

take advantage of a State audit law which provides it with enforcement protections from State action, is not protected from Federal enforcement actions.

Why would a company voluntarily disclose violations to a State when the feds can come after them for the same thing? It would be asking them to be hit with a lawsuit.

EPA has been very clear about its intent to scrutinize actions in States which have enacted laws and in States which are currently addressing audit bills in their legislatures. EPA has set up a task force to monitor the approval of State delegated programs under the Clean Air Act for States with voluntary environmental audit statutes. The Agency has indicated that approval of certain State programs may be delayed or denied because of their State audit privilege statutes. EPA has used this threat to withhold Federal program delegation in order to influence pending State legislation.

This is an astonishing breach of States' rights, if you ask me.

Threatening States because of laws their citizens' representatives have enacted. Governor Merrill of New Hampshire said it best in responding to EPA's opposition to that State's law:

I reject the suggestion that States like New Hampshire must recognize the primacy of Federal laws in order to successfully design and implement effective environmental laws. In fact, States have proven time and time again that the Federal Government does not know best and does not get the job done for the citizens of the several States. I hope that the EPA does not intend to minimize the independent sovereign rights of States to adopt and enforce environmental laws that protect our environment and add to our quality of life.

Full use of these State laws will never happen in this adversarial climate and an opportunity to encourage this creative and cost-effective approach to environmental problems will be missed if we do not take action on the Federal level.

Even the Clinton administration has recognized the value of promoting environmental self-auditing, having issued a policy statement in December 1995. It is a good step forward by this administration; unfortunately, it does not really do the job.

Basically, the administration policy says if companies come forward and voluntarily disclose violations, then EPA will not prosecute them as aggressively as they could otherwise. Not a real bonus. No evidentiary protection, no protection against citizen suits, and it is only a policy, not a rule, so it does not have the force of law nor does it have any impact on what the Justice Department or the FBI can do.

A nice gesture but that's about it.

The hearing makes a compelling case for enactment of Federal legislation. Senators BROWN and HATFIELD have introduced legislation, S. 582, to encourage environmental self-auditing by setting up parallel protections and incentives on the Federal level that parallel those on the State level.

Enactment of S. 582 will allow these 17 States to fully implement their laws. We here in Congress can put our money where our mouth is by enacting the kind of flexible, voluntary environmental statutes that we have all been talking about for a year. And it presents the EPA with the opportunity to work with instead of against our States. This is the best reason yet to pass the Brown-Hatfield bill.

We all get better environmental compliance.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Thursday, May 23, 1996, the Federal debt stood at \$5,120,583,551,676.66.

On a per capita basis, every man, woman, and child in America owes \$19,329.45 as his or her share of that debt.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum can be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the Democratic leader for being here. We do want to engage in some unanimous-consent requests and hear his response. I am pleased that we are able to make these offers today.

UNANIMOUS-CONSENT REQUESTS— H.R. 3415, S. 295, AND H.R. 3448

Mr. LOTT. Mr. President, I begin by asking unanimous consent that the majority leader, after notification of the Democratic leader, may turn to the consideration of H.R. 3415 regarding the gas tax repeal, and that it be considered under the following time restraints, 1 hour on the bill to be equally divided in the usual form, no amendments or motions be in order, and following the conclusion of time, the bill be read for a third time, and final passage occur without further action or debate.

I think, since we are entering the Memorial Day week, we could come together on an agreement on a number of unanimous-consent requests here, particularly this one. It would be very helpful to the American people if we could send this gas tax repeal to the President of the United States. He would be able to sign it right here at this critical moment as Americans are traveling all over our country. And, therefore, I make that unanimous-consent request at this time, Mr. President.

I further ask immediately following the disposition of H.R. 3415 the Senate turn to consideration of S. 295 regard-

ing labor-management—that is the TEAM Act, cooperation in the workplace—that no amendments or motions be in order, and there be 2 hours of debate to be equally divided in the usual form, and following the conclusion or yielding back of time, the Senate proceed to third reading, and final passage occur all without action or debate. Again, that is the so-called TEAM Act, and it be brought up with no amendments.

I ask unanimous consent that following the disposition of S. 295, the Senate proceed to the consideration of H.R. 3448 regarding the minimum wage, and it be considered under the following time restraints: 1 hour on the bill to be equally divided in the usual form, one amendment in order to be offered by the majority leader or his designee, one amendment in order to be offered by the Democratic leader or his designee; that the amendments be offered in the first degree and limited to 1 hour each, to be equally divided in the usual form, no motions be in order other than motions to table, and following the disposition of the amendments and the conclusion of time the bill be advanced to third reading, and final passage occur all without further action or debate.

