(7) Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General of a State, after consultation with appropriate agencies and departments, which (A) deliver in-kind services at the community level, including through public or private nonprofit agencies; (B) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and (C) are necessary for the protection of life or safety.

(8) For the 2-year period beginning on the date of the enactment of this Act, benefits and services comparable to benefits and services provided under a State plan under title XIX (or title XV, if applicable) of the Social Security Act (other than emergency medical services described in paragraph (1).

SEC. 2423. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act is amended by inserting after section 213 the following new section:

''REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT

''SEC. 213A. (a) ENFORCEABILITY.—(1) No affidavit of support may be accepted by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) unless such affidavit is executed as a contract—

''(A) which is legally enforceable against the sponsor by the sponsored alien, the Federal Government, and by any State (or any political subdivision of such State) which provides any means-tested public benefits program, but not later than 10 years after the alien last receives any such benefit;

''(B) in which the sponsor agrees to financially support the alien, so that the alien will not become a public charge; and

''(C) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (e)(2).

''(2) A contract under paragraph (1) shall be enforceable with respect to benefits provided to the alien until such time as the alien achieves United States citizenship through naturalization pursuant to chapter 2 of title III.

''(b) FORMS.—Not later than 90 days after the date of enactment of this section, the Attorney General, in consultation with the Secretary of State and the Secretary of Health and Human Services, shall formulate an affidavit of support consistent with the provisions of this section.

''(c) REMEDIES.—Remedies available to enforce an affidavit of support under this section include any or all of the remedies described in section 3201, 3203, 3204, or 3205 of title 28, United States Code, as well as an order for specific performance and payment of legal fees and other costs of collection, and include corresponding remedies available under State law. A Federal agency may seek to collect amounts owed under this section in accordance with the provisions of subchapter II of chapter 37 of title 31, United States Code.

''(d) NOTIFICATION OF CHANGE OF ADDRESS.—

''(1) IN GENERAL.—The sponsor shall notify the Attorney General and the State in which the sponsored alien is currently resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(2).

''(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall be subject to a civil penalty of—

''(A) not less than $250 or more than $2,000, or

''(B) if such failure occurs with knowledge that the alien has received any means-tested public benefit, not less than $2,000 or more than $5,000.

''(e) REIMBURSEMENT OF GOVERNMENT EXPENSES.—(1)(A) Upon notification that a sponsored alien has received any benefit under any means-tested public benefits program, the appropriate Federal, State, or local official shall request reimbursement by the sponsor in the amount of such assistance.

''(B) The Attorney General, in consultation with the Secretary of Health and Human Services, shall prescribe such regulations as may be necessary to carry out subparagraph (A).

''(2) If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to commence payments, an action may be brought against the sponsor pursuant to the affidavit of support.

''(3) If the sponsor fails to abide by the repayment terms established by such agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

''(4) No cause of action may be brought under this subsection later than 10 years after the alien last received any benefit under any means-tested public benefits program.

''(5) If, pursuant to the terms of this subsection, a Federal, State, or local agency requests reimbursement from the sponsor in the amount of assistance provided, or brings an action against the sponsor pursuant to the affidavit of support, the appropriate agency may appoint or hire an individual or other person to act on behalf of such agency acting under the authority of law for purposes of collecting any moneys owed. Nothing in this subsection shall preclude any appropriate Federal, State, or local agency from directly requesting reimbursement from a sponsor for the amount of assistance provided, or from bringing an action against a sponsor pursuant to an affidavit of support.

''(f) DEFINITIONS.—For the purposes of this section—

''(1) SPONSOR.—The term 'sponsor' means an individual who—

''(A) is a citizen or national of the United States or an alien who is lawfully admitted to the United States for permanent residence;

''(B) is 18 years of age or over;

''(C) is domiciled in any of the 50 States or the District of Columbia; and

''(D) is the person petitioning for the admission of the alien under section 204.

''(2) MEANS-TESTED PUBLIC BENEFITS PROGRAM.—The term 'means-tested public benefits program' means a program of public benefits (including cash, medical, housing, and food assistance and social services) of the Federal Government or of a State or political subdivision of a State in which the eligibility of an individual, household, or family eligibility unit for benefits under the program, or the amount of such benefits, or both are determined on the basis of income, resources, or financial need of the individual, household, or unit.''.

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 213 the following:

''Sec. 213A. Requirements for sponsor's affidavit of support.''.

(c) EFFECTIVE DATE.—Subsection (a) of section 213A of the Immigration and Nationality Act, as inserted by subsection (a) of this section, shall apply to affidavits of support executed on or after a date specified by the Attorney General, which date shall be not earlier than 60 days (and not later than 90 days) after the date the Attorney General formulates the form for such affidavits under subsection (b) of such section.

(d) BENEFITS NOT SUBJECT TO REIMBURSEMENT.—Requirements for reimbursement by a sponsor for benefits provided to a sponsored alien pursuant to an affidavit of support under section 213A of the Immigration and Nationality Act shall not apply with respect to the following:

(1) Emergency medical services under title XV or XIX of the Social Security Act.

(2) Short-term, non-cash, in-kind emergency disaster relief.

(3) Assistance or benefits under the National School Lunch Act.

(4) Assistance or benefits under the Child Nutrition Act of 1966.

(5)(A) Public health assistance for immunizations.

(B) Public health assistance for testing and treatment of a communicable disease if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of such disease.

(6) Payments for foster care and adoption assistance under part E of title IV of the Social Security Act for a child, but only if the foster or adoptive parent or parents of such child are not otherwise ineligible pursuant to section 2403 of this Act.

(7) Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which (A) deliver in-kind services at the community level, including through public or private nonprofit agencies; (B) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and (C) are necessary for the protection of life or safety.

(8) Programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965.

(9) For the 2-year period beginning on the date of the enactment of this Act, any item or service provided under a State plan under title XIX (or title XV, if applicable) of the Social Security Act (other than emergency medical services described in paragraph (1)).

