procession being ultimately successful. On May 10, with bipartisan support, the bill as amended passed the Senate, 61–37. Now the conference report is finally before us. But now we learn that all this work is for naught—for notwithstanding the views of some of his advisors and the strong support of many Democrats, the President has decided to veto this bill.

Frankly, I believe this bill has seen more roadblocks in the last decade than practically any other bill we have seen. I venture to guess that product liability has been subject to more cloture votes than any other bill: two in 1986, three in 1992, two in 1993, and four in 1995.

Yet, it seemed we were close to beating that gridlock with this new Congress. The drafting of the bill was bipartisan from Day One. The White House was well aware of what was going on, watching closely as the Senate took up the bill and began adding amendments. Indeed, I understand from the key Republican and Democratic sponsors of the bill that it was the administration that, during the Senate debate in May, quite helpfully suggested the addition of the so-called additur provision to the final version of the Senate bill—the provision that helped the bill win final approval by that 61 to 37 margin.

THE VETO THREAT

What, then, happened to change the White House attitude? Did the bill change drastically in conference? The answer is no, hardly at all. It was clear to all that the House broader tort reform bill would not win administration approval. Therefore, to their credit, the conferees were careful to stick closely to the Senate version. The bill that we will vote on is virtually identical to the Senate-passed bill that won such strong approval.

What, then, has caused the President to issue the veto threat? I cannot believe he is personally opposed to a Federal liability law, for as Governor he sat on the National Governors' Association Committee that drafted the NGA's first resolution favoring Federal liability reform.

Here in my hand I have the letter to Senator DOLE stating the veto threat. The reasons for the veto are couched very carefully but do not stand up to close scrutiny. First, we are told the bill is an ''unwarranted intrusion on state authority''—yet in this case, the need for a uniform product liability law—not 50 separate laws—is so warranted that the NGA enthusiastically supports this measure. Second, we are told the bill would ''encourage wrongful conduct'' because it abolishes joint liability. But that deduction stretches credibility; moreover, joint and several liability remains for economic damages. Third, the letter accuses the bill of ''increas[ing] the incentive to engage in the egregious misconduct of knowingly manufacturing and selling defective products—a charge that makes no sense—and then goes on to say that the additur provision the White House itself asked for does not take care of this alleged problem.

None of these three statements accurately represents what this balanced, bipartisan conference report would do. They are merely there for cover, to allow a veto to proceed. That is a shame. I am inclined to agree with my friend from West Virginia, who has worked so long on this bill, when he says with regret that ''special interest and obvious, raw political considerations in the White House are overriding sound and reasonable policy judgment.''

THE 1996 PRODUCT LIABILITY CONFERENCE REPORT

No question about it—this bill is sound and reasonable policy. Let me quickly outline its key provisions.

Under this bill, those who sell, not make, products are liable only if they did not exercise reasonable care; if they offered their own warranty and it was not met; or they engaged in intentional wrongdoing. In other words, they cannot be caught up in a liability suit if they did not do anything wrong. That concept should sound familiar to most Americans.

Also under this bill, if the injured person was under the influence of drugs or alcohol, and that condition was more than 50 percent responsible for the event that led to their injury, the defendant cannot be held liable. Likewise, if the plaintiff misused or altered the product—in violation of instructions or warnings to the contrary, or in violation of just plain common sense—damages must be reduced accordingly. Of all the provisions in the bill, it seems to me these are the ones that are the most obvious. Why on earth should we blame the manufacturer for behavior that everyone knows would place the product user at risk? Is that fair? No. Does that not contradict our notion of an individual's personal responsibility? Yes. This provision goes a long way toward ensuring that freely undertaken behavioral choices are taken into account in liability actions.

Regarding time limits, the bill allows injured persons to file an action up to 2 years after the date they discovered, or should have discovered, the harm and its cause. For durable goods, actions may be filed up to 15 years after the initial delivery of the product. These provisions are fair, providing some certainty with regard to liability exposure while at the same time protecting consumers who have been harmed.

Either party may offer to proceed to voluntary nonbinding alternative dispute resolution. Simple, but again, it makes sense.

Now the most controversial element of the bill: punitive damages. Let me remind my colleagues that these damages are separate and apart from compensatory damages. Compensatory damages are meant to make the injured party whole, by compensating him or her for economic and noneconomic losses; punitives are meant to deter and punish. Under the bill, punitives may be awarded if a ''clear and convincing evidence'' standard proving ''conscious, flagrant indifference to the right of safety of others'' is met. The amount awarded may not exceed two times the amount awarded for compensatory loss, or $250,000—whichever is greater—for small business, whichever is less. At the suggestion of the White House, a further provision was included: If the court finds the award to be insufficient, it may order additional damages.

Again, this compromise seems to make sense. It sets a framework for punitive damage awards in which the level of punitives is tied to the harm actually suffered by the plaintiff, with the ability to go beyond the cap in truly egregious cases. This compromise cap helps resolve the problem of arbitrary and inconsistent awards, while at the same time ensuring that punitive awards will not be meaningless inproportion to the injury suffered. The Washington Post calls this approach an important first step that creates some order and boundaries.

Each of the provisions I have outlined make eminent sense. Each helps provide certainly in an area where there now, notoriously, is none. That is why Senator ROCKEFELLER says the conference report ''delivers fair and reasonable legal reform'' that ''would make American industry and American workers more competitive.'' He is absolutely right.

I pay my compliments to Senators ROCKEFELLER, GORTON, PRESSLER, and LIEBERMAN. They have worked tirelessly for years and years to enact meaningful and fair product liability reform. They have done this Nation a great service. And their work should not be for naught.

Thus, I urge the President to reconsider his position, and join the bipartisan coalition supporting this critically important legislation. I urge him to disregard the powerful political constituencies aligned against this bill. I urge him to sign this bill into law.

Mr. President, I hope that this laborious marathon that we have been engaged in to see product liability reform passed here will finally succeed.

I thank the Chair.

BALANCED BUDGET DOWNPAYMENT ACT, II

The Senate continued with the consideration of the bill.

Mr. HATFIELD. I thank the Senator from Rhode Island for yielding the floor at this time.

Mr. President, we are about ready to wind this up. I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3554 TO AMENDMENT NO. 3553

Mr. MCCAIN. Mr. President, I have an amendment in the form of a second-degree amendment at the desk. I call it up at this time.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 3554.

