

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 583 the following:

“Sec. 584. Authorization of appropriations.”.

SEC. 11. REAUTHORIZATION OF NEGOTIATED RULEMAKING ACT OF 1990.

(a) PERMANENT REAUTHORIZATION.—Section 5 of the Negotiated Rulemaking Act of 1990 (Public Law 101-648; 5 U.S.C. 561 note) is repealed.

(b) CLOSURE OF ADMINISTRATIVE CONFERENCE.—

(1) IN GENERAL.—Section 569 of title 5, United States Code, is amended—

(A) by amending the section heading to read as follows:

“§569. Encouraging negotiated rulemaking”; and

(B) by striking out subsections (a) through (g) and inserting in lieu thereof the following:

“(a) The President shall designate an agency or designate or establish an interagency committee to facilitate and encourage agency use of negotiated rulemaking. An agency that is considering, planning or conducting a negotiated rulemaking may consult with such agency or committee for information and assistance.

“(b) To carry out the purposes of this subchapter, an agency planning or conducting a negotiated rulemaking may accept, hold, administer, and utilize gifts, devises, and bequests of property, both real and personal: Provided, That agency acceptance and use of such gifts, devises or bequests do not create a conflict of interest. Gifts and bequests of money and proceeds from sales of other property received as gifts, devises, or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the head of such agency. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gifts, devises, or bequests. For purposes of Federal income, estate, or gift taxes, property accepted under this section shall be considered as a gift, devise, or bequest to the United States.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by striking out the item relating to section 569 and inserting in lieu thereof the following:

“569. Encouraging negotiated rulemaking.”.

(c) EXPEDITED HIRING OF CONVENORS AND FACILITATORS.—

(1) DEFENSE AGENCY CONTRACTS.—Section 2304(c)(3)(C) of title 10, United States Code, is amended by inserting “or negotiated rulemaking” after “alternative dispute resolution”.

(2) FEDERAL CONTRACTS.—Section 303(c)(3)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(3)(C)), is amended by inserting “or negotiated rulemaking” after “alternative dispute resolution”.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subchapter III of title 5, United States Code, is amended by adding at the end thereof the following new section:

“§570a. Authorization of appropriations

“There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subchapter.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 570 the following:

“Sec. 570a. Authorization of appropriations.”.

(e) STUDY.—No later than 180 days after the enactment of this Act, the Director of the Office of Management and Budget shall complete a study with recommendations on expediting the establishment of negotiated rulemaking committees, including eliminating any redundant administrative requirements related to filing a

committee charter under section 9 of the Federal Advisory Committee Act and providing public notice of such committee under section 564 of title 5, United States Code.

SEC. 12. JURISDICTION OF THE UNITED STATES COURT OF FEDERAL CLAIMS: BID PROTESTS.

(a) BID PROTESTS.—

(1) TERMINATION OF JURISDICTION OF DISTRICT COURTS.—Section 1491 of title 28, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (d);

(B) in subsection (a)—

(i) by striking out “(a)(1)” and inserting in lieu thereof “(a) CLAIMS AGAINST THE UNITED STATES.—”;

(ii) in paragraph (2), by striking out “(2) To” and inserting in lieu thereof “(b) REMEDY AND RELIEF.—To”; and

(iii) by striking out paragraph (3); and

(C) by inserting after subsection (b), as designated by paragraph (1)(B)(ii), the following new subsection (c):

“(c) BID PROTESTS.—(1) The United States Court of Federal Claims has jurisdiction to render judgment on an action by an interested party objecting to a solicitation by a Federal agency for bids or proposals for a proposed contract or to a proposed award or the award of a contract. The court has jurisdiction to entertain such an action without regard to whether suit is instituted before or after the contract is awarded.

“(2) To afford relief in such an action, the court may award any relief that the court considers proper, including declaratory and injunctive relief.

“(3) In exercising jurisdiction under this subsection, the court shall give due regard to the interests of national defense and national security and the need for expeditious resolution of the action.

“(4) The district courts of the United States do not have jurisdiction of any action referred to in paragraph (1).”.

