(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 the Secretary of Health and Human Services, shall formulate the form for such affidavits under section 213A of such section.

(d) B ENEFITS N OT SUBJECT TO REIMBURSEMENT.—Requirements for reimbursement by a Federal, State, or local agency for benefits under 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 such services and benefits provided, or the cost of assistance provided on the individual’s income or resources; and (C) are necessary for the protection of life or safety.


9. For the 2-year period beginning on the date of enactment of this Act, any item or service provided under a State plan under subsection (e) of title XV 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. 1566, supra; as follows:

On page 438, line 15, strike “S” and insert “T.”

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 “$46,083,000” and insert “$48,368,000.”

On page 14, line 10, strike “$418,358,000” and insert in lieu thereof “$418,308,000.”
SEC. 101. Cancellation of certain sugar loan provisions.

(a) In general.—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.

(b) Loan terms.—In lieu of the loan terms otherwise required in subparagraph (a), the terms of the loan shall require the processor to repay the full amount of the loan, plus interest, and shall allow the processor 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.

SEC. 102. Limitation on amount 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) has 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.

SEC. 103. Limitation on amount of nonrecourse loans for peanuts.

None of the funds appropriated or otherwise made available by this Act may be used to provide to a producer of 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.

SEC. 104. 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.

SEC. 105. 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 $625 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.

SEC. 106. Prohibition on sale of 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 155(a)(2) of the Act.

SEC. 107. Production of adequate supply of peanuts.

None of the funds appropriated or otherwise made available by this Act may be used to terminate a peanut program under section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271) or part VI of subtitile 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.


None of the funds appropriated or otherwise made available by this Act may be used to terminate a peanut program under section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271) or part VI of subtitile 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 155(a)(2) of the Act.


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 subtitile 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 by the Secretary of Agriculture, that there is a conflict of interest with respect to the program.

SEC. 110. 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 $625 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.

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

SEC. 111. Housing allowance in lieu of the residence.

The Secretary determines that the employer's job offer does not meet one or more of the following criteria:

(A) A required rate of pay.—The employer has offered to pay H-2A aliens and all other workers in the same or a similar 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.—

(1) In general.—The employer has offered to provide housing to H-2A aliens and those other 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.

(2) Housing allowance as alternative.—In lieu of offering the housing requirements in clause (1), the employer may provide a reasonable housing allowance to 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.
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 does not provide housing 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, 8 U.S.C. 1188(a) for the purpose of providing such housing allowance.

(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 (b) of this section, if the employer has not assured on the application the criteria described in subsection (b), or a statement of the specific reasons why such certification cannot be made, and

(B) if, at the time the Secretary determines that the employer's job offer meets the criteria described in subsection (b) there are already unfilfilled 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.

(4) Reference for U.S. workers.—The Attorney General shall 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.

(5) Notice of Penalties.—(1) by redesignating subsections (f) through (j), respectively, as subsections (g) through (j), respectively; and

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

(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. 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.

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

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

(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. 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 (b), or a statement of the specific reasons why such certification cannot be made, and

(B) if, at the time the Secretary determines that the employer's job offer meets the criteria described in subsection (b) there are already unfilfilled 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.

(4) Reference for U.S. workers.—The Attorney General shall 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.

(5) Notice of Penalties.—(1) by redesignating subsections (f) through (j), respectively, as subsections (g) through (j), respectively; and

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

(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. 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.

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

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

(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. 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.
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. Production in many agricultural operations, 60 days is too close to the date of need to provide for adequate work force to 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 significant for the production of fruit and sugar beets, onions and other specialty crops.

The difficulty in obtaining sufficient domestic workers is primarily due to the fact that many of the workers prefer full-time off-farm work, particularly if it is possible to secure 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 seasonal labor shortages, 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, burdeensome regulations and potential litigation expense. In fact, usage of the program has declined from an average of 35,000 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 close to the date of need to provide for adequate work force to available to agriculture will force U.S. producers to reduce production to the level that can be sustained by a smaller work force.

Second, in lieu of the present certification letter, the Department of Labor [DOL] will continue to recruit domestic workers under the H-2A program. The employer will then file a petition with INS for admission of workers. DOL will provide a copy of the 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.

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 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 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, if employers notify the INS issuing consular or port of entry within 15 calendar days. This will increase timely admission decisions.

Fifth, INS will also provide expedited procedures 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 date has started.

Sixth, DOL will continue to recruit domestic workers and make referrals to employers until 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 date has started.

Seventh, our amendment would provide that the Department of Labor is required to comply with the law only prospectively. This very important provision removes the possibility of retroactive liability if an approved order is changed.

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

CRAG 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. 2. REVIEW AND REPORT ON H-2A NONIMMIGRANT WORKER 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 and file a report with the Congress in accordance with this Act.

(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 at 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 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 non-immigrant worker program is contributing to the need for temporary agricultural workers.
(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 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’ means the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.
Mr. CRAIG. Mr. President, I submit an amendment regarding temporary agricultural workers.
My amendment mandates an immediate General Accounting Office 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 non-immigrant 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 vote. 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 47, line 16, before the period add the following: “: Provided further, That not to exceed $4,000,000 of this appropriation to 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 by this Act, or made available from the Agriculture and Food Block Grant Program, shall be used to hire additional personnel to carry out the activities described in section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 1523(b)).”