Mr. MCCAIN. 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 13, line 5 of Amdt. No. 3553, strike ''shall'' and insert ''may.''

Mr. MCCAIN. Mr. President, this is not earmarked, and I oppose it. I urge action on the amendment.

The PRESIDING OFFICER. The question is on agreeing to Amendment No. 3554.

The amendment (No. 3554) was rejected.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3553

The PRESIDING OFFICER. The question now occurs on the underlying managers' amendment.

The amendment (No. 3553) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the managers' package was adopted.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3523

Mr. WARNER. Mr. President, last week I offered an amendment to prohibit funding under the District of Columbia provisions of H.R. 3019 which would directly or indirectly serve to implement or enforce the lifting of taxicab reciprocity agreements—which have served well for 50 years—in the Washington, DC, Metropolitan area.

I am pleased to report that that legislative action, at this time, is no longer necessary, and that my Amendment No. 3523 therefore has been withdrawn.

As a result of direct negotiations which have been taking place between myself and officials of the District government, I today received an assurance that hopefully will be in the best interests of northern Virginia consumers and businesses. The longstanding taxicab reciprocity agreements between the District, Virginia, and Maryland have been preserved for a period of 90 days, during which time there will be an opportunity for continued negotiations.

It had been my grave concern, and that of my constituents, that the February 6 decision of the D.C. Taxicab Commission to unilaterally terminate reciprocity agreements of nearly 50 years standing would have been highly disruptive to local commerce and transportation services in Metropolitan Washington. We must approach all forms of transportation among Virginia, the District, and Maryland as regional. Metrorail is a prime example.

Working with my northern Virginia colleague, Congressman TOM DAVIS, and our valued constituents, Charles King of Arlington Red Top Cab, Robert Werth of Alexandria Yellow Cab, and Bob Woods of Alexandria Diamond Cab, we have secured from the District government a firm commitment that the status-quo in taxicab reciprocity will be preserved for 90 days.

Furthermore, during this time period, the District has pledged to work with its partners in the Metropolitan Washington Council of Governments [COG] to pursue an equitable and fair new reciprocity agreement to replace the one of 50 years.

Assuming this can be done, this is a far more preferable and reasonable process that either unilateral action by one party —the District, or by Congressional action at this time.

The possibility of taxicab reciprocity termination has been a serious issue for my constituents in northern Virginia. Taxicab services in Arlington and Alexandria estimate that at least 10 percent of their business is conducted under the nearly 50-year-old taxicab reciprocity agreement.

On the other side of the issue, I understand that District taxi services have complaints that suburban companies may not be complying with the letter of the reciprocity agreement. Those issues also need to be addressed. We should not, ''however, throw the baby out with the bath water.''

In closing, I would just like to add a few words about the countless visitors we have each year coming to the Metropolitan Washington region. They expect and deserve public transportation services of the highest quality and safety.

Furthermore, I believe the District is taking the correct steps in modernizing their fare systems with meters, as in other major American cities. As a part of modernization, however, it is essential that reciprocal taxicab agreements be maintained.

I welcome the news that the District government will preserve the current taxicab reciprocity agreement for 3 months while this matter is considered among the members of the Metropolitan Washington Council of Governments.

I thank all of my colleagues for their kind cooperation in this matter.

AMENDMENT NO. 3494

Mr. MCCAIN. Mr. President, I rise to express my concern with Amendment No. 3494 which was accepted on March 14 after it was offered by my friend from Idaho, Senator CRAIG. Amendment No. 3494 earmarks, from Legal Services Corporation funds, a payment of $250,000 to an Idaho family, Leeland and Karla Swenson, for attorneys fees and expenses they encountered when their adoption of a Lakota Sioux Indian child ran afoul of the requirements of the Indian Child Welfare Act.

First, let me say, I understand the difficulty the Swenson family had with that case, and I understand why Senator CRAIG wants to try to help them. But I oppose this kind of earmark of funds for the private relief of certain individuals because it bestows Federal funds without any legislative record, without any reliable accounting of costs, and without any reasonable factual inquiry.

My colleagues should note that the Idaho State courts twice refused to award the Swensons their attorneys fees and expenses in this case. In their sworn affidavit filed with the court seeking fees and expenses, the Swenson attorneys sought $103,000, not the $250,000 provided by Amendment No. 3494. The $103,000 figure was based on an hourly rate of $150. Even the $103,000 figure is a mystery, as it is based on an hourly rate that is nearly double the hourly rate these same lawyers sought from the court 2 years earlier in the same case.

I don't know the Idaho courts' reasons for denying these attorneys' claims for fees and expenses, but I know the U.S. Senate has absolutely no reasons on the record for awarding $250,000 in fees and expenses to these attorneys. We don't know what they did. We don't know what is a reasonable hourly fee. And we don't know how much the lawyers have already received in payment.

News accounts report that a local group raised, through a benefit auction, $60,000 to help pay the lawyer fees and expenses. The same accounts report that the lawyers have agreed to reduce their fees to the amounts raised.

Much has also been made of the fact that the Swenson family auctioned off their dairy farm equipment in order to pay back money they borrowed to pay legal expenses. But it appears that passion may have exaggerated some of the story told about this case. Rather than being forced to sell their family farm, the Swenson family held a public auction earlier this month to sell off farm equipment and animals they had used in their dairy operations. Leeland Swenson continues, with his father, to own and operate their family farm and maintain a substantial cattle and crop operation. The Senate has been told the Swenson family is bankrupt, but there has been no evidence offered that they have filed for bankruptcy.

Now, Mr. President, let me be clear. I respect the motivation behind the effort made by my friend from Idaho, Senator CRAIG, even as I believe it to be a seriously misguided earmark of Federal funds without reliable justification and documentation.

I do not seek to debate or examine the facts of the Indian child welfare case that gave rise to this amendment. That case took 6 years to resolve.

Mr. President, my point is that the earmark in this amendment appears to be without sound basis in fact. The earmark is actually a private relief bill in

the nature of an appropriations amendment, but it has escaped even the minimal scrutiny the Senate gives to private relief bills. There are more than 45 private relief bills pending before the Senate today. No private relief bills have been passed in the 104th Congress. So I must ask the Senator from Idaho, Senator CRAIG, why has this matter been leapfrogged in front of all the others? And with neither a committee referral nor review to ensure against undue enrichment?

Mr. President, I do not think this earmark for lawyers fees can or should survive careful scrutiny. I understand from discussions with Senator CRAIG that in his view the language of the amendment does not provide for an automatic payment of $250,000 but instead would pay up to $250,000 of actual legal fees and expenses related to this case.