NICKLES AMENDMENT NO. 4957

Mr. DOMENICI (for Mr. NICKLES) proposed an amendment to the bill, S. 1956, supra; as follows:

On page 438, line 15, strike ''5'' and insert ''7.''

THE AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

COCHRAN AMENDMENT NO. 4958

Mr. COCHRAN 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:

On page 12, line 25, strike ''$46,068,000'' and insert in lieu thereof ''$46,018,000''.

On page 14, line 10, strike $418,358,000'' and insert in lieu thereof ''$418,308,000''.

On page 17, line 8, strike ''$11,331,000'' and insert in lieu thereof ''$11,381,000''.

On page 17, line 8, strike ''$431,072,000'' and insert in lieu thereof ''$431,122,000''.

GREGG AMENDMENT NO. 4959

Mr. GREGG proposed an amendment to the bill, H.R. 3603, supra; as follows:

At the end of the bill, add the following:

SEC. . REPAYMENT OF CERTAIN SUGAR LOANS.

None of the funds appropriated or otherwise made available by this Act may be used to make a loan to a processor of sugarcane or sugar beets, or both, who has an annual revenue that exceeds $10 million, unless the terms of the loan require the processor to repay the full amount of the loan, plus interest.

SANTORUM AMENDMENTS NO. 4960–4967

(Ordered to lie on the table.)

Mr. SANTORUM submitted eight amendments intended to be proposed by him to the bill, H.R. 3603, supra; as follows:

AMENDMENT NO. 4960

At the end of the bill, add the following:

SEC. . DENIAL OF NONRECOURSE LOANS TO CERTAIN LARGE PEANUT QUOTA HOLDERS.

None of the funds appropriated or otherwise made available by this Act may be used to make a nonrecourse loan available under section 155(a) of the Agricultural Market Transition Act (7 U.S.C. 7271(a)) for a marketing year to a producer who—

(1) owns or leases more than 1,000,000 pounds of quota peanuts; and

(2) refuses to accept a written offer from a handler to purchase any portion of a crop of quota peanuts of the producer at a price that is at least equal to the national average quota loan rate for quota peanuts established under section 155(a)(2) of the Act.

AMENDMENT NO. 4961

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 for a crop of peanuts a total amount of nonrecourse loans under section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271) in excess of $40,000.

AMENDMENT NO. 4962

At the end of the bill, add the following:

SEC. . PROHIBITION ON PURCHASE OF QUOTA PEANUTS FOR DOMESTIC FEEDING PROGRAMS.

(a) QUOTA PEANUTS.—None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of Agriculture to purchase or use quota peanuts to carry out a domestic feeding program.

(b) ADDITIONAL PEANUTS.—In lieu of purchasing or using quota peanuts to carry out a domestic feeding program, the Secretary shall purchase and use additional peanuts to carry out the program, and shall not consider such peanuts to be peanuts for ''domestic edible use'' in the operation of the peanut program.

AMENDMENT NO. 4963

At the end of the bill, add the following:

SEC. . CONSUMER PROTECTION FOR PEANUT PRICE-FIXING PROGRAM.

None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of Agriculture to operate a program for quota peanuts under section 155(a) of the Agricultural Market Transition Act (7 U.S.C. 7271(a)) under which the national average loan rate for quota peanuts is $610 per ton unless the Secretary also exercises other authorities provided to the Secretary by law to ensure that the market price for the peanuts is not more than $625 per ton.

AMENDMENT NO. 4964

At the end of the bill, add the following:

SEC. . NATIONAL POUNDAGE QUOTA FOR PEANUTS FOR 1997 MARKETING YEAR.

None of the funds appropriated or otherwise made available by this Act may be used to administer a peanut program for the 1997 marketing year under part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1357 et seq.) unless the Secretary of Agriculture establishes the national poundage quota for peanuts for the 1997 marketing year under section 358–1(a) of the Act (7 U.S.C. 1358–1(a)) at a level that is not less than 1,215,000 tons.

AMENDMENT NO. 4965

At the end of the bill, add the following:

SEC. . PRODUCTION AND SALE OF DOMESTIC PEANUTS.

None of the funds appropriated or otherwise made available by this Act may be used to administer 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 denies the right of a citizen of the United States to produce and sell peanuts for domestic edible use in the United States.

AMENDMENT NO. 4966

At the end of the bill, add the following:

SEC. . PRODUCTION OF ADEQUATE SUPPLY OF PEANUTS; PAYMENT OF ADMINISTRATIVE COSTS BY QUOTA GROWERS.

None of the funds appropriated or otherwise made available by this Act may be used to administer 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.) under which—

(1) the Secretary of Agriculture establishes the national poundage quota for peanuts for the 1997 marketing year under section 358–1(a) of the Act (7 U.S.C. 1358–1(a)) at a level that is less than the estimated domestic demand for the peanuts; or

(2) consumers, rather than producers having farm poundage quotas, pay the cost of carrying out the program.

AMENDMENT NO. 4967

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.

MCCAIN AMENDMENT NO. 4968

Mr. MCCAIN proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 10, line 18, strike ''$721,758,000'' and insert in lieu thereof ''$702,831,000''.

GREGG AMENDMENT NO. 4969

Mr. GREGG proposed an amendment to amendment No. 4959 proposed by him to the bill, H.R. 3603, supra; as follows:

Strike all after the word ''SEC'' and insert the following:

REPAYMENT OF CERTAIN SUGAR LOANS.

None of the funds appropriated or otherwise made available by this Act may be used to make a loan to a processor of sugarcane or sugar beets, or both, who has an annual revenue that exceeds $15 million, unless the terms of the loan require the processor to repay the full amount of the loan, plus interest.

CRAIG AMENDMENT NO. 4970

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill, H.R. 3603, supra; as follows:

At the appropriate place in the bill insert the following:

SEC. ___. H–2A WORKERS.