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 “$46,018,000.”
On page 12, line 24, strike “$418,620,000.”
On page 21, line 4, strike “$47,829,000” and insert “$47,829,000.”

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. 9. 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 223 of the Agricultural Trade Act of 1978 (7 U.S.C. 1523) if the aggregate amount of funds and value of commodities under the program exceeds $70,000,000.

KERRY (AND OTHERS) AMENDMENT NO. 4978
Mr. KERRY (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 “$432,103,000.”
On page 20, line 10, strike “$98,000,000” and insert “$98,000,000.”
On page 23, line 8, strike “$22,728,000” and insert “$22,728,000.”
On page 24, line 11, strike “$557,697,000” and insert “$557,697,000.”

KERRY AMENDMENTS NOS. 4979-4980
Mr. KERRY proposed two amendments to the bill, H.R. 3603, supra; as follows:
AMENDMENT NO. 4979
On page 25, line 16, strike “$756,000,000” and insert “$756,000,000.”
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. 9033), $70,000,000, except that not to exceed $700 shall be available for official reception and representation expenses, as authorized by section 506(j) of the Federal Crop Insurance Act (7 U.S.C. 1506(j)).

AMENDMENT NO. 4980
At the appropriate place in the bill, insert the following new section:
SEC. 10. 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;
(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 component committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 990(b)(5)), who—
(i) is serving under an appointment without time limitation; and
(ii) has been 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)(i) of the Federal Service Retirement Restitution Act of 1994 (5 U.S.C. 5557 note; Public Law 103-220), 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 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.
(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 separation shall be reduced by one position for each separation incentive payment under this section.

(b) Voluntary separation incentives received under this subsection shall not be considered by the Director of the Office of Personnel Management in determining the amount of any severance pay to which an individual may be entitled under section 5955 of title 5, United States Code, (without adjustment for any previous payment made under such section) if the employee received a separation incentive under this section.

(c) The reduction under this subsection shall be applied to the employee's separation incentive payment.

(d) Provided that the Director of the Office of Personnel Management determines, at the request of the head of the department or agency, that the individual involved possesses unique abilities and skills of the agency, that the individual involved is an employee who receives a voluntary separation incentive payment under this section, and that the employee involved was separated from service in such reduction in force action.

(e) For the purpose of this subsection, the term "employment" includes:

(1) 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 Secretary of 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 amount of the individual involved's separation incentive payment under this section.

(2) The Department of Agriculture shall also remit to the Secretary of 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 amount of the individual involved's separation incentive payment under this section.

(3) The Department of Agriculture shall remit to the Secretary of 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 amount of the individual involved's separation incentive payment under this section.

(4) The Department of Agriculture shall remit to the Secretary of 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 amount of the individual involved's separation incentive payment under this section.

(f) Provided that the Director of the Office of Personnel Management determines, at the request of the head of the department or agency, that the individual involved possesses unique abilities and skills of the agency, that the individual involved is an employee who receives a voluntary separation incentive payment under this section.

(g) The Director of the Office of Personnel Management shall notify 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.

(h) Provided that the Director of the Office of Personnel Management determines, at the request of the head of the department or agency, that the individual involved possesses unique abilities and skills of the agency, that the individual involved is an employee who receives a voluntary separation incentive payment under this section.

(i) The Director of the Office of Personnel Management shall notify 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

(i) the number of separations made in the repayment of voluntary separation incentives, and for each such separation:

(A) the reasons for the separation; and

(B) the title and grade or pay level of the position filled by each employee to whom the separation applied.
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. 62c) 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. 62c), meet Federal product specifications.

SINGING SENATORS TRIBUTE TO SENATOR MARK HATFIELD

- Mr. KEMPTHORNE. Mr. President, last Thursday night 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, 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 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.

[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 one senator last night, thanking the retiring Oregon Republican for his unwavering conviction, humanitarian spirit, faith and 30 years of consensus building. “He’s 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 20 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,” majority leader Reed said.

Reads in the audience of more than 700 nodded in agreement. The dinner for Hatfield was the second in what promises to be a continuing love fest for moderate politicians on both sides of the aisle: A black-tie dinner in May for Sen. Alan Simpson (R-Wyo.) kicked off what has been, so far, one of the Senate’s and former president George Bush in attendance.

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

Sen. Orrin Hatch (R-Utah), 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 a Senate debate. 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 irrate 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 speakers included Secretary of State Colin Powell, Larry Craig (R-Idaho), Jim Jeffords (R-VT), and John Ashcroft (R-Mo.)—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 sorely out of admiration for Hatfield.

“Hatfield’s the closest thing that anything he can do for us,” said one who declined to identify himself. “He has been a straight-shooter all his 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. J ay Rockefeller (D-W.Va.). “And yet, when you’re alone with him, he’s gentle and 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 his friends.“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 ashore. He served in 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’s 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 sustain its economy and preserve its precious water resources.

Gibbons barnstormed into the U.S. Congress in 1962. President John F. Kennedy appointed Gibbons, then a junior Congressman, floor manager of the 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 sell their primary homes, with capital gains to the sale of their primary homes.

Despite his enormous achievements in social policy, Gibbons’s experience as a legislator was not limited solely to domestic issues. The following chairing 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, 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 negotiated 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...