(2) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended by inserting “**bid protests**,” after “**generally**”;

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 91 of title 28, United States Code, is amended by striking out the item relating to section 1491 and inserting in lieu thereof the following:

“1491. Claims against United States generally; bid protests; actions involving Tennessee Valley Authority.”.

(b) NONEXCLUSIVITY OF GAO REMEDIES.—Section 3556 of title 31, United States Code, is amended by striking out “a district court of the United States or the United States Claims Court” in the first sentence and inserting in lieu thereof “the United States Court of Federal Claims”.

(c) SAVINGS PROVISIONS.—

(1) ORDERS.—The amendments made by this section shall not terminate the effectiveness of orders that have been issued by a court in connection with an action within the jurisdiction of that court on the day before the effective date of this section. Such orders shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by a court of competent jurisdiction or by operation of law.

(2) PROCEEDINGS AND APPLICATIONS.—(A) The amendments made by this section shall not affect the jurisdiction of a court of the United States to continue with any proceeding that is pending before the court on the day before the effective date of this section.

(B) Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this section had not been enacted. An order issued in any such proceeding shall continue in

effect until modified, terminated, superseded, set aside, or revoked by a court of competent jurisdiction or by operation of law.

(C) Nothing in this paragraph prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 1996.

RELATIVE TO USE OF DISASTER RESERVE FOR DISASTER ASSISTANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 259; I further ask that the resolution be considered and agreed to and the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 259) was agreed to as follows:

S. RES. 259

Resolved,

SECTION 1. USE OF DISASTER RESERVE FOR DISASTER ASSISTANCE.

It is the sense of the Senate that the Secretary of Agriculture should use the disaster reserve established under section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a) to alleviate distress to livestock producers caused by drought, flood, or other natural disasters in 1996, in the most efficient manner practicable, including cash payments from the sale of commodities currently in the disaster reserve. A livestock producer should be eligible to receive the assistance during the period beginning May 1, 1996, and ending not sooner than August 31, 1996.

SEC. 2. VOLUNTARY CONSERVATION ASSISTANCE.

It is the sense of the Senate that the Secretary of Agriculture should use the authorities provided in the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127) to provide voluntary conservation assistance to any person who is permitted to hay or graze conservation reserve land on an emergency basis.

RELATIVE TO SPECIAL CONSIDERATION FOR DISASTER ASSISTANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 260; I further ask that the resolution be considered and agreed to and the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 260) was agreed to as follows:

S. RES. 260

Resolved,

SECTION 1. SPECIAL CONSIDERATION FOR DISASTER ASSISTANCE.

It is the sense of the Senate that livestock producers who do not qualify for emergency

livestock feed assistance for the 1996 crop year, but have incurred feed losses in 1996 due to drought, flooding, or other natural disasters, should receive special consideration for assistance from commodities for the sale of commodities currently available in the disaster reserve established under section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a). A livestock producer should be eligible to receive the assistance during the period beginning May 1, 1996, and ending not sooner than August 31, 1996.

Mrs. HUTCHISON. Mr. President, what has just cleared the Senate is a very important sense of the Senate that has unanimously passed that will help the areas of our country that have been devastated by this drought. In fact, this is the Gramm-Hutchison-Domenici-Bingaman resolution.

It says we encourage the Secretary of Agriculture to allow some of the counties—because of a regulatory snafu, a technicality—that are not now able to apply for livestock feed assistance under its old program to do so. The bulk of the counties in New Mexico, Texas, Oklahoma, and Kansas that are affected by this will have that opportunity. But because of the technicality, they have not been able to clear all of the counties. So we are asking the Secretary of Agriculture to do this for us. It is very important to the farmers and ranchers of these States.

Mr. President, this drought is hurting not only the farmers and ranchers of these States, but the consumers are going to see higher prices as well. We are in a situation now where farmers are not able to make loans because the drought has caused them either to be unable to plant or to be unable to have anything if they have planted. It also causes a great hardship on people who are raising cattle. There is no feed for the cattle because we have not been able to raise the hay.