(a) Section 218(a) (8 U.S.C. 1188(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

''(2) In considering an employer's petition for admission of H–2A aliens the Attorney General shall consider the certification decision of the Secretary of Labor and shall consider any countervailing evidence submitted by the employer with respect to the nonavailability of United States workers and the employer's compliance with the requirements of this section, and may consult with the Secretary of Agriculture.''.

(b) Section 218(b) (8 U.S.C. 1188(b)) is amended by striking out paragraph (4) and inserting the following:

''(4) DETERMINATION BY THE SECRETARY.—The Secretary determines that the employer has not filed a job offer for the position to be filled by the alien with the appropriate local office of the State employment security agency having jurisdiction over the area of intended employment, or with the State office of such an agency if the alien will be employed in an area within the jurisdiction of more than one local office of such an agency, which meets the criteria of paragraph (5).

''(5) REQUIRED TERMS AND CONDITIONS OF EMPLOYMENT.—The Secretary determines that the employer's job offer does not meet one or more of the following criteria:

''(A) REQUIRED RATE OF PAY.—The employer has offered to pay H–2A aliens and all other workers in the occupation in the area of intended employment an adverse effect wage rate of not less than the median rate of pay for similarly employed workers in the area of intended employment.

''(B) PROVISION OF HOUSING.—

''(i) IN GENERAL.—The employer has offered to provide housing to H–2A aliens and those workers not reasonably able to return to their residence within the same day, without charge to the worker. The employer may, at the employer's option, provide housing meeting applicable Federal standards for temporary labor camps, or provide rental or public accommodation type housing which meets applicable local or state standards for such housing.

''(ii) HOUSING ALLOWANCE AS ALTERNATIVE.—In lieu of offering the housing required in clause (i), the employer may provide a reasonable housing allowance to workers not reasonably able to return to their

place of residence within the same day, but only if the Secretary determines that housing is reasonably available within the approximate area of employment. An employer who offers a housing allowance pursuant to this subparagraph shall not be deemed to be a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) merely by virtue of providing such housing allowance.

''(iii) SPECIAL HOUSING STANDARDS FOR SHORT DURATION EMPLOYMENT.— The Secretary shall promulgate special regulations permitting the provision of short-term temporary housing for workers employed in occupations in which employment is expected to last 40 days or less.

''(iv) TRANSITIONAL PERIOD FOR PROVISION OF SPECIAL HOUSING STANDARDS IN OTHER EMPLOYMENT.—For a period of five years after the date of enactment of this section, the Secretary shall approve the provision of housing meeting the standards described in clause (iii) in occupations expected to last longer than 40 days in areas where available housing meeting the criteria described in subparagraph (i) is found to be insufficient.

''(iv) PRE-EMPTION OF STATE AND LOCAL STANDARDS.—The standards described in clauses (ii) and (iii) shall preempt any State and local standards governing the provision of temporary housing to agricultural workers.

''(C) REIMBURSEMENT OF TRANSPORTATION COSTS.—The employer has offered to reimburse H–2A aliens and workers recruited from beyond normal commuting distance the most economical common carrier transportation charge and reasonable subsistence from the place from which the worker comes to work for the employer, (but not more than the most economical common carrier transportation charge from the worker's normal place of residence) if the worker completes 50 percent of the anticipated period of employment. If the worker recruited from beyond normal commuting distance completes the period of employment, the employer will provide or pay for the worker's transportation and reasonable subsistence to the worker's next place of employment, or to the worker's normal place of residence, whichever is less.

''(D) GUARANTEE OF EMPLOYMENT.—The employer has offered to guarantee the worker employment for at least three-fourths of the workdays of the employer's actual period of employment in the occupation. Workers who abandon their employment or are terminated for cause shall forfeit this guarantee.

''(6) PREFERENCE FOR U.S. WORKERS.—The employer has not assured on the application that the employer will provide employment to all qualified United States workers who apply to the employer and assure that they will be available at the time and place needed until the time the employer's foreign workers depart for the employer's place of employment (but not sooner than 5 days before the date workers are needed), and will give preference in employment to United States workers who are immediately available to fill job opportunities that become available after the date work in the occupation begins.''.

(c) Section 218 (8 U.S.C. 1188) is amended by striking out subsection (c) and inserting in lieu thereof the following:

''(c) The following rules shall apply to the issuance of labor certifications by the Secretary under this section:

''(1) DEADLINE FOR FILING APPLICATIONS.—The Secretary may not require that the application be filed more than 40 days before the first date the employer requires the labor or services of the H–2A worker.

''(2) NOTICE WITHIN SEVEN DAYS OF DEFICIENCIES.—

''(A) The employer shall be notified in writing within seven calendar days of the date of filing, if the application does not meet the criteria described in subsection (b) for approval.

''(B) If the application does not meet such criteria, the notice shall specify the specific deficiencies of the application and the Secretary shall provide an opportunity for the prompt resubmission of a modified application.

''(3) ISSUANCE OF CERTIFICATION.—

''(A) The Secretary shall provide to the employer, not later than 20 days before the date such labor or services are first required to be performed, the certification described in subsection (a)(1)—

''(i) with respect to paragraph (a)(1)(A) if the employer's application meets the criteria described in subsection (b), or a statement of the specific reasons why such certification can not be made, and

''(ii) with respect to subsection (a)(1)(B), to the extent that the employer does not actually have, or has not been provided with the names, addresses and Social Security numbers of workers referred to the employer who are able, willing and qualified and have indicated they will be available at the time and place needed to perform such labor or services on the terms and conditions of the job offer approved by the Secretary. For each worker referred, the Secretary shall also provide the employer with information sufficient to permit the employer to contact the referred worker for the purpose of reconfirming the worker's availability for work at the time and place needed.

''(B) If, at the time the Secretary determines that the employer's job offer meets the criteria described in subsection (b) there are already unfilled job opportunities in the occupation and area of intended employment for which the employer is seeking workers, the Secretary shall provide the certification at the same time the Secretary approves the employer's job offer.''.