If our colleagues on the conference committee do not recede to the House and drop this amendment altogether, Mr. President, at the very least I would hope that they clarify the bill language so that it only pays ''up to'' $250,000 for actual legal fees and expenses. Even then I am unclear who will decide what is actual. I ask unanimous consent that a copy of an article from the Idaho Press-Tribune dated February 23, 1996 as well as a copy of an Associated Press article dated March 15, 1996 be printed in the RECORD.

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

[From the Rapid City Journal, Mar. 15, 1996]

SENATE VOTES TO PAY COUPLE'S LEGAL BILLS

WASHINGTON.—The government may pay the legal bills of a couple who lost their farm after a child custody battle with the Oglala Sioux Tribe of South Dakota.

The Senate voted Thursday to take $250,000 from the Legal Services Corp.'s 1996 budget to pay the couple's legal fees and expenses. Legal Services subsidizes the Idaho legal-aid agency that represented the South Dakota tribe in the long court fight.

The Leland Swenson family of Nampa, Idaho, adopted the half-Indian child six years ago, but the tribe sued to gain custody under a law that allows tribes to intervene in adoption cases involving their members. The Idaho Supreme Court ruled against the tribe, and the adoption was made final last month.

The family sold its dairy farm and equipment to pay back family, friends and banks who lent them money during the legal wrangling.

''They bankrupted this family in an attempt to gain custody of this child,'' said Sen. Larry Craig, R-Idaho. ''The family won, the happy ending is here, but the family is bankrupt.''

Attorneys with Idaho Legal Aid Services which represented the tribe, said the couple's legal fees did not exceed $100,000, and half of that was paid from a benefit auction last year. Aides to Craig said the $250,000 figure was based on a request by Nampa's mayor.

''The tribe was eligible for our services. We get special money to handle that kind of case,'' said Ernesto Sanchez, executive director of Idaho Legal Aid. ''We were doing what we thought we were supposed to be doing.''

The Swenson family's compensation was added to a $160 billion bill that would fund government operations through next September. The House does not have a similar provision in its version of the bill.

The custody battle stems from passage of the 1978 Indian Child Welfare Act, which was intended to stop the practice of taking Indian children off reservations. At one time, an estimated one in four Indian children was adopted or living in an institution or foster care.

Adoption advocates complain that tribes are now using the law to seize children with Indian ancestry or connections to a reservation.

Casey Swenson was born in September 1989 to a non-Indian mother and a father who is an Oglala Sioux. Court records said the father refused to acknowledge the child, wouldn't pay support and has taken no part in the court proceedings.

The tribe should have used its own attorneys on the case, Craig said.

''I think this sends a clear message to legal services. Do what the law intended you to do,'' Craig said.

[From the Idaho Press—Tribune, Feb. 23, 1996]

CASEY'S ADOPTION FINAL TODAY

(By Sherry Squires)

NAMPA.—A six-year drama ended today for the Swenson family and the community that supported them.

The last of countless court hearings was held at 11 a.m., finalizing Leland and Karla Swenson's adoption of Casey.

The biological son of an Oglala Sioux Indian father and white mother, Casey has lived with adoptive parents Leland and Karla Swenson since the day after he was born.

The Oglala Sioux tribe fought for six years to move Casey to the Pine Ridge, S.D., reservation where they live.

But the Idaho Supreme Court ruled in September that Casey would stay with his adoptive parents. The court required one final hearing to take place. Casey's birth mother had to appear today before a judge and voice her wishes to allow the Swensons to adopt Casey.

The Oglala Sioux Tribe did not appeal the Supreme Court ruling. The deadline passed in late * * *

''The worth of Casey's life is infinite to us.'' Leland said ''We'd do it all again in a second. I wouldn't even hesitate.''

The Swensons are parents to Casey and 15-month-old Anna Lee, whom they also adopted.

It was from Casey that the Swensons said they mustered the courage to adopt again.

''We had prayed about it a lot,'' Karla said. ''We believed Casey would stay with us no matter what.''

''He's always talked about a little sister.'' Leland said. ''We decided he shouldn't suffer because of the circumstances. Now he talks about a little brother, and it scares me to death.''

Before Anna Lee's adoption when the Swensons were still searching for a daughter to adopt, they were notified that a little girl had been found for them.

''It was very, very scary with Anna Lee,'' Karla said.

But her adoption went smoothly and has been finalized.

Adoption rules generally only allow a family to adopt two children. But occasionally some families can adopt another.

The Swensons said they'd adopt again if given the chance.

With Casey's ordeal behind them, the Swensons plan to continue to tell their story and work for reform of the Indian Child Welfare Act at the national level.

''We would like to see adoption laws changed so they protect the child and not the birth parents,'' Karla said.

They have tried to settle into the security that Casey will stay with them. The worry still comes and goes. But it never goes away.

''After living with that so long, it becomes a way of life,'' Leland said. ''I don't know how long it will take. We're always going to be looking over our shoulder.''

But Casey has stopped looking over his, his parents said.

They believe that is partly because he was diagnosed with Attention Deficit Disorder two years ago.

The disorder often causes learning and behavioral problems in children. The children are at or above average intelligence levels, but they sometimes suffer from poor memory, a short attention span and hyperactivity.

The Swensons believe the disorder has sheltered Casey. Without it his understanding may have been better, and his fears greater.

He was hesitant to go to court again today.

''He doesn't understand why he has to do this again,'' Karla said. ''I told him he has to adopt us this time.''

The Swensons' personal future is somewhat uncertain.

The family will sell all of their dairy equipment at a March 2 auction. They sold their dairy Thursday.

Leland will help farm 61 acres that his father owns, but he also is looking for full-time work.

They hope the proceeds from the auction will allow them to pay the nearly $100,000 they owe to family, friends and banks who helped them pay legal expenses.

The Swensons' attorney, Carolyn Steele of Boise, accepted what they could pay as full payment for legal fees.

''She has been a very good friend to us,'' Leland said. ''I want people to know there are some good attorneys out there. In our eyes, she's the best. She wasn't in it for the money. She sacrificed a lot to see this to the end.''

and the Swensons said they owe a lot to a community that supported them to the end.

An auction held a year ago also helped them pay legal expenses.

''A lot of the people who came couldn't afford to be there,'' Leland said. ''With all the garbage that goes in this world, there's a lot of wonderful people still out there.''