Therefore, I ask unanimous consent for all of those I listed.

Mr. DASCHLE. Mr. President, the distinguished majority whip and I have had the opportunity to discuss these matters now on several occasions and I appreciate his candor and the opportunity we have had to discuss ways with which to bring these bills to the floor.

I have indicated to him that on several of these bills my Democratic colleagues hope to offer amendments. It is not our desire to extend debate, to my knowledge, on any of these bills. Our hope, however, is that on the gas tax bill we have the opportunity to offer an amendment which would ensure that consumers benefit from this reduction in the gas tax. This unanimous-consent agreement would not allow for that. We have other amendments that we would like to be able to offer.

Because of our desire to offer amendments and our difficulty in having that right under this unanimous-consent agreement, I have to object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. Mr. President, if I could inquire of the Democratic leader, I know that the majority leader has indicated that he would be willing to work with the minority in developing the concept where the gas tax repeal would be subject to some amendments, including a technical amendment to be offered by the majority leader regarding previously purchased gas, an amendment to be offered by the Democratic leader or his designee, and then one to be offered by the majority leader or his designee. I know you have a

Senator that has been working on trying to come up with a way to guarantee the people actually get this gas tax repeal.

I am willing, on behalf of the majority leader, to modify that unanimous-consent request to include those amendments on the gas tax, if that would be helpful.

Mr. DASCHLE. I want to consult with a couple of my colleagues prior to the time we enter into that agreement at this time.

The majority whip has provided us, I think, with an opportunity here to reach an agreement, at least on that particular bill. If it were in concert with the minimum wage bill to be taken to the floor at approximately the same time—that is, within the same day or the day following—I think we might have an agreement that those two bills could be put on the calendar and brought up as soon as we come back. I would be interested in working with my distinguished colleague to see if that might be accomplished.

Mr. LOTT. If I could inquire of the Democratic leader, with regard to the gas tax, I know he would want to consult with others, the outline I offered, the technical amendment, and an amendment by either the Democratic leader or his designee or the majority leader or his designee with regard to the gas tax, that would probably be something?

Mr. DASCHLE. We have a couple of different approaches that our colleagues have considered with regard to ensuring that the benefit actually be provided to the consumer. One involved an accounting mechanism, that I would allow that to happen. Another involved a straight tax credit. I would have to make some determination that my colleagues have an interest in offering both amendments. If that were the case, I would have to come back with an alternative which would allow the consideration of at least those two amendments. This unanimous-consent agreement only allows for one amendment. That is something we would have to work through.

Certainly, the offer is—I take it in good faith. I think I would be in a position to respond in the not-too-distant future to that particular unanimous-consent agreement.

Mr. LOTT. I think we could probably work out the addition or another amendment if that would help us reach an agreement.

Mr. DASCHLE. I think it might.

Mr. LOTT. I want to emphasize again, and I know the Democratic leader understands this, it would really be good if we could get an agreement on this and find some way to move it quickly for the benefit of all American people. We would have liked to do it now before Memorial Day or as soon as we can. We think that would be a very, very positive thing for the American people and for the economy.

Now, on the TEAM Act, is there something more that the Senator from

South Dakota would want on the TEAM Act? We do not include any amendments here, but we are anxious to have this issue considered. As the saying goes, "Let's talk." We would like to see if we can talk about how we get this done and encourage talk between employers and employees. Do you have any alternative you would like to suggest with regard to the TEAM Act?

Mr. DASCHLE. As I say, I think there are a number of amendments, or perhaps just one substitute amendment that we would like to offer. We have not had the opportunity to come to closure on that. I do think that also could be agreed upon in the not-too-distant future, perhaps as early as the week we get back. That is the time-frame for the number of amendments we would want to offer. I suspect that one, perhaps a couple of amendments, would be all we have a need to offer, but we would certainly want to be able to amend the bill as it is currently presented.

Mr. LOTT. The Democratic leader will give us a response on that.

Mr. DASCHLE. I sure will.

Mr. LOTT. We will ask for a modification with regard to the minimum wage that would go something like this, if I could go over it. We will give this to the minority leader at the conclusion of our exchange here. We could also probably get approval from the majority leader. We ask consent for the following disposition of S. 295: That the Senate proceed to the consideration of H.R. 3448, which is the House-passed bill regarding the minimum wage, and it be considered under the following restraints. One hour on the bill to be equally divided in the usual form; one amendment in order to be offered by the majority leader or his designee; one amendment in order to be offered by the Democratic leader or his designee. That the amendments be offered in the first-degree, and 1 hour each to be equally divided in the usual form; no motions in order other than a motion to table, and following disposition of amendments and closing of time, the bill be advanced to third reading, and final passage occur without further debate occurring.