(d) Section 218 (8 U.S.C 1188) is amended by striking out section (e) and inserting in lieu thereof the following:

''(e) EXPEDITED APPEALS OF CERTAIN DETERMINATIONS.—The Secretary shall provide by regulation for an expedited procedure for the review of the nonapproval of an employer's job offer pursuant to subsection (c)(2) and of the denial of certification in whole or in part pursuant to subsection (c)(3) or, at the applicant's request, a de novo administrative hearing respecting the nonapproval or denial.''.

(e) Section 218 is amended—

(1) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

(2) by adding the following after subsection (e):

''(f) The following procedures shall apply to the consideration of petitions by the Attorney General under this section:

''(1) EXPEDITED PROCESSING OF PETITIONS.—The Attorney General shall provide an expedited procedure for the adjudication of petitions filed under this section, and the notification of visa-issuing consulates where aliens seeking admission under this section will apply for visas and/or ports of entry where aliens will seek admission under this section within 15 calendar days from the date such petition is filed by the employer.

''(2) EXPEDITED AMENDMENTS TO PETITIONS.—The Attorney General shall provide an expedited procedure for the amendment of petitions to increase the number of workers on or after five days before the employers date of need for the labor or services involved in the petition to replace referred workers whose continued availability for work at the time and place needed under the terms of the approved job offer can not be confirmed and to replace referred workers who fail to report for work on the date of need and replace referred workers who abandon their employment or are terminated for cause, and for which replacement workers are not immediately available pursuant to subsection (b)(6).''.

(g) Section 218(g) (8 U.S.C. 1188(g)) is amended—

(1) by redesignating paragraph (2) as paragraph (2)(A); and

(2) by inserting after paragraph (2)(A) the following:

''(B) No employer shall be subject to any liability or punishment on the basis of an employment action or practice by such employer that conforms with the terms and conditions of a job offer approved by the Secretary pursuant to this Section, unless and until the employer has been notified that such certification has been amended or invalidated by a final order of the Secretary or of a court of competent jurisdiction.''.

(h) Section 218(h) is amended by adding at the end thereof the following:

''(3) No court of the United States shall have jurisdiction to issue any restraining order or temporary or permanent injunction preventing or delaying the issuance by the Secretary of a certification pursuant to this section, or the approval by the Attorney General of a petition to import an alien as an H–2A worker, or the actual importation of any such alien as an H–2A worker following such approval by the Attorney General.''.

Mr. CRAIG. Mr. President, I submit an amendment regarding reforms to the H–2A Temporary Agricultural Workers Program.

Let me start by publicly thanking my good friend, AL SIMPSON. The senior Senator from Wyoming has been tireless in his efforts to maneuver immigration legislation through the 104th Congress. While, I am very appreciative of his efforts in general, I want to address an issue that is of utmost importance to this country's farmers and ranchers.

That issue is the impact of immigration reform on the supply of agricultural labor. There is very real concern among Idaho farmers and throughout the countryside that these reforms will reduce the availability of agricultural workers.

Farmers need access to an adequate supply of workers and want to have certainty that they are hiring a legal work force. In 1995, the total agricultural work force was about 2.5 million people. That equates to 6.7% of our labor force that is directly involved in production agriculture and food processing.

Hired labor is one of the most important and costly inputs in farming. U.S. farmers spent more than $15 billion on hired labor expenses in 1992—one of every eight dollars of farm production expenses. For the labor-intensive fruit, vegetable and horticultural sector, labor accounts for 35 to 45 percent of production costs.

The competitiveness of U.S. agriculture, especially the fruit, vegetable and horticultural specialty sectors, depends on the continued availability of hired labor at a reasonable cost. U.S. farmers, including producers of labor-intensive perishable commodities, compete directly with producers in other

countries for market share in both U.S. and foreign commodity markets.

Wages of U.S. farmworkers will not be forced up by eliminating alien labor, because growers' production costs are capped by world market commodity prices. Instead, a reduction in the work force available to agriculture will force U.S. producers to reduce production to the level that can be sustained by a smaller work force.

Over time, wages for these farm workers have actually risen faster than non-farm worker wages. Between 1986–1994, there was a 34.6-percent increase in average hourly earnings for farm workers, while nonfarm workers only saw a 27.1 percent increase.

Even with this increase in on-farm wages, this country has historically been unable to provide a sufficient number of domestic workers to complete the difficult manual labor required in the production of many agricultural commodities. In Idaho, this is especially true for producers of fruit, sugar beets, onions and other specialty crops.

The difficulty in obtaining sufficient domestic workers is primarily due to the fact that domestic workers prefer the security of full-time employment in year round positions. As a result the available domestic work force tends to prefer the long term positions, leaving the seasonal jobs unfilled. In addition, many of the seasonal agricultural jobs are located in areas where it is necessary for workers to migrate into the area and live temporarily to do the work. Experience has shown that foreign workers are more likely to migrate than domestic workers. As a result of domestic short supply, farmers and ranchers have had to rely upon the assistance of foreign workers.

The only current mechanism available to admit foreign workers for agricultural employment is the H–2A program. The H–2A program is intended to serve as a safety valve for times when domestic labor is unavailable. Unfortunately, the H–2A program isn't working.

Despite efforts to streamline the temporary worker program in 1986, it now functions so poorly that few in agriculture use it without risking an inadequate work force, burdensome regulations and potential litigation expense. In fact, usage of the program has actually decreased from 25,000 workers in 1986 to only 17,000 in 1995.

Our amendment will provide some much needed reforms to the H–2A program. I urge my colleagues to consider the following parts of our amendment as a reasonable modification of the H–2A program.

First, the amendment will reduce the advance filing deadline from 60 to 40 days before workers are needed. In many agricultural operations, 60 days is too far in advance to be able to predict labor needs with the precision required in H–2A applications. Furthermore, virtually all referrals of U.S. workers who actually report for work are made close to the date of need. The advance application period serves little purpose except to provide time for litigation.