''Everyone in Nampa was in our boat with us,'' Karla said, ''and probably Caldwell, too.''

The couple said this week they now just want a new start.

''We appreciate that people are concerned,'' Leland said. ''But I want them to know we're going to be OK.''

''We feel like we still have the most important thing of all. That's our precious family. That's all that matters.''

Mrs. BOXER. Mr. President, I will vote against H.R. 3019, the omnibus consolidated rescissions and appropriations bill, because it fails on three counts.

First, it provides too little for critical national priorities, especially education, anticrime efforts, and environmental protection;

Second, it contains dangerous and misguided legislative riders that threaten our Nation's environment and natural resources; and

Third, it undermines a woman's constitutional right to choose.

UNDERFUNDED PRIORITIES

Though some funds for environmental protection were added to the Republican bill by the Bond-Mikulski

amendment, the bill still leaves critical programs underfunded and unable to meet current needs. Superfund cleanup grants, Safe Drinking Water revolving fund, EPA enforcement budget, Clean Water revolving fund, national parks budget—all will receive less than they need, and most will receive less in real terms in fiscal year 1996 than in 1995, even though needs are greater.

For education, again, even though funds were restored to the bill by the Specter-Harkin amendment, the bill still underfunds critical elementary and secondary education programs, including Title 1 for disadvantaged children, Goals 2000, School-to-Work, Safe and Drug-Free Schools, and Summer Jobs for Youth.

The bill proposes to dismantle one of the most effective crimefighting programs Congress has ever passed—the Community Policing Services [COPS] Program, established in the 1994 Violent Crime Control Act. This program was intended to give local police forces 100,000 more cops on the beat. Thirty-three thousand has already been dispatched in local communities across the Nation, and the crime rate in many cities is dropping. H.R. 3019 would replace COPS with a block grant program that force police officers on the beat to compete with other law enforcement programs for limited funds.

DANGEROUS RIDERS

H.R. 3019 contains many legislative riders that President Clinton has vetoed in the past because they threaten the environment and our Nation's precious natural resources.

These provisions would: Block new drinking water standards; prohibit the EPA from enforcing a rule on reformulated gasoline; boost logging levels in the Tongass National Forest; prohibit the listing of new endangered species; undermine wetland protection; prohibit the issuance of new energy efficiency standards; limit the listing of new Superfund sites, and prohibit the Park Service from fully implementing the California Desert Protection Act regarding the Mojave Preserve.

The bill also urges the EPA to consider relaxing toxic air standards for certain industries, exempt some industries from requirements for risk management plans, including measures to prevent accidental chemical releases, and urges EPA not to expand the Toxic Release Inventory, one of the Nation's most successful nonregulatory public disclosure initiatives ensuring community right-to-know about toxic chemicals that are being released into the environment.

LIMITS RIGHT TO CHOOSE

The bill continues the ban on the use of the District of Columbia's locally raised funds to pay for abortions. There are over 3,000 counties and 19,000 cities in the United States, but only the District of Columbia is forced to submit to such a cruel and arbitrary restriction.

The bill also allows ob-gyn residency programs that lose their accreditation because of failure to provide abortion training to continue to receive Federal funds as if they were accredited. This is a terrible setback for women's health. This amendment invites protesters to target hospitals and pressure them to stop training doctors in procedures that may be vitally needed to preserve the health of female patients.

Mrs. MURRAY. Mr. President, I rise today to announce my support for the Senate version of H.R. 3019. I do not make this decision lightly, nor do I make it with great comfort. Rather, I support this bill grudgingly, because it is in the interest of my constituents that Congress act to complete the fiscal year 1996 budget process.

I am voting in favor of H.R. 3019 for three reasons. First, this bill contains critical Federal relief for flood victims throughout the Northwest; the Government has made promises to help people recover from the damage, and this bill delivers on that promise. Second, the Senate took the high road on funding for several critical programs emphasizing education and the Environmental Protection Agency; I'm pleased we were able to add back $2.7 billion in funding for the Department of Education, and over $700 million for EPA. Third, and finally, this Congress has an obligation to complete the people's business. We are now 6 months into fiscal year 1996, and five appropriations bills remain unsigned. By passing this bill today, we are finally able to move the process forward and see a light at the end of the tunnel on this year's budget.

I want to be very clear about the merits of this bill: while it was improved in some respects during the floor debate, it still has many serious problems. The salvage timber provisions are inadequate. The restrictive language on reproductive freedom is a serious problem for women everywhere. The funding levels in general do not even meet fiscal year 1995 levels for critical programs in education and other important children's services. There are riders on fisheries management, tribal appropriations, and endangered species protection that need serious revisions. And, the Columbia Basin ecosystem assessment language, while favorably revised since the original Interior appropriations bill, still must be strengthened.

In short, Mr. President, there are still a lot of problems with this bill, and I will continue to attempt to address them as we move in a conference committee. And I want to make one thing very clear right now: I cannot support a conference report that moves significantly toward the House bill. That version of H.R. 3019 is laden with riders that I believe are not remotely in the public interest. In addition, the funding levels on education and other programs are simply unacceptable. If the conference report does not substantially reflect the Senate numbers on education, it will be very difficult for me to support it.

In general, Mr. President, I have been deeply concerned about the way this Congress has handled the fiscal year 1996 appropriations process. We have seen too many riders, too many cuts poorly thought out, and too much delay in finishing what should have been done last September. This hasn't been the case with every bill to be sure. But the remaining five bills have been the unfortunate victims of too much politicking. I sincerely hope we can come together in conference, smooth out the remaining rough edges, and finish the people's business.

Mr. KEMPTHORNE. Mr. President, I rise today in support of the omnibus appropriations bill. I particularly want to thank Senators HATFIELD and GORTON for their leadership and assistance in meeting the critical needs of Idaho as a result of the floods. I have always voted on the Senate floor to provide disaster aid to other regions of the country in times of need. I now ask my colleagues to support the Northwest victims with the same compassion. This is not a partisan issue, quite the contrary. This is an American issue of restoring hope to families who, in some cases, have lost everything they own.

FLOOD DAMAGE TO INFRASTRUCTURE

I was in my home State of Idaho during this disaster and I saw first hand its devastation. I witnessed flood-damaged homes and churches which had to be destroyed before they were swept downstream and knocked out bridges. I watched entire communities having their heart and soul taken from them. I know other communities in the Northwest suffered through the same anguish that Idaho towns did.