Again, I am trying to see if we cannot find a way to make all three of these very important issues be considered by the Senate. We could get the gas tax up, in a way that three or perhaps four amendments could be offered. The TEAM Act, if the Senator from South Dakota has a suggestion of an amendment on that, perhaps we could work it out, and we also offer this additional proposal with regard to minimum wage.

I think if this package is going to come up, actually, the majority members would like to have an opportunity to offer an amendment, perhaps, in that area. Before we got a complete agreement here, I want to make sure the majority leader is totally satisfied with the response that we get here, and

also that our people are comfortable with that arrangement. Would that help with regard to the minimum wage?

Mr. DASCHLE. The distinguished Senator from Mississippi has given us an opportunity here, I think, to move the minimum wage bill. As he is fully aware, this minimum wage package includes quite an elaborate array of tax provisions for small business.

A number of our colleagues, as I understand it, on both sides of the aisle have expressed some interest in taking a closer look at those provisions, with an expectation that they may want to modify them or add to them. It is largely a concern for that aspect of the legislation that would cause me to be somewhat concerned about whether one amendment would allow an adequate opportunity for our colleagues to address the tax provisions.

So we will have to consult with our colleagues, and I am sure the majority whip may find the same need, as he just has indicated, to consult not only with regard to the minimum wage provisions, but the tax provisions as well. We are getting closer. Clearly, this is encouraging. I hope that in the not-too-distant future, we can come to some resolution. This is another step in the right direction. I appreciate the offer made by the whip, and we will respond as soon as possible.

Mr. LOTT. Mr. President, again, with regard to the minimum wage, of course, we do have an interest in the tax provisions passed in the House. I know members of the Finance Committee want to take a look at it. Hopefully, within the next 10 days they can do that.

The idea is, surely, to try to help the small businesses that could be impacted in such a way that their profit margin could evaporate, or they could wind up laying people off. We do not want that. We are worried about the human impact, people at the entry level in small businesses that could wind up losing their job, or not getting that first job. We hope these tax provisions help soften that blow. We would like to make sure that that, in fact, is what happens. As the minority leader suggests, we may want to consider adding some more or taking some out on both sides of the aisle.

Mr. President, again, we have some important work to do in the remaining three legislative months of this year. We are very anxious, now that we passed a budget resolution yesterday, to get that conference completed and move on to the reconciliation bill, so that we can have Medicaid and welfare reform and other spending savings, so that we can give some tax relief to the American people.

In order to get all that done, including defense authorization, I know we need to clear up these issues. I know the minority would be inclined to offer amendments that would wind up bogging down other bills, and if we can find a way to break the legislative

gridlock, in a cooperative way, and get the job done in the best interests of the American people, I think the American people would see that very positively. I want to see if we can find a way to make that happen.

Mr. DASCHLE. Mr. President, let me express enthusiastically my desire to work with the whip to make that happen. I only lend one small piece of advice if he is desirous of making that happen sooner rather than later. We could simply take the defend America bill off of the calendar for now—put it back on the calendar, I should say—or, obviously, we are back into a cloture vote at 2:15 on Tuesday. We can avoid that cloture vote and go right to these bills and debate them. I do not think there is any desire on our part to unnecessarily extend the debate. We do have some amendments, as I have indicated. I think we can resolve these matters one by one and have a very productive week when we get back. That might be time much better spent than to have additional cloture votes on the so-called Defend America Act. That is, obviously, a matter that my colleagues on the other side, the leadership, are going to have to decide. That would be a way with which to break the logjam and keep the process moving along. I look forward to working with the distinguished whip and the majority leader to see if we can resolve the matters in the not-too-distant future.

Mr. LOTT. Madam President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The distinguished majority leader is recognized.

WELFARE REFORM

Mr. DOLE. Madam President, I will just say a word or two, and I will make a unanimous-consent request. Three days ago in Wisconsin, I outlined my welfare reform plan. Let me be as clear as I can about what it contains. There are five principal points.

I mean every able-bodied welfare recipient to find work within 2 years, or a shorter period of time if the State so desires.

I mean a real 5-year lifetime limit on welfare payments with few exceptions.