Second, in lieu of the present certification letter, the Department of Labor [DOL] would issue the employer a domestic recruitment report indicating that the employer's job offer meets the statutory criteria and lists the number of U.S. workers referred. The employer would then file a petition with INS for admission of aliens, including a copy of DOL's domestic recruitment report and any countervailing evidence concerning the adequacy of the job offer and/or the availability of U.S. workers. The Attorney General would make the admission decision. The purpose is to restore the role of the Labor Department to that of giving advice to the Attorney General on labor availability, and return decision making to the Attorney General.

Third, the Department of Labor will be required to provide the employer with a domestic recruitment report not later than 20 days before the date of need. The report either states sufficient domestic workers are not available or gives the names and Social Security Numbers of the able, willing and qualified workers who have been referred to the employer. The Department of Labor now denies certification not only on the basis of workers actually referred to the employer, but also on the basis of reports or suppositions that unspecified numbers of workers may become available. The proposed change would assure that only workers actually identified as available would be the basis for denying foreign workers.

Fourth, the Immigration and Naturalization Service [INS] will provide expedited processing of employers' petitions, and, if approved, notify the visa issuing consulate or port of entry within 15 calendar days. This will ensure timely admission decisions.

Fifth, INS will also provide expedited procedures for amending petitions to increase the number of workers admitted on 5 days before the date of need. This is to reduce the paperwork and increase the timeliness of obtaining needed workers very close to or after the work has started.

Sixth, DOL will continue to recruit domestic workers and make referrals to employers until 5 days before the date of need. This method is needed to allow the employer at a date certain to complete his hiring, and to operate without having the operation disrupted by having to displace existing workers with new workers.

Seventh, our amendment will enumerate the specific obligations of employers in occupations in which H–2A workers are employed. The proposed definition would define jobs that meet the following criteria as not adversely affecting U.S. workers:

1. The employer offers a competitive wage for the position.

2. The employer will provide approved housing, or a reasonable housing allowance, to workers whose permanent place of residence is beyond normal commuting distance.

3. The employer continues to provide current transportation reimbursement requirements.

4. A guarantee of employment is provided for at least three-quarters of the anticipated hours of work during the actual period of employment.

5. The employer will provide workers' compensation or equivalent coverage.

6. Employer must comply with all applicable federal, state and local labor laws with respect to both U.S. and alien workers.

This combination of employment requirements will eliminate the discretion of Department of Labor to specify terms and conditions of employment on a case-by-case basis. In addition, the scope for litigation will be reduced since employers (and the courts) would know with particularity the required terms and conditions of employment.

Eighth, our amendment would provide that workers must exhaust administrative remedies before engaging their employers in litigation.

Ninth, certainty would be given to employers who comply with the terms of an approved job order. If at a later date the Department of Labor requires changes, the employer would be required to comply with the law only prospectively. This very important provision removes the possibility of retroactive liability if an approved order is changed.

Again, I urge my colleagues to support this amendment and avoid actions that would jeopardize the labor supply for American agriculture.

CRAIG AMENDMENT NO. 4971

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him 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 finding 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'' mens the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

Mr. CRAIG. Mr. President, I submit an amendment regarding temporary agricultural workers.

My amendment mandates an immediate General Accounting Office [GAO] study on the availability of an adequate work force for our Nation's labor intensive farm and ranch sectors. In addition, the study will review the effectiveness of the existing H–2A nonimmigrant worker program. This report will be concluded within 3 months of the agricultural appropriations bill enactment.

This same amendment was supported by a bipartisan group of 10 Senators during the immigration reform legislation and accepted on an unanimous consent basis. I urge my colleagues to accept this amendment and avoid a potential agricultural labor shortage this fall.

COCHRAN AMENDMENT NO. 4972

Mr. COCHRAN proposed an amendment to the bill, H.R. 3603 supra; as follows:

On page 81, after line 8, add the following: ''This Act may be cited as the 'Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1997'.''

STEVENS AMENDMENT NO. 4973

Mr. COCHRAN (for Mr. STEVENS) proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 47, line 17, before the period add the following: '': *Provided further,* That of the total amount appropriated, not to exceed $10,000,000 shall be for water and waste disposal systems pursuant to section 757 of Public Law 104–127''.

JEFFORDS AMENDMENT NO. 4974

Mr. COCHRAN (for Mr. JEFFORDS) proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 24, line 16, before the '':'' insert the following: '': *Provided further,* That not to exceed $1,500,000 of this appropriation shall be made available to establish a joint FSIS/APHIS National Farm Animal Identification Pilot Program for dairy cows''.

BUMPERS (AND KOHL) AMENDMENT NO. 4975

Mr. BUMPERS (for himself and Mr. KOHL) proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 71, strike all after line 22 through page 72, line 2 and insert in lieu thereof the following:

''SEC. 721. None of the funds appropriated or otherwise made available by this Act, or made available through the Commodity Credit Corporation, shall be used to enroll in excess of 130,000 acres in the fiscal year 1997 wetlands reserve program, as authorized by 16 U.S.C. 3837: *Provided,* That additional acreage may be enrolled in the program to the extent that non-Federal funds available to the Secretary are used to fully compensate for the cost of additional enrollments: *Provided further,* That the condition on enrollments provided in section 1237(b)(2)(B) of the Food Security Act of 1985, as amended, (16 U.S.C. 3837(b)(2)(B)) shall be deemed met upon the enrollment of 43,333 acres through the use of temporary easements: *Provided further,* That the Secretary shall not enroll acres in the wetlands reserve program through the use of new permanent easements in fiscal year 1998 until the Secretary has enrolled at least 31,667 acres in the program through the use of temporary easements''.

KOHL AMENDMENT 4976

Mr. BUMPERS (for Mr. KOHL) proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 12, line 25, strike ''$46,018,000'' and insert ''$46,330,000''.