In fact, for some communities the pain and suffering continues. The town of St. Maries, home to 2,500, still has portions of the city under more than 2 feet of water. The Federal Emergency Management Agency estimates that the Idaho clean up costs will exceed $13 million but complete surveys cannot be done until the water recedes. These folks need help, and they need it now. That is why we must pass this appropriation bill as quickly as possible. I want to thank Senator HATFIELD for including my language in this bill that will provide funding to rebuild damaged levees in towns like St. Maries.

We must repair and strengthen these levees now so we can avoid similar flood events when the spring run-off occurs.

ENVIRONMENTAL DAMAGE AS A RESULT OF THE FLOODS

It will be some time before we know the full impact from the disaster. Although we all rightfully focus on the human impacts of acts of nature, there is another impact which deserves our attention. The environmental impact of the flood should not be neglected.

In our region, we have spent considerable sums to preserve anadromous fish, protect wildlife and conserve the environment. The natural resources of the Pacific Northwest are our heritage and legacy to future generations. If

that investment has been compromised by the floods we should be informed of it at the earliest opportunity.

While streams remain swollen and snowpack continues on the ground, we may not have had sufficient opportunity to discern the true impact of the environmental damage of the flood. The several Federal agencies charged with assessing the damage need our support. That's why I have asked to have included in this emergency supplemental appropriations bill the inclusion of $1,600,000 for the Fish and Wildlife Service to implement fish and wildlife restoration activities and provide technical assistance to FEMA, NCRS, the Corps of Engineers and the States.

I want to thank Senators HATFIELD and GORTON for agreeing with me that wise stewardship of the land is our responsibility. Although the majority of the funds available under this bill are for human needs as a result of the flood the environmental needs are not being ignored.

SAFE DRINKING WATER ACT—REVOLVING LOAN FUND

This budget bill contains the second critical element of our effort to reauthorize and improve the Safe Drinking Water Act.

Last November, the Senate unanimously passed legislation to overhaul the Federal Safe Drinking Water Act. That legislation included authorization, for the first time, of a State revolving loan fund for drinking water infrastructure. Today, by voting to support this budget, we will effectively set aside up to $900 million in 1996 to make that State revolving loan fund a reality. If the Safe Drinking Water Act is reauthorized before June 1 of this year, these funds will be available to States and local drinking water systems to construct or upgrade their treatment and water distribution systems.

States and local governments have a significant responsibility under the Safe Drinking Water Act to provide safe and affordable drinking water every day. This revolving loan fund will help communities, particularly small and rural communities, across the country meet this responsibility.

HORNOCKER INSTITUTE

Among other things, this omnibus budget bill includes approximately $500 million in funding for the Fish and Wildlife Service for fiscal year 1996. Of this amount, almost $35 million has been appropriated for recovery activities under the Endangered Species Act. In conducting these very important activities, I strongly urge the Fish and Wildlife Service to fund two ongoing research projects on gray wolves that are being conducted by the Hornocker Wildlife Research Institute at the University of Idaho.

As part of its recovery effort for the endangered gray wolf, the Fish and Wildlife Service has been artificially introducing gray wolves into Yellowstone National Park in Montana, Wyoming, and portions of central Idaho. Early studies, however, have shown that introducing the gray wolves is having an impact on the existing mountain lion population. The studies indicate that the wolf and the mountain lion are direct competitors, with the wolf emerging as the dominant predator, jeopardizing the mountain lion young and forcing the mountain lion into areas occupied by humans. This is obviously an issue of significant concern for the citizens of Idaho, Montana and Wyoming, whose lives and livelihoods may be threatened by displaced mountain lions.

The Hornocker Institute has been doing research on the interaction between the gray wolf and the mountain lion for the past several years and has been cited as the world authority on mountain lions. The Institute's early research on mountain lions played a critical role in shaping the policy on how mountain lions should be managed in the West. To continue its important research that will guide future policy on the management of the gray wolf and mountain lion populations, the Hornocker Institute needs $300,000 annually over the next 5 years. The Senate Appropriations Committee recognized the value of the institute's efforts and urged the Fish and Wildlife Service to support the institute's research.

I am disappointed that the bill does not earmark funds specifically for this important research, but it is my strong hope that the Fish and Wildlife Service will be guided by the Appropriations Committee's recommendations and provide much-needed funds for the Hornocker Institute to continue its research efforts.

TIMBER SALVAGE

I also joined my colleagues in support of wise, balanced management of our national forests. The issue at stake—managing for healthy, productive forests. The Murray amendment would have eliminated the one tool that is working; the one tool that is helping Idaho's economy and Idaho's environment recover from devastating fires which burned nearly 589,000 acres—919 square miles—of forest land in Idaho 2 years ago. That's a charred area that would cover three-fourths of the entire State of Rhode Island.

This amendment would leave that dead and dying timber to rot —adding fuel to future devastating fires and denying Idaho's struggling rural communities from accessing those resources.

Have we come to a point where it is no longer politically correct to harvest a tree? Gifford Pinchot, the father of the Forest Service and advisor to the creator of our National Park and Forest System, Teddy Roosevelt, was adamant that our Federal forests not be ''preserves'', but ''reserves'' managed for the best good of the public. He specifically viewed timber harvest as a central part of forest management.

A century of fire suppression activities has left our Nation's forests primed for massive, catastrophic fires. It is not a question of if, but when, our forests will burn again. And unsalvaged, unthinned burned areas are one of the tinderboxes we can point to. We have so many tall, dry, match sticks covering the hillsides, waiting for another lightning strike. Without restoration, those trees will burn again, and without replanted cover, these watersheds are vulnerable to massive soil erosion.

This amendment would have been a huge setback in this Congress' attempt, and the need to correct Federal timber policy. At some point we have to decide if we are going to let the folks we hired to manage our forests do their job. I supported the salvage provision last year because it did exactly that—it brought management decisions back to the local level, and gave local managers the flexibility to meet federal environmental policy goals within the timeframe dictated by emergency salvage conditions.

ENDANGERED SPECIES ACT.

As chairman of the Drinking Water, Fisheries and Wildlife subcommittee I have held a number of field hearings as well as hearings here in the Nation's Capital to look at the current Endangered Species Act and to identify ways to improve the act.

It is clear, from the testimony we gathered, that the Endangered Species Act has not accomplished what Congress intended when it was written more than 20 years ago. And, it's clear that it is possible to achieve better results for species by improving the ESA.

