United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, WEDNESDAY, OCTOBER 13, 1999 No. 138

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Today our prayer is taken from the Jewish Book of Service, Daily Prayers.

Let us pray.

We gratefully acknowledge that You are the eternal one, our God, and the God of our fathers evermore; the Rock of our life and the Shield of our salvation. You are He who exists to all ages. We will therefore render thanks unto You and declare Your praise for our lives, which are delivered into Your hands, and for our souls, which are confided in Your care; for Your goodness, which is displayed to us daily; for Your wonders and Your bounty, which are at all times given unto us. You are the most gracious, for Your mercies never fail. Evermore do we hope in You, O Lord our God. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Mississippi.

SCHEDULE

Mr. COCHRAN. Mr. President, for the information of Senators, yesterday the Senate reached an agreement for 6 hours of debate on the Agriculture conference report. That time will expire today at 3:30 p.m. Senators may expect a vote on the conference report to occur then unless time is yielded back. The time will be controlled 2½ hours on each side, with 1 hour under the control of the Senator from Minnesota, Mr. WELLSTONE.

During the rest of the session today, the Senate will go back into executive session to complete consideration of the Comprehensive Nuclear Test-Ban Treaty. There are approximately 3 hours remaining for debate, so a vote is expected to occur prior to adjournment today. The Senate is also expected to begin consideration of the campaign finance reform legislation or any conference reports that may be available for action by the Senate.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 1906, which the clerk will report.

The bill clerk read as follows:

Conference report to accompanying H.R. 1906, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

Mr. COCHRAN. Mr. President, under the agreement, I yield myself such time as I may consume on the Agriculture conference report.

As Senators will remember, we invoked cloture on this conference report yesterday. I think the vote was 79–20. So by a very decisive vote, the Senate has expressed its will that we should complete action on this conference report. So debate has been limited, by agreement, to 6 hours, as described in the announcement to the Senate.

I am very pleased we have reached this point. This has been a very difficult and hard to resolve conference agreement. There have been a lot of issues extraneous to the appropriations process this year that had to be considered because they were raised either in the Senate or during consideration of the conference report.

We have reached the point, though, that it is time to complete action on this conference report. We are appropriating funds for the fiscal year that began on October 1. So we have already begun the fiscal year during which the funds we will approve today will be needed. These funds are going to be allocated for administration by the Department of Agriculture among a wide range of programs. Sixty billion dollars are made available under the terms of this bill for programs of the Department of Agriculture including agricultural research, food and nutrition service, conservation programs, agricultural support programs, and rural development. We also have the responsibility of funding the Food and Drug Administration and the Commodity Futures Trading Commission activities under this bill. So funds are provided for those agencies as well.

I am very pleased that the conference agreement reflects a very strong commitment to the food safety initiatives. The President has been very active in his effort to increase funding for a number of those programs. Funds are provided for that—not all that the President wanted for every aspect of the program, but it is a well-balanced program.

We also fund the Food Safety Inspection Service of the Department of Agriculture. Under that program, we have inspection that is conducted at food processing plants throughout the country, trying to make sure the food that is made available in the marketplace

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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in our country is safe and wholesome, trying to alleviate concerns and the risks of foodborne illnesses.

I daresay we have the best record of any country in the world in protecting our citizens from foodborne illnesses, and this is due in large part to those industries and those people who are involved every day in preparing and marketing the foods that make up the U.S. food supply. So they are the ones who really deserve the credit, in my opinion, and we very often do not recognize that. Government officials like to take the credit for just about everything, and I think that is wrong. In our society, we have a lot of people who work very hard and in a very conscientious way with the latest technologies to try to help make this country the best in the world, and they have done it.

We try to support the activities of food processors and producers, but we sometimes fall short. This year, for example, we have had a very serious problem in production agriculture because of low commodity prices. There is an oversupply of some commodities in the world market that has depressed prices a great deal. We have seen a lot of weather-related disasters strike production agriculture this year. So in this bill there is a response to that problem. A generous disaster assistance program totaling $8.7 billion is included in this conference report, providing emergency assistance for production agriculture.

The head of the Mississippi Farm Bureau was interviewed after the House approved this conference report to get his reaction to the need in agriculture for the funds that were provided in this bill. Here is what David Waide of the Mississippi Farm Bureau Federation said about this emergency assistance: It ''could well mean the difference in massive foreclosures and the ability to continue farming'' in Mississippi. ''It's that serious,'' he said, ''because of the market situation and the extremely low commodity prices and the natural disaster we've had with weather, every producer is impacted to some degree.'' He went on to say, ''With the type of market losses that we're seeing as a result of an extremely dry year, the producers are still going to have to struggle.''

I point this out because there are some who think we have overreacted to the problems in agriculture this year. Every farmer in every area of the country may not be seriously affected by the problems I have discussed and described but most are. In my State of Mississippi, David Waide has it right. He has described what the problems are and what the needs are, why it is important for this appropriations bill with this emergency disaster assistance program to be approved.

I am hopeful Senators will come to the floor under the order that we have provided for debate. We have a good amount of time available for the discussion of sanctions legislation we adopted in the Senate on an amendment offered by Senator ASHCROFT, which would have limited the unilateral power the President has to impose embargoes, in effect, or trade embargoes, stopping the flow of agricultural commodities from this country into the international marketplace as a means for trying to discipline other countries or coerce them into some kind of change of behavior. For many, this has seemed to be an area where we have unfairly targeted agriculture and made agricultural producers and exporters bear the brunt of American foreign policy and, in many cases, it hasn't worked. It hasn't worked to change the behavior of those countries against whom the trade embargoes or sanctions were imposed. And it has hurt our own economy—not just the agricultural producers and exporters but others, because it has had a ripple effect throughout our economy. So I supported that initiative and I hope we can see legislation of that kind enacted. But because it was legislation, a change in law, there were objections to it being included on this appropriations bill.