On page 14, line 10, strike ''$418,308,000'' and insert ''$418,620,000''.

On page 21, line 4, strike ''$47,829,000'' and insert ''$47,517,000''.

BRYAN (AND OTHERS) AMENDMENT NO. 4977

Mr. BRYAN (for himself, Mr. KERRY, Mr. GREGG, and Mr. BUMPERS) proposed an amendment to the bill, H.R. 3603, supra; as follows:

At the end of the bill, add the following:

SEC. . FUNDING LIMITATIONS FOR MARKET ACCESS PROGRAM.

None of the funds made available under this Act may be used to carry out the market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) if the aggregate amount of funds and value of commodities under the program exceeds $70,000,000.

KERREY (AND OTHERS) AMENDMENT NO. 4978

Mr. KERREY (for himself, Mr. DASCHLE, and Mr. PRESSLER) proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 18, line 12, strike ''$432,103,000'' and insert ''$421,078,000''.

On page 20, line 10, strike ''$98,000,000'' and insert ''$86,975,000''.

On page 23, line 8, strike ''$22,728,000'' and insert ''$24,228,000''.

On page 24, line 11, strike ''$557,697,000'' and insert ''$566,222,000''.

KERREY AMENDMENTS NOS. 4979–4980

Mr. KERREY proposed two amendments to the bill, H.R. 3603, supra; as follows:

AMENDMENT NO. 4979

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, except that 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)).

AMENDMENT NO. 4980

At the appropriate place in the bill, insert the following new section:

SEC. ___. DEPARTMENT OF AGRICULTURE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) SHORT TITLE.—This section may be cited as the ''Department of Agriculture Voluntary Separation Incentive Payments Act of 1996''.

(b) DEFINITIONS.—For purposes of this section—

(1) the term ''Secretary'' means the Secretary of Agriculture;

(2) the term ''agency'' means an agency of the Department of Agriculture, as defined under regulations prescribed by the Secretary; and

(3) the term ''employee''—

(A) means an employee (as defined under section 2105 of title 5, United States Code) of an 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)), who—

(i) is serving under an appointment without time limitation; and

(ii) has been currently employed for a continuous period of at least 12 months; and

(B) does not include—

(i) 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 Government;

(ii) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in clause (i);

(iii) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(iv) 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; Public Law 103–226), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(v) 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; or

(vi) an employee covered by statutory reemployment rights who has been transferred to another organization.

(c) SEPARATION PAY AUTHORITY.—(1) In order to avoid or minimize the need for involuntary separations due to a reduction in force, reorganization, transfer of function, or other similar action affecting 1 or more agencies, the Secretary may offer separation pay to encourage eligible employees to separate from service voluntarily (whether by retirement or resignation).

(2) The Secretary may offer separation pay under paragraph (1) to employees within such components of the agency, occupational groups or levels of an occupation, geographic location, or any appropriate combination of these factors, subject to such other similar limitations or conditions as the Secretary may require.

(3) The Secretary shall prescribe such regulations as may be necessary to carry out this subsection.

(d) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—(1) In order to receive a voluntary separation incentive payment, an employee

shall separate from service with the employee's agency voluntarily (whether by retirement or resignation) during the period of time for which the payment of incentives has been authorized. An employee's agreement to separate with an incentive payment is binding upon the employee and the agency, unless the employee and the agency mutually agree otherwise.

(2) A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595 of title 5, United States Code (without adjustment for any previous payment made under such section) if the employee were entitled to payment under such section; or

(ii) $25,000 in fiscal years 1996 or 1997, $20,000 in fiscal year 1998, $15,000 in fiscal year 1999, or $10,000 in fiscal year 2000;

(C) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit, except that this subparagraph shall not apply to unemployment compensation funded in whole or in part with Federal funds;

(D) shall not be taken into account for purposes of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(E) shall be paid from the appropriations or funds available for payment of the basic pay of the employee.

(3) No amount shall be payable under this subsection based on any separation occurring before the date of the enactment of this Act, or after September 30, 2000.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—(1) An individual who has received a voluntary separation incentive payment under this section and accepts any employment with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay, before the individual's first day of such employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(2) The requirement to repay separation pay under paragraph (1) may be waived—

(A) in the case of an Executive agency (as defined under section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission, if the Director of the Office of Personnel Management determines, at the request of the head of the agency, that the individual involved possesses unique abilities and is the only qualified applicant available for the position;

(B) in the case of an entity in the legislative branch, if the head of the entity or the appointing official determines that the individual involved possesses unique abilities and is the only qualified applicant available for the position; or

(C) in the case of the judicial branch, if the Director of the Administrative Office of the United States Courts determines that the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) For the purpose of this subsection, the term ''employment'' includes—

(A) employment of any length or under any type of appointment, but does not include employment that is without compensation; and

(B) employment under a personal services contract, as defined by the Director of the Office of Personnel Management.

(f) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—(1) In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the Department of Agriculture 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) For the purpose of this subsection, 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.

(g) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—The total full-time equivalent positions in the Department of Agriculture shall be reduced by one position for each separation of an employee who receives a voluntary separation incentive payment under this section. The reduction shall be calculated by comparing the Department's full-time equivalent positions for the fiscal year in which the voluntary separation payments are made with the full-time equivalent position limitation for the prior fiscal year.

(h) REPORTS.—No later than March 31 of each fiscal year, the Office of Personnel Management shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a report which, with respect to the preceding fiscal year, shall include for the Department of Agriculture—

(1) the number of employees who received voluntary separation incentives;

(2) the average amount of such incentives;

(3) the average grade or pay level of the employees who received incentives; and

(4) the number of waivers made under subsection (e) in the repayment of voluntary separation incentives, and for each such waiver—

(A) the reasons for the waiver; and

(B) the title and grade or pay level of the position filled by each employee to whom the waiver applied.