The Endangered Species Act needs to be carefully reviewed, debated, and rewritten so that it accomplishes its fundamental purpose—to conserve species. We can't wait any longer.

The original reasons for the moratorium remain valid. Until the Endangered Species Act is reformed to accomplish what it was intended to do, there is no reason to add more species to it.

Last month, the President was in Idaho addressing the needs of flood victims in the northern part of my State. And during the course of his visit we had a good discussion about the need to reform the Endangered Species Act. Working off of the cooperation between Federal, State and local governments who were working together to help flood victims, the President acknowledged that we need to establish the same sort of partnership to reform the Endangered Species Act.

I want to take this opportunity to complement Senator REID, the ranking member of our Subcommittee on Fisheries and Wildlife, who has not only acknowledged the need to work together to reform the Endangered Species Act, but has committed the time to make that reform happen. Working together, we may find a solution to the problems of the act by restoring the promise of the act. But others need to participate in true bipartisan discussions if they are serious about reform; they need to come to the table.

I want to move forward this year with the kind of a bipartisan bill that will incorporate the very real changes that everyone agrees are needed. Until then it only seems appropriate that the time-out represented by the moratorium is the best way to encourage everyone to stay at the table.

Perhaps the administration agrees. The moratorium was not in force during certain periods between continuing resolutions during 1995. The Secretary announced that he was not going to rush through various listing packages or critical habitat designations during that time. Instead, he honored the intent of the moratorium. Why honor the intent of the moratorium when it did not apply, and now seek to overturn it during an emergency bill?

There is an emergency in America concerning the Endangered Species Act. And from the view of my State, that need must be addressed by reform, not just adding more species to the list. If there is an emergency with regards to a particular species as a result of this moratorium, let's address that, but let's not simply bring more species under the umbrella of this Act, which is not recovering species in the first place.

It is evident to me that if we are to move forward to a safer, cleaner, healthier future, we have to change the way Washington regulates laws like the Endangered Species Act. States and communities must be allowed, even encouraged, to take a greater role in environmental regulations and oversight. After all, who knows better about what each community needs, a local leader or someone hundreds of miles away in Washington, DC?

There are national environmental standards that must be set in the Endangered Species Act, and the Federal Government must make that determination, but Federal resources must be targeted and allocated more effectively, and that's why we must have a greater involvement by State and local officials.

The improvements we need in Washington go beyond State and local involvement. We need to plan for the future of our children, not just for today. Science and technology are constantly changing and improving. In the case of the Endangered Species Act, the Federal Government hasn't kept up with these improvements, and old regulations have become outdated and don't do the best job they can. That is why I want to reform the Endangered Species Act.

In the meantime, Mr. President, I think the moratorium on listings is the best tool we have to ensure that we continue to work toward meaningful reform of the Endangered Species Act.

THE CLEAN WATER ACT 404(C) RIDER

Mr. CHAFEE. Mr. President, I would like to make a few remarks about one of the environmental provisions in the Hatfield Substitute to H.R. 3019, the Omnibus Appropriations and Rescissions Bill. I applaud the good work of Chairman HATFIELD and Ranking Member BYRD and the other members of the Appropriations Committee in negotiating this comprehensive measure.

I am deeply troubled, however, by the committee's decision to maintain the rider that bars the Environmental Protection Agency [EPA] from using any of its fiscal year 1996 funds to implement Section 404(c) of the Clean Water Act.

Since its enactment in 1972, Section 404 of the Clean Water Act has played a key role in the progress we have made toward achieving the act's purpose, which is ''to maintain the chemical, physical, and biological integrity of the Nation's waters.'' Section 404(c) authorizes the EPA to prohibit the disposal of dredged or fill material into the Nation's waters, including wetlands, if doing so would harm especially significant resources.

The proponents of this rider assert that it would eliminate the confusion caused by the ''duplicative roles'' of EPA and the Army Corps of Engineers in administering the Federal Wetlands Program. The problem with this logic is that, every year, the Corps of Engineers itself sponsors water resource projects that require the disposal of hundreds of millions of cubic yards of dredge and fill material. Without EPA oversight, the corps would have no check on the environmental impact of these activities. In other words if the rider barring EPA oversight is enacted into law, who oversees what the corps does?

Moreover, the Corps of Engineers supports EPA's role in the veto of its wetlands permit decisions. I would like to quote a statement made in a letter written March 13, 1996, by Secretary of the Army Togo West and EPA Administrator Carol Browner. The letter states: ''We want to emphasize unequivocally that Section 404(c) provides an essential link between our agencies in the implementation of the Section 404 program and contributes significantly to our effective protection of the Nation's human health and environment.'' I could not have said it better myself. Mr. President, I ask unanimous consent that this letter written by Administrator Browner and Secretary West be printed in the RECORD following this statement.

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

(See exhibit 1.)

Mr. CHAFEE. Mr. President, EPA has used its 404(c) authority only 12 times in the history of the Clean Water Act. It is hardly a waste of Government resources. Moreover, these veto actions, although infrequent, have protected almost 7,300 acres of wetlands, including some of the Nation's most valuable wetlands in the Florida Everglades and near the lower Platte River.

Aside from the fact that this rider is unsound policy, the appropriations process simply is not the proper context to raise complex legislative issues such as EPA's role in the Federal Wetlands Program. Rather, the appropriate forum for such issues is the ongoing Clean Water reauthorization process. The Committee on Environment and Public Works has held four hearings on section 404, and two additional hearings on Clean Water Act reauthorization. In fact, the committee conducted a hearing on wetlands mitigation banking just last week. I have been working closely with Senator FAIRCLOTH, who is chairman of the relevant subcommittee, and other members of the committee, to achieve meaningful reform of the Federal Wetland Program.

Although I do not intend to offer an amendment, I strongly urge the committee members to drop this controversial provision from the appropriations bill. The removal of this provision would increase the likelihood that Congress will bring closure to the precarious budgetary situation for fiscal year 1996.

EXHIBIT 1

U.S. ENVIRONMENTAL PROTECTION AGENCY, DEPARTMENT OF THE ARMY,

March 13, 1996.

Mr. ROBERT G. SZABO,
The National Wetlands Coalition,
Washington, DC.

