Not only is it highly inefficient for the Federal Government to continue funding over 100 inefficient ports, but it is also highly unfair and counterproductive to a State's plans for economic development if the Federal Government denies a port of entry designation even if the State qualifies for it.

Clearly this issue is one of fairness—fairness to the taxpayers and business men and women of South Dakota. The administration advocated the passage of GATT and NAFTA as a way to increase international trade opportunities. South Dakota, the only State in the country without a Customs presence, is precluded from capitalizing on new trade opportunities because a port designation is required before the State can become a Foreign Trade Zone [FTZ]. South Dakota businesses are moving out of the State because of a lack of an FTZ.

The refusal to grant South Dakota's port of entry application denies a major agricultural exporter and burgeoning economy the opportunity to compete on a level playing field with the rest of the Nation.

Mr. President, the State of South Dakota is right now working with me and my colleagues of the South Dakota delegation to try to convince the Customs Service and the Treasury Department to grant the status our State rightly deserves. It is my understanding a positive resolution is imminent. I certainly hope so because my patience is being put to the test. In the hope of reaching a renegotiated solution soon, I will not offer this amendment—an amendment that is more a reflection of my clear and growing frustration with this blatant unfairness being dealt to the people of South Dakota. I certainly hope I will not have to pursue this option in the near future. South Dakota deserves its rightful place on the world economic stage. South Dakota deserves a port of entry. We qualify for it. We have earned it. It is long overdue.

Mr. SHELBY. Mr. President, I know of no other amendments. Does the Senator from Nebraska?

Mr. KERREY. No other amendments.

Mr. President, just one final statement. Earlier, I had praised all my staff except for the staff person who wrote up my document asking me to thank the staff, and I would like to now thank Patty Lynch, chief staff person for myself and the Appropriations Committee, for her fine work on this bill.

Mr. SHELBY. Mr. President, I would also like to take this opportunity to thank Senator KERREY for working with me on this bill. We have a good relationship. We have worked hard on the bill, and I think we have accomplished much.

I also wish to thank Patty Lynch, who has worked with our staff day in, day out. I thank Chuck Parkinson who has put in hours and hours of work, and also my legislative director, Stewart Hall.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 2020), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

Mr. SHELBY. Mr. President, I ask unanimous consent that the Senate insist on its amendments to H.R. 2020, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the conferees on the part of the Senate.

There being no objection, the Presiding Officer (Mr. INHOFE) appointed Mr. SHELBY, Mr. JEFFORDS, Mr. GREGG, Mr. KERREY, Ms. MIKULSKI, Mr. HATFIELD, and Mr. BYRD conferees on the part of the Senate.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Brown Amendment No. 2125, to clarify restrictions on assistance to Pakistan.

Mr. DOLE. Mr. President, I know the managers are not right here right now, but we are back on the DOD authorization bill, which we I guess terminated last night about midnight. There are 20 some amendments that I understand have been cleared throughout the day and there will be Senators here in a few moments to start taking up those amendments. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

WELFARE REFORM

Mr. SANTORUM. Mr. President, I rise to congratulate our leader, the chairman of the Finance Committee, Senator PACKWOOD and others, who just went above and beyond the call of duty to bring together, I believe, a consensus welfare reform package here on the Republican side.

The leader, in a few minutes, is going to lay down that package for us to begin debate next week. Second to our efforts to balance the budget, I think this is the next most important issue that we can deal with in the Senate and one that I think is at the top of the minds of not only the people of the United States who pay for the welfare system but the people in it.

I think this is a bill that addresses the concerns of both those who are in the system and those who are paying for the system. The people who are paying for the system are going to get more results, more value, for their tax dollars that they are contributing, and more people are going to be helped into productive mainstream life in America. That is a value to the people who are paying and, obviously, a tremendous value to the people who find themselves dependent on welfare.

What the leader has done, I think, is truly extraordinary. In a very difficult arena where we are trying to give authority back to the States, you run into problems such as, What is fair? How much do you give? And to what State based on what formula? We were able to, through the tremendous work of the Senator from Texas, Senator HUTCHISON, overcome that and come up with a formula that I think works for everyone. It does not disadvantage any State and provides growth opportunities for those States who are really up against it with burgeoning populations of not only the overall population but of the poor in our country.

We have been able to handle the tough problems of how we are going to get work requirements and how many requirements. How many do we turn over to the States and how much do we retain here? In that partnership we seek to establish how much do we allow the States to innovate and how much do we want to oversee and require?

And I think the leader's proposals, again, struck the proper balance of a true partnership, not one that the current administration would have you believe is a partnership where we will make all the decisions. You come to us when you want to change anything, and we will tell you if we think it is OK to do that, in everything you do. That is not a partnership, no more than a student asking the teacher for permission to go to the bathroom. If the teacher says, ''No you've got to go back to your seat.'' It is the same thing. If the State wants to improvise, and the President says, ''No, you have to go back to your seat,'' that is not a partnership. To call that a partnership is absurd.

What we do is truly give authority, truly give discretion and give dollars, in some cases with strings, other cases

without. But it is a partnership. And it was carefully crafted, and I think wonderfully done. And I am hopeful when we have this debate—there will be debate—there will be amendments on the Republican side and amendments on the Democratic side to craft this bill over the next week.

I think there will be a great debate here about the direction this country is going to take and the future of the role of Government in solving people's problems.