(i) EFFECTS ON REDUCTIONS IN FORCE.—Under procedures prescribed by the Office of Personnel Management, an agency of the Department of Agriculture may administer a reduction in force action to provide that if an employee separates from service and receives an incentive payment under this section during a reduction in force action affecting the agency—

(1) another employee who would otherwise be separated from service in such reduction in force may be retained; and

(2) the voluntary separation by the employee shall be treated as an involuntary separation resulting from such reduction in force.

(j) EMPLOYEES WITH CRITICAL KNOWLEDGE AND SKILLS.—The Secretary may exclude an employee from receiving a separation incentive payment under this section, if the Secretary determines that—

(1) such employee has critical knowledge and skills; and

(2) separation by the employee would impair the performance of the employing agency's mission.

(k) CONTINUATION OF HEALTH INSURANCE COVERAGE.—(1)(A) During the period beginning on the date of the enactment of this Act through September 30, 2000, any employee described under paragraph (2) may elect continued health care insurance for no longer than 18 months in accordance with section 8905a of title 5, United States Code.

(B) Notwithstanding section 8905a(d)(1)(A) of title 5, United States Code—

(i) such employee shall pay only the amount of the employee contribution into the Employees Health Benefits Fund; and

(ii) the Department of Agriculture shall pay the amount of the agency contribution and any cost of administrative expenses into the Employees Health Benefits Fund.

(2) An employee referred to under paragraph (1) is any employee who—

(A) voluntarily separates from service and receives an incentive payment under this section; or

(B) is involuntarily separated from service in a reduction in force action.

PRESSLER AMENDMENT NO. 4981

Mr. COCHRAN (for Mr. PRESSLER) proposed an amendment to the bill, H.R. 3603, supra; as follows:

At the end of the bill, add the following:

SEC. . WAREHOUSE RECEIPTS.

(a) ELECTRONIC WAREHOUSE RECEIPTS.—Section 17(c) of the United States Warehouse Act (7 U.S.C. 259(c)) is amended—

(1) in paragraph (1)(A), by striking ''cotton'' and inserting ''any agricultural product'';

(2) by striking ''the cotton'' each place it appears and inserting ''the agricultural product''; and

(3) in paragraph (2)—

(A) in subparagraph (A), by striking ''in cotton'' and inserting ''in the agricultural product''; and

(B) in the last sentence of subparagraph (B)—

(i) by striking ''electronic cotton'' and inserting ''electronic''; and

(ii) by striking ''cotton stored in a cotton warehouse'' and inserting ''any agricultural product stored in a warehouse''.

(b) WRITTEN RECEIPTS.—Section 18(c) of the United States Warehouse Act (7 U.S.C. 260(c)) is amended by striking ''consecutive''.

INHOFE AMENDMENT NO. 4982

Mr. COCHRAN (for Mr. INHOFE) proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 11, line 22, add the following proviso after the word ''law'': '': *Provided further,* That all rights and title of the United States in the property known as the National Agricultural Water Quality Laboratory of the USDA, consisting of approximately 9.161 acres in the city of Durant, Oklahoma, including facilities and fixed equipment, shall be conveyed to Southeastern Oklahoma State University''.

MURKOWSKI AMENDMENT NO. 4983

Mr. COCHRAN (for Mr. MURKOWSKI) proposed an amendment to the bill, H.R. 3603, supra; as follows:

At the appropriate place, insert the following:

SEC. . Hereafter, notwithstanding any other provision of law, any domestic fish or fish product produced in compliance with food safety standards or procedures accepted by the Food and Drug Administration as satisfying the requirements of the ''Procedures for the Safe and Sanitary Processing and Importing of Fish and Fish Products'' (published by the Food and Drug Administration as a final regulation in the Federal Register of December 18, 1995), shall be deemed to have met any inspection requirements of the Department of Agriculture or other Federal

agency for any Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) except that the Department of Agriculture or other Federal agency may utilize lot inspection to establish a reasonable degree of certainty that fish or fish products purchased under a Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), meet Federal product specifications.

SINGING SENATORS TRIBUTE TO SENATOR MARK HATFIELD

● Mr. KEMPTHORNE. Mr. President, last Thursday evening was a special night in the life of the U.S. Senate. That night the Senate paid tribute to Senator MARK HATFIELD in anticipation of his retirement from the Senate at the end of this Congress, and in recognition of his outstanding service to Oregon, the Senate, and to the Nation.

Thursday night was one of those evenings that makes service in the U.S. Senate a privilege. As the accompanying article from the Washington Post reports, ''How many politicians could get both Bill Clinton and TRENT LOTT to sing their praises. Senator MARK HATFIELD, for one.'' The entertainment was also a highlight. The Singing Senators—TRENT LOTT, LARRY CRAIG, JOHN ASHCROFT, and JIM JEFFORDS—brought the house down as they sang in near perfect harmony such tunes as ''Dig a Little Deeper'' and ''Elvira.''

The evening of course belonged to Senator HATFIELD. The evening's quiet humor, graciousness, thoughtful remarks, and kind words were perfect for the witty, gracious, thoughtful, and kind MARK HATFIELD. I ask that the article from the Washington Post be printed in the RECORD.

The article follows:

[From the Washington Post, July 19 1996]

HATS OFF TO MARK HATFIELD

SENATORS GATHER TO SING PRAISES OF RETIRING GENTLEMAN FROM OREGON

(By Roxanne Roberts)

Short of giving away millions of dollars, the best way to ensure lavish tributes this year is to resign from the United States Senate.

But how many politicians could get both Bill Clinton and Trent Lott to sing their praises? Sen. Mark Hatfield, for one.

''Because he has tried to love his enemies, he has no enemies,'' said the president last night, thanking the retiring Oregon Republican for his unwavering conviction, humanitarian spirit, faith and 30 years of consensus building. ''This town is the poorer for his leaving, but the richer for his legacy.''