DEAR MR. SZABO: We read with concern your January 22, 1996, letter to President Clinton regarding his veto of the Environmental Protection Agency's (EPA) appropriations bill, in part, because the bill would have eliminated EPA's authority under Clean Water Section 404(c). As the President's veto message stated, this provision would preclude EPA ''from exercising its authority under the Clean Water Act to prevent wetlands losses.'' As the national program managers of the agencies charged with the administration of Clean Water Act Section 404, we appreciate the opportunity to respond to your letter on behalf of the Clinton Administration.

We want to emphasize unequivocally that Section 404(c) provides an essential link between our agencies in the implementation of the Section 404 program and contributes significantly to our capacity to ensure effective protection for the nation's human health and environment. The decision of Congress in 1972 to establish joint administration of Section 404 explicitly recognized the advantages of integrating the Corps of Engineers historical role in protecting the navigational integrity of the nation's waters with EPA's responsibilities for achieving the broader environmental goals of the Clean Water Act. The value and logic in this decision remains valid today and we, therefore, cannot agree with the conclusion in your letter that EPA's authority under Section 404(c) is not justified.

We strongly agree that implementation of Section 404(c), like the Section 404 program itself, requires a balance to ensure protection of the nation's waters while effectively guarding the property rights of private landowners. The President's Wetlands Plan, developed in 1993, reflects this commitment to make the Section 404 program more fair and flexible. Many of the constructive improvements identified in the President's Wetlands Plan have been implemented, and tangible benefits of these actions are being realized. Moreover, information collected as part of a recent Corps of Engineers survey of their field offices demonstrates that EPA's Section 404(c) authority is not being used in a threatening way, but constructively and with considerable discretion. Repeal of

EPA's Section 404(c) authority is unnecessary to make the Section 404 program more fair and flexible but would invariably erode its ability to protect human health and the environment. We cannot support this result.

The organizations which, with you, signed the letter to the President represent an important cross section of the nation, and we appreciate your vital interest in this issue. Our challenge is to identify improvements to the Section 404 program that address legitimate concerns without weakening its environmental protections. We look forward to working with you as we meet that challenge.

Sincerely,

CAROL M. BROWNER,
Administrator.
TOGO D. WEST, Jr.,
Secretary of the Army.

Ms. MOSELEY-BRAUN. Mr. President, I want to say at the outset that hostage taking and legislative blackmail is not the way to arrive at the kind of solution we need to solve our budget problems. While I support this bill's goal to provide funding for Federal agencies for the remainder of the fiscal year 1996, I have several reservations about the bill.

I am a firm believer in tightening our Government's fiscal policies and will continue to work toward that end. I am convinced that restoring budget discipline will help ensure that our children—and future generations—will be able to achieve the American Dream. We have an obligation to our children to protect their future opportunities, and not to leave them a legacy of debt. But this bill does not do enough to protect American priorities.

The President reviewed this bill and found that it was lacking $8 billion in funding for priorities important to Americans: Efforts to protect the environment, efforts to help educate our children, and initiatives that will help keep our streets safe. Rather than working in a bipartisan manner toward a bill that the President could sign, however, this bill is designed to draw a Presidential veto. This is unfair to our students who want to pursue educational opportunities. It is unfair to all Americans who want to live in a clean and safe community. It is unfair to Government employees who want to work. And it is unfair to all others who depend upon the appropriations contained in these bills.

We made some strides to add funding for education by passing a bipartisan amendment last week, but we have not done enough to restore funding for other priorities such as environmental cleanup. The bill does contain a contingency fund of $4.8 billion in additional funding, but this is an illusory commitment because it is contingent on budget agreements not yet achieved. The contingency plan holds American priorities hostage.

The American people sent us a clear message after the last budget crisis—do not risk shutting the Federal Government by promoting an extreme set of budget priorities. This message has apparently gone unheard. The continuing resolution before us does not seek balance, or moderation, and it does not even pretend to resolve the important appropriation issues we should have resolved months ago.

Of the 13 appropriations bills Congress is supposed to pass every year, 5 are still undone even though the fiscal year is almost half over. Several Federal Cabinet departments have been without fully approved spending plans. Now, nearly 6 months into the fiscal year, we are considering a 10th extension.

The activities financed by these uncompleted appropriation bills, or what is also known as domestic discretionary spending, is but a part of Federal spending that underlie our Government's budget problems. Domestic discretionary spending has not grown as a percentage of the GDP since 1969, the last time we had a balanced budget. Domestic discretionary spending comprises only one-sixth of the $1.5 trillion Federal budget, and it is steadily declining.

Every dollar of Federal spending must be examined to see what can be done better, and what we no longer need to do. However, the budget cannot be balanced simply by whacking away at domestic discretionary spending. To suggest to the American people that by cutting discretionary spending we will achieve budgetary integrity is to perpetuate a fraud.

The budget proposed by the majority party calls for $349 billion in savings from discretionary spending, but that comes from a portion of the budget that constitutes only 18 percent of the overall Federal budget—the part of spending that is not growing and the part of the budget that funds education and police and basic services we all count on. This part of the budget is not the major source of our deficit problem. We need to focus our savings on those areas of the budget that don't conflict with our priorities and values.

How we bring back fiscal discipline makes a real difference. If we care about our children, if we care about our future, if we care about our Nation and ensuring an opportunity for every American to achieve the American Dream, we cannot abandon our commitment to education, access to health care, and to creating economic opportunity.

Mr. President, we need to move to a balanced budget. And we need to do it in a way that does not sacrifice the long-term goals of the American people to achieve illusory short-term cuts. We need a budget that restores fiscal discipline to the Federal Government. We need a budget based on the realities facing Americans. Most importantly, we need a budget for our future.

As this bill makes disproportionate cuts in programs important to the American people, I will vote against this bill. I urge my colleagues to work together to develop the kind of overall permanent budget agreement that the American people want and deserve.

Mr. BIDEN. Mr. President, I am sorry that I cannot vote for this appropriations bill today. We must move quickly to resolve the issues that still remain from last year's prolonged, confrontational, and, in the end, fruitless budget debates. But this bill will not advance that cause.

This bill, despite the best efforts of the distinguished leaders of the Appropriations Committee, still falls short. I am heartened that a majority of the Senate was moved to approve more adequate funding for our Nation's educational system. There is certainly no higher priority for us than preparing our country's young people for the future.

But that is not the only priority our country has, Mr. President, nor is it our only responsibility here in Congress. And, I am sorry to say, I find that this bill does not fulfill those responsibilities.