It is a terrible situation, and I just appreciate very much all of my colleagues helping us with this sense of the Senate. I hope this will encourage the Secretary of Agriculture to help us through this technicality and help these farmers and ranchers make it this year so they can continue to provide the food and be the breadbasket of America next year.

RESOLUTION RELATIVE TO EMERGENCY LIVESTOCK FEED ASSISTANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 261; I further ask that the resolution be considered and agreed to and the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 261) was agreed to; as follows:

S. RES. 261

SECTION 1. ELIGIBILITY FOR EMERGENCY LIVESTOCK FEED ASSISTANCE.

It is the sense of the Senate that, as part of the orderly termination of the emergency

livestock feed assistance program established under title VI of the Agricultural Act of 1949 (7 U.S.C. 1471 et seq.), livestock producers who were eligible for emergency livestock feed assistance for the 1995 crop year, but were unable to apply for the assistance for the 1996 crop year, and who have suffered a qualifying loss as determined by the Secretary, should be eligible to receive assistance under the program through at least August 31, 1996.

UNANIMOUS-CONSENT AGREEMENT—HOUSE JOINT RESOLUTION 178

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate on Thursday, June 13, begin consideration of the budget conference report 104-612 at 10 a.m., that there be 2 hours of debate equally divided between Senators DOMENICI and EXON; and, further, that at 12 noon tomorrow the Senate proceed to vote on the adoption of the budget resolution conference report with no intervening action or debate, all provided that the official papers have arrived in the Senate; and, further, that if the papers have not arrived, then the vote occur at a time and date to be determined by the majority leader after consultation with the Democratic leader.

I note for the Members that this has been discussed with the Democratic leader, and we have agreed on this.

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

ORDERS FOR THURSDAY, JUNE 13, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Thursday, June 13; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of the conference report to accompany the concurrent budget resolution as under the previous order.

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

PROGRAM

Mr. LOTT. For the information of all Senators, tomorrow there will be 2 hours remaining for debate on the budget conference report with a vote occurring at 12 o'clock on the adoption of that report.

Following that vote, the Senate will be in a period of morning business to accommodate a number of requests to speak. Additional rollcall votes on possible issues that are pending could come on Thursday, and the Senate may also be asked to turn to consideration of any other items cleared for action.

We are, frankly, hoping that we can begin debate tomorrow on the Federal Reserve Board nominations. We are consulting now with the Democratic leader. We hope to come to an agreement on how that matter will be handled in the balance of the day tomorrow and perhaps even over into next week.

ORDER FOR ADJOURNMENT

Mr. LOTT. If there be no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator KENNEDY of Massachusetts.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts.

CONGRATULATING MAJORITY LEADER LOTT

Mr. KENNEDY. Mr. President, I want to take a very brief moment to congratulate my friend and colleague from Mississippi, Senator LOTT, on being selected as the majority leader of the Senate. I have had the opportunity to work with TRENT LOTT in the Armed Services Committee. I have great respect for him, and friendship, and I look forward to working with him, trying to carry forward the country's business in whatever way we possibly can. So I congratulate him and congratulate his family. It is a great honor for him to be selected and I wish him the very best in his new responsibilities.

THE MISGUIDED REPUBLICAN BUDGET

Mr. KENNEDY. Mr. President, tomorrow we are going to be asked to consider a repackaged version of last year's misguided Republican budget. It has not improved with age. This budget plan, like last year's, undermines basic protections for children and the elderly, raises taxes on the working poor, and denies educational opportunity to millions of Americans, all to pay for the lavish tax breaks for the wealthy. If this budget plan becomes law, Medicaid would be cut by \$167 billion over 6 years, Medicaid would be cut by \$72 billion at the Federal level and some \$250 billion in the States by the year 2002, with the change in the formulas which have been developed in this proposal.

Education will be cut \$25 billion. Yesterday, I addressed the Senate on this issue, pointing out what a mistake this really is, when we find out that the number of children who are going to be going to the high schools in this country is going to increase by 8 percent. We are going to go up to about 53 or 54 million children in the next 2 years. The number of traditional college-age students will increase by 12 percent. As a result, even a current services budget is failing to adjust to those particular