One could also detect a serious undertone in the Sheraton Washington ballroom that went beyond the loss of this one ''remarkable man,'' as Clinton called him. Hatfield is one of 14 senators who have decided not to return, the largest exodus from the august institution in 100 years.

''I approach this evening with an inescapable nostalgia,'' said a subdued Howard Baker. Hatfield is the last of the class who, with Baker, came to the Senate in January 1967. ''With his retirement, not only a distinguished career, but a political era, is ending,'' said the former majority leader.

Heads in the audience of more than 700 nodded in agreement. The dinner for Hatfield was the second in what promises to be a continuing lovefest for moderate politicians on both sides of the aisle: A black-tie dinner in May for Sen. Alan Simpson (R-Wyo.) kicked off the tributes, with most of the Senate and former president George Bush in attendance.

''It was very, very touching,'' said Simpson last night. ''I loved it.''

Sen. Howell Heflin (D-Ala.), who is also leaving, noted that a retiring senator can do almost no wrong. ''Most people wish you well,'' he said.

''They're not as demanding. Maybe they figure now you can tell them to. . .''—he paused and smiled broadly—''. . . whatever.''

Hatfield's dinner and the entertainment were delayed by —what else?—a Senate vote. So the honoree and the president opened the program with a little mutual admiration.

Hatfield, characteristically, talked about what he had in common with Clinton: both small-town boys, both governors and ''both of us, in our time in Washington, have managed to irritate both the Republicans and Democrats,'' said the only GOP senator to vote against the balanced-budget amendment last year on principle.

''If all of us could be more like you, America would be an even greater nation,'' Clinton returned.

Once the ''entertainment'' had cast its votes, they arrived to take the stage. The ''Singing Senators''—Majority Leader Lott, Larry Craig (R-Idaho), Jim Jeffords (R-Vt.) and John Ashcroft (R-Mo.)—are a cross between a barbershop quartet and IRS auditors.

''It sort of epitomizes the Senate,'' said Lott. ''We don't always make great music, but we keep working on it.''

There were high fives after the first medley. (″Anytime we start together and end together, we celebrate,'' Lott explained). Then they belted out three spirited but dreadful selections, including ''Dig a Little Deeper'' (a nod to Hatfield's chairmanship of the Appropriations Committee), and capped the performance with Lott soloing on ''Elvira.''

''Think of it this way: It's in a good cause,'' observed emcee Cokie Roberts wryly.

The cause, the Mark O. Hatfield Library at Willamette University in Hatfield's home state, received the proceeds of the $500-per-seat event. Even lobbyists contributed solely out of admiration for Hatfield.

''Hatfield's leaving, so there's nothing he can do for us,'' said one who declined to identify himself. ''He has been a straight-shooter his entire career. He's a good guy and deserves the recognition.''

After dinner, a video chronicled Hatfield's career, including his opposition to the death penalty and his work to ban nuclear testing.

When it was his turn to speak, Hatfield didn't crack a smile. ''He's always reserved and serious,'' said Sen. Jay Rockefeller (D-W.Va.). ''And yet, when you're alone with him, he's gentle, thoughtful, kind. He's just a splendid human being.''

Calling himself truly blessed, Hatfield thanked his family and staff. The son of a blacksmith and a schoolteacher also thanked long-dead teachers and voters, then moved on to his colleagues.

''For your diversity—Republicans, Democrats, Independents—you have helped keep me in the political center,'' said Hatfield.

''And I'm grateful.''

TRIBUTE TO SAM M. GIBBONS

● Mr. GRAHAM. Mr. President, it was a great privilege for me to introduce legislation to name the Federal Courthouse in Tampa, FL as the Sam M. Gibbons United States Courthouse.

The Honorable SAM GIBBONS has devoted his entire life to serving the United States of America. A veteran of World War II, GIBBONS was awarded the Bronze Star after parachuting into Normandy on D-day as a part of the initial Allied assault force. He achieved the rank of captain in the 501st Parachute Infantry of the 101st Airborne Division before embarking on his long and distinguished career as a public servant.

GIBBONS' career in public service began with his election to the Florida House of Representatives in 1952. In the Florida House, he passed legislation creating the University of South Florida and is appropriately recognized as The father of the University of South Florida. In 1958, GIBBONS' moved from the House to the Florida Senate where he enacted legislation to establish Florida's regional water management districts. These districts are vital to Florida's ability to allocate and preserve its precious water resources.

GIBBONS barnstormed into the U.S. Congress in 1962. President Johnson appointed GIBBONS, then a junior Congressman, floor manager of his Great Society initiatives. GIBBONS deftly steered this legislation, including Project Head Start, through the Congress. He also wrote the law that allows Americans over the age of 55 to protect, from taxation, capital gains from the sale of their primary homes. Despite his enormous achievements in social policy, GIBBONS' experience as a legislator was not limited solely to domestic issues.

As acting chairman of the House Ways and Means Committee in 1994 and chairman of the Ways and Means Trade Subcommittee from 1981 through May 1994, GIBBONS has been a champion of open markets and free trade around the world. Under his direction, two of our Nation's most comprehensive trade agreements, the North American Free Trade Agreement [NAFTA] and the General Agreement on Tariffs and Trade [GATT] passed Congress, and were signed into law.

Today, Congressman GIBBONS sits as the Dean of the Florida congressional delegation. At the end of the 104th Congress, GIBBONS will complete his 17th term representing the Tampa Bay area. The GIBBONS family has lived in Tampa for more than a century. Congressman and Mrs. Gibbons, who will celebrate their 50th wedding anniversary this year, have also served together tirelessly to improve the lives all Tampa residents.

A graduate of the University of Florida College of Law and a member of Florida Blue Key, GIBBONS has served the State of Florida and the United States of America with distinction. This courthouse should be named as a tribute to the lifetime works of Congressman SAM M. GIBBONS.●

HONORING THOMAS ROMANO

● Mr. LIEBERMAN. Mr. President, I rise today to honor Thomas Russell