Our attempts to provide more support for the infrastructure investments we need for cleaner air and water were an inadequate step in the right direction. And we failed to meet our responsibility to maintain our country's hard-won superiority in high-technology research and development.

It is surely a false economy if we claim that we must sacrifice clean air and clean water, that we must roll back the progress we have made in advanced technologies, to balance the budget.

That is simply not the case. Amendments that provided more adequate support for those key national priorities at the same time specified the savings from other parts of the budget needed to neutralize their impact on the deficit.

Mr. President, we could have met those responsibilities and still kept within the tight spending limits set by this bill. But we chose not to, Mr. President. And if the Senate bill falls short, Mr. President, the version of this legislation passed by the House, I fear is even worse.

But, Mr. President, I must oppose this omnibus appropriations bill for one overriding reason—this bill slashes the effort to add 100,000 more police to our Nation's streets. This is the single-most-important crime-fighting initiative the Federal Government has undertaken in decades and I will not be party to any effort to go back on our word to add 100,000 police officers to the streets and neighborhoods all across America.

I have spoken with the White House and the President agrees that the only course to take on the 100,000 cops program is unequivocal and unwavering support for adding 100,000 cops to our streets—all dedicated to community policing. This program is working—more than 33,000 police have already been funded.

What is more, the results of community policing speak for themselves—more cops mean less crime.

To cite just one specific example—look what has happened in New York City. More police devoted to community policing has proven to mean less

crime—in the first 6 months of 1995 compared to the first 6 months of 1994: murder is down by 30 percent; robbery is down by 22 percent; burglary is down by 18 percent; and car theft is down by 25 percent.

In the face of that success in fighting America's crime epidemic, it would be folly to go back on our commitment to adding 100,000 cops. ''If it ain't broke, don't fix it''—as a former President used to say.

That, unfortunately, is exactly what the latest continuing resolution proposes to do—instead of fully funding the President's request for the 100,000 cops program, this latest proposal would slash the 1996 request for the cops program to $975 million—about one-half the $1.9 billion request.

Not only is the 100,000 cops program subject to extreme cuts—but the latest continuing resolution also takes nearly $813 million that was supposed to go to the 100,000 cops program to fund a so-called law enforcement block grant program.

What is wrong with this approach?

First, this so-called law enforcement block grant is written so broadly that the money could be spent on everything from prosecutors to probation officers to traffic lights or parking meters—and not a single new cop.

Second, this block grant has never been authorized by the Senate. So, let's be clear on what is being done here. What this continuing resolution does is take a crime bill that has been passed only by the House, whose funds have been authorized only by the House, whose block grant idea has already been rejected by the Senate, and incorporate it into an appropriations bill so it is passed and funded—all in one fell swoop.

Mr. President, if we are going to legislate by fiat like this, then we might as well do away with committees, with hearings, with subcommittee markups, with full committee markups, and with careful consideration of authorizing legislation. We could simply do all the Senate's business on appropriations bills or continuing resolutions.

I, for one, happen to believe that's a terrible way to proceed and I believe that's reason enough to oppose this bill.

If the Republicans want to change the crime bill, they have the right to try—but let's do it the right way and then let's vote on it. Wiping out major pieces of the most significant anti-crime legislation ever passed by the Congress on an appropriations bill makes a mockery of our Senate process. The importance of the programs we are considering, not to mention the perception of our institution, demands better.

Thank you, Mr. President.

VOTE ON AMENDMENT NO. 3466, AS AMENDED

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

The amendment (No. 3466), as amended, was agreed to.

Mr. HATFIELD. I move to reconsider the vote by which the substitute was adopted. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. HATFIELD. 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 Oregon.

ORDER OF PROCEDURE

Mr. HATFIELD. Mr. President, I ask unanimous consent that following the passage of H.R. 3019, the Senate proceed to vote passage of the small business regulation bill.

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

Mr. HATFIELD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 79, nays 21, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—79

Abraham	Exon	McConnell
Akaka	Feinstein	Mikulski
Baucus	Ford	Moynihan
Bennett	Frist	Murkowski
Bingaman	Glenn	Murray
Bond	Gorton	Nunn
Bradley	Graham	Pell
Breaux	Gregg	Pressler
Bryan	Harkin	Pryor
Bumpers	Hatch	Reid
Burns	Hatfield	Robb
Byrd	Heflin	Rockefeller
Campbell	Hutchison	Roth
Chafee	Inouye	Santorum
Coats	Jeffords	Sarbanes
Cochran	Johnston	Shelby
Cohen	Kassebaum	Simon
Conrad	Kempthorne	Simpson
Coverdell	Kennedy	Snowe
Craig	Kerrey	Specter
D'Amato	Kohl	Stevens
Daschle	Leahy	Thompson
DeWine	Levin	Thurmond
Dodd	Lieberman	Wellstone
Dole	Lott	Wyden
Domenici	Lugar	
Dorgan	Mack	

NAYS—21

Ashcroft	Grams	Lautenberg
Biden	Grassley	McCain
Boxer	Helms	Moseley-Braun
Brown	Hollings	Nickles
Faircloth	Inhofe	Smith
Feingold	Kerry	Thomas
Gramm	Kyl	Warner

So the bill (H.R. 3019), as amended, was passed.

(The text of the bill was not available for printing. It will appear in the RECORD of March 20, 1996.)

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FORD. 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 Oregon.

The Senate will please come to order so the Senator from Oregon may proceed.

Mr. HATFIELD. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives on the disagreeing votes thereon of the two Houses, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. ABRAHAM) appointed Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. MACK, Mr. BURNS, Mr. SHELBY, Mr. JEFFORDS, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KERREY of Nebraska, Mr. KOHL, Mrs. MURRAY, conferees on the part of the Senate.

Mr. HATFIELD. Mr. President, I would like to take a very brief moment to acknowledge the input of many people to make this possible. I need not, Mr. President, indicate further this has been a very difficult and intricate package to craft; and this could not have happened without the cooperation of Senator BYRD, the ranking member, and the ranking members of our committee, as well as our own Republican members. I want to commend particularly the leadership that has been so important in getting us to this particular point. I hope that all of you will say your prayers, and include the Appropriations Committee, as it now goes to conference with the House of Representatives.

SMALL BUSINESS REGULATORY FAIRNESS ACT OF 1995

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 942.

The assistant legislative clerk read as follows:

A bill (S. 942) to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitrary regulatory enforcement actions against small entities, and for other purposes.

The Senate resumed the consideration of the bill.