I mean making certain that illegal noncitizens are ineligible for all emergency benefits.

I mean giving States the ability to stop payments to unmarried teens.

And, above all, I mean trusting the Nation's Governors with the flexibility they need to establish the laboratories of our democracy.

I think it is fair to say that there are different approaches. Everybody wants welfare reform. I think the President and I have a different approach. It will be debated—maybe after my departure from the Senate—and I hope there is some way to work out welfare and Medicaid as a package and have that signed by the President.

We are witnessing in the inner cities out-of-wedlock births as high as 80 percent. Most Americans believe, I think, that able-bodied people on welfare should work if there are jobs, and the President indicated yesterday that, in effect, he said he would take our suggestions. I am not certain he has had an opportunity to read the bill. It was introduced a couple of days ago. If he does agree with my five positions, which I just stated—I do not think they are consistent with his views. In fact, I will indicate for the Record that he has a different view on almost each of the five.

Governor Thompson and four other Republican Governors wrote to President Clinton, "Without national welfare reform for all 50 States, the cycle of poverty goes on—for instance, the number of single women head of households in poverty has increased by 175,000 since you, Mr. President, took office."

No doubt about it, we must stop the plague of out-of-wedlock births in our inner cities, which is as high as 80 percent in some areas.

We must give all able-bodied Americans a chance at the American work ethic.

We must reform welfare. President Clinton is not doing this. As we all know, he has twice vetoed welfare reform passed by Congress. I wonder if he is willing to deny the American dream to another generation of Americans.

President Clinton yesterday suggested my five positions outlined above were very consistent with his. They are not. The President suggested that Congress pass my welfare reform plan and the he will sign it.

I am ready to move on my plan. I offer the following unanimous consent.

UNANIMOUS-CONSENT REQUEST— WELFARE REFORM

Mr. DOLE. Madam President, I ask unanimous consent that the Senate turn to the immediate consideration of the bill, which I now send to the desk re welfare, and it be considered under the following time restraints: 1 hour on the bill to be equally divided in the usual form; no amendments or motions in order; and that following the conclusion or yielding back of time, the Senate proceed to third reading and final passage to occur, all without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Madam President, reserving the right to object. The last time the Senate considered welfare reform, as you know and the majority leader recognizes, it took over 10 days. We had 200 amendments offered. The Senate conducted 42 rollcall votes in relation to that particular bill—all of this on a piece of legislation with close to 700 pages. I do not know if everybody had the opportunity to see the catalog effect that that bill has as you carry it to the desk. But this is the

conference report from that bill. It is 693 pages long. There were a lot of amendments. Ultimately, as the leader recalls, there was a pretty broad bipartisan support for the bill, after all that work was done.

So I do not know that we might be able to agree to what he has suggested now.

But in light of what he has suggested, I ask unanimous consent that the majority leader amend his request to provide that the Senate turn to the consideration of the welfare bill as the first order of business on Monday, June 3, and that the motion to proceed to the missile defense bill be delayed until the completion of the welfare bill, so that we might finish it while he is still here.

The PRESIDING OFFICER. Does the leader modify his request?

Mr. DOLE. Madam President, I object to that. But I indicate that we have talked about minimum wage, we have talked about welfare reform, and we have talked about repeal of the gas tax, which we hoped to have done before the Memorial Day recess in order to save millions of Americans a lot of money. We did not quite get it done.

I am perfectly willing, if we can work out some agreement. My point is that the President says he likes this bill. He said, "Send that bill down here and I will sign it." He is going to have a week to look at it—the Memorial Day recess. It will be printed, and it will be available. I believe the Democratic leader will find that there are even more generous provisions in the bill that passed this body by a vote of 87 to 12, and it would have been 88 to 12 except Senator HATFIELD from Oregon was ill that day.

So we have tried in this bill to accommodate many of the concerns the Governors raised, from both parties. We believe it is a good bill. The President said it is a good bill. At least that is what he said Wednesday in Wisconsin. I am just trying to accommodate his wishes. But I cannot agree with all of the other matters pending.

We may decide on the missile defense, if we can work out some broad agreement to put it back on the calendar. I think we could dispose of the other three next week—the week we are back, the last week I will be in the U.S. Senate. It would certainly be agreeable with me.

So I will try to work with the distinguished Democratic leader.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mr. DASCHLE. Regrettably, we object at this time.

MEASURE PLACED ON THE CALENDAR—S. 1823

Mr. DOLE. I ask unanimous consent that the bill which I introduced be placed on the calendar.

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