Actually, one of the more innovative proposals that is in the leader's bill—also in other bills here—is to allow community groups to be the welfare agency, allow churches and community organizations and nonprofits who work in those neighborhoods to actually be the conduit agency to help and provide support for the poor in those neighborhoods—a radical concept of getting the government completely out and going to the people who care most, the neighbors, the pastors, the community activists. It is a wonderful concept. It is a breath of fresh air in what seems to be a hopeless cycle of dependency that we created in this Federal Government welfare policy. It is dramatic reform.

You will hear, I am sure, some say, well, it does not go far enough, not radical enough, does not change enough. And I am sure you will hear many come to the floor and tell us how we are going to destroy neighborhoods and create mass homelessness and starve millions of children and, you know, the sky will fall. You will hear it from both sides. Usually, when that is the case, you get a pretty good feel you have a good bill because you have not satisfied the far extremes of either side.

What we have done is taken a responsible approach, one I am very proud to be associated with. And before we got this debate underway, I wanted to congratulate the leader in his ability to forge this compromise, which I truly believe will get overwhelming support on the Republican side and get substantial support on the Democratic side of the aisle. Because I know there are many on that side of the aisle who see the problems in the current system and see this as a responsible remedy to that problem.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I know we are going to start this, but I want to thank the junior Senator from Pennsylvania, who comes from the House, who did a lot of work on the House side putting together welfare reform. And we have been fortunate on this side of the aisle to have Senator SANTORUM's daily, hourly assistance on a very important piece of legislation, bringing people together with diverse views. It is not easy. It is all about leadership. And I congratulate and commend the Senator from Pennsylvania for his extraordinary effort. And because of that, largely because of that, I might add, I will be introducing the bill here following disposition of a number of amendments by our colleagues in reference to the DOD bill.

I thank the Senator from Pennsylvania.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I will be assisting the distinguished chairman of the Armed Services Committee at the request of the ranking member, Senator NUNN. He is in negotiations at the present time. He asked that, until he is available, I assist the distinguished chairman. So I will be scrutinizing the amendments as they are reported. I think most of them are cleared. We will have no problems.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2252

(Purpose: To amend the provision relating to authority to lease property requiring environmental remediation)

Mr. THURMOND. Mr. President, on behalf of Senator SMITH, I offer an amendment which perfects section 120(h)(3) by clarifying that section 120(h)(3) of the Comprehensive Environmental Response Compensation and Liability Act of 1980 does not apply to long-term leases at military bases undergoing hazardous waste remedial action.

Mr. President, I believe this amendment has been cleared by the other side.

Mr. FORD. Mr. President, the minority side has no objections to this amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. SMITH, proposes an amendment numbered 2252.

Mr. THURMOND. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 468, strike lines 16 through 24 and insert the following:

''The requirements of subparagraph (B) shall not apply in any case in which the transfer of the property occurs or has occurred by means of a lease, without regard to whether the lessee has agreed to purchase the property or whether the duration of the lease is longer than 55 years. In the case of a lease entered into after September 30, 1995, with respect to real property located at an installation approved for closure or realignment under a base closure law, the agency leasing the property, in consultation with the Administrator, shall determine before leasing the property that the property is suitable for lease, that the uses contemplated for the lease are consistent with protection of human health and the environment, and that there are adequate assurances that the United States will take all remedial action referred to in subparagraph (B) that has not been taken on the date of the lease.''.

Mr. SMITH. Mr. President, during the Armed Services Committee consideration of S. 1026, Senator MCCAIN and I introduced language to amend section 120(h)(3) of the Comprehensive Environmental Response Compensation and Liability Act of 1980 [CERCLA], otherwise known as Superfund, to allow for the use of long-term leases at former military bases undergoing hazardous waste remedial action.

The need for this language grew out of a lawsuit filed by the Conservation Law Foundation [CLF] and the town of Newington, NH, which charged that the Air Force had violated Superfund section 120(h) by transferring contaminated parcels at Pease Air Force Base via long-term lease without an approved remedial design. In a decision dated August 29, 1994, Judge Martin Loughlin of the U.S. District Court for the District of New Hampshire, held that the Air Force's actions to provide long-term leases to the State of New Hampshire were a violation of CERCLA. Not only has this decision placed a cloud over redevelopment efforts at Pease, but more important, it has helped to hinder the expedited redevelopment of facilities across the Nation that are being closed under the Base Closure and Realignment Act.

The language that was included in section 2824 of S. 1026 was intended to modify section 120(h)(3) of Superfund to provide that the Department of Defense may enter into long-term or other leases while any phase of the cleanup is ongoing. The amendment that I am offering today clarifies the language included in section 2824 to provide that not only are existing leases appropriate, but future leases may be entered into after consultation between the EPA and DOD. I have worked closely with Senators CHAFEE, BAUCUS, and LAUTENBERG, as well as the Department of Defense and the Department of the Air force, in developing this language, and I believe that it has been cleared by both sides.

This amendment will not only eliminate a significant obstacle to the expedited redevelopment of these bases, but it will give the Department of Defense more flexibility and creativity in placing these facilities back into productive use.

Again, I thank my colleague for working with me to adopt this important measure.

Mr. THURMOND. Mr. President, I urge the Senate adopt this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2252) was agreed to.

Mr. FORD. I move to reconsider the vote.

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