget her. She taught us what real commitment is all about.

SALUTE TO ISAAC TIGRETT

● Mr. FRIST. Mr. President, I rise today to recognize an outstanding entrepreneur and a proud son of the great State of Tennessee. Isaac Tigrett has long been known for founding the world-famous Hard Rock Cafe chain, which combined rock music, memorabilia, and the all-American hamburger in locations throughout the United States and internationally. But his most recent business venture, the House of Blues, has not only gained enormous popularity in its short existence, it is showcasing a bit of Tennessee and Southern heritage for audiences on the east and west coasts.

A native west Tennessean, Isaac Tigrett grew up a stone's throw from the actual birthplace of the blues—Memphis, TN. The influence of the blues and black culture on him was strong and has stayed with him over the years. Music of all kinds, but especially the blues, actually takes center stage in his House of Blues restaurant-clubs. With restaurants in Cambridge, MA; Los Angeles; New Orleans; and the brand-new Olympic special in Atlanta, the music that had such an influence on Isaac Tigrett's life in west Tennessee is quickly finding new homes and new fans across the country.

In addition to spreading blues music, Isaac Tigrett is also working to spread a message to America's youth. Through the House of Blues Foundation, he is reaching out to inner city youth and providing a new outlook on African-American culture in the United States. His foundation brings school children to the House of Blues—either in person or by using video teleconferencing equipment—and lets them experience the history that the blues and the folk art lining the restaurants' walls so eloquently express. The House of Blues also provides college scholarships in the arts, sponsors a program for blues musicians to present workshops for kids, and supports a training center for teachers interested in the blues.

Mr. President, I want to commend Isaac Tigrett for his ingenuity and his entrepreneurship. As anyone who knows him can attest, the four House of Blues locations in the United States and the House of Blues Foundation are just the beginning for Isaac. And to me and many other Tennesseans living throughout this Nation, the House of Blues is not just great entertainment, it's a piece of home.●

ORDERS FOR WEDNESDAY, JULY 24, 1996

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, July 24; further, that immediately following the prayer, the Journal of the proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate immediately resume consideration of the agriculture appropriations bill.

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

MEASURE PLACED ON CALENDAR—S. 1956

Mr. COCHRAN. Mr. President, I ask unanimous consent that S. 1956 be placed back on the calendar.

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

PROGRAM

Mr. COCHRAN. Mr. President, for the information of all Senators, under the previous order, the Senate will debate any amendments in order to the agriculture appropriations bill beginning at 9:30 a.m. on Wednesday. Any votes ordered will occur beginning at 11 a.m. on Wednesday.

Also, it is the majority leader's intention to conclude action on the agriculture appropriations bill during Wednesday's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. COCHRAN. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:26 p.m., adjourned until Wednesday, July 24, 1996, at 9:30 a.m.