So there will be other opportunities to take up that issue, and I hope the Senate will address that at the earliest possible time. We have time available for Senator ASHCROFT and others who are interested in discussing that issue. Under the impression that there will be Senators coming to the floor soon to discuss those issues and others, I am prepared to yield the floor.

I suggest the absence of a quorum, and I ask unanimous consent the time under the quorum call be charged equally to both sides under the order.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ASHCROFT. Mr. President, I rise today to make comments on the Agriculture appropriations conference report. It is a bill which I think is very important for America's farmers and ranchers. Clearly, the agricultural community in America is in dire straits. Farmers need relief quickly. But the irony about this bill is that farmers are getting, in my judgment, shortchanged. They are getting short-term financial relief, but they have been robbed of good policy; that is, a policy to reform the unilateral embargoes of food and medicine that have kept our farmers from being able to sell their products around the world.

Before I get substantially into my remarks, I thank the Senator from Mississippi, the chairman of the agriculture appropriations subcommittee, for his support and vote to end unilateral food embargoes, and for his very mannerly handling of this issue on the floor and in the Senate-House conference. He has a strong record of supporting an end to the food embargoes. I know he recognizes the incredible groundswell of support for this policy change that is in the Congress and, more importantly, in the farm community. Senator COCHRAN is to be commended. I thank him. He has done an outstanding job.

Farmers in America are aware that the current U.S. embargoes tie their hands and give an advantage to Canada, Brazil, Europe, and South America, farmers from around the world, when competing against the United States. Current U.S. policy favors foreign farmers—not U.S. farmers. It is a tragedy that our own policies throw roadblocks between our farmers and the world marketplace so producers in other countries have a better opportunity to be more successful than producers in our country.

Make no mistake about it. The history of U.S. food embargoes is that they almost uniformly hurt only two parties: the American farmer and innocent people overseas.

Food embargoes generally don't succeed in changing other nations. They succeed in taking dollars out of our farmers' pockets and in putting dollars in the pockets of foreign farmers. They succeed in undermining our farmers' reputation as reliable suppliers in the world market. We understand that because farmers have talked to us. Farmers have come to me. I have met with them. Senator BOND and I have several times sat down together and discussed it with farmers in the last 3 or 4 months at various places. We were in the foothills of Missouri. We were in the central part of the State. We have been at various places around the State. They have helped me understand this issue more clearly than ever before.

A number of other Senators are very attuned to this. This is something that goes on on both sides of the aisle. This is not an issue that is defined by parties in this Congress. Senators HAGEL, BAUCUS, DODD, BROWNBACK, DORGAN, KERREY, along with myself and many others—you notice this is one of those things where you can go back and forth across the aisle as you name the Members of the Senate—have been working on a bill that would lift embargoes involving U.S. farm products.

I wish to recognize the fact that Senator LUGAR has for a long time been working on measures to do the same and is chairman of the Agriculture Committee in the Senate.

This understanding about the need to have markets where farmers can sell what they produce is a pretty substantial understanding. It is not partisan. We did not surprise anyone with this proposal. Americans have long agreed it is generally unwise for the United States to use food as a weapon. The weapon usually backfires and hurts us more than it hurts anyone else.

Congress has endorsed the values of the American people. Our job is to represent the values of the American people and not to allow a select few inside Washington, DC, to go behind closed doors and impose their values on America. I am here today to do what I was elected to do—to promote farm policies that reflect the values of the farm belt instead of caving in to the values of the beltway.

If Members listen to their farmers, they will most likely hear what I have been hearing. This is a letter from Kansas City, MO, signed by 10 people with a strong interest in this issue. Let me read a part of it:

We believe that this legislation—

that is the legislation to allow farmers to market their products to change the way we have embargoes imposed so we don't have the unilateral embargoes against food and medicine imposed by the President without Congress.

We believe that this legislation will help the United States sell its valuable farm products and medicines as well as help the receiver countries.

The President and Congress ought to review more carefully unilateral embargoes against any country. Withholding food and medicine is an affront against human rights as well as a politically foolish practice. Such sanctions have never toppled governments, but only serve to perpetuate hatred, hunger, and poverty among the ordinary citizens.

This was signed by 10 individuals. This is one of a number of letters I would like to submit for the RECORD.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LATIN AMERICAN TASK FORCE,
CATHOLICS FOR JUSTICE,
Kansas City, MO, September 13, 1999.

Hon. JOHN ASHCROFT,
U.S. Senate, Washington, DC.

DEAR SENATOR ASHCROFT: Thank you for introducing the Food and Medicine for the World Act as an amendment to the agricultural appropriations bill and for championing it through this far. We hope that you and Senator Bond will continue to work to pass this important amendment.

We believe that this legislation will help the United States sell its valuable farm products and medicines as well as help the receiver countries.

The President and Congress ought to review more carefully unilateral embargoes against any country. Withholding food and medicine is an affront against human rights as well as a politically foolish practice. Such sanctions have never toppled governments, but only serve to perpetuate hatred, hunger, and poverty among the ordinary citizens.

Thank you for your attention; we will look forward to a report on the outcome of Food and Medicine for the World Act.

Letter signed by 10 people.

Mr. ASHCROFT. Mr. President, not only do members of my constituency and citizens of Missouri write letters to me, but they write letters to the editor. They talk to the press and farm focus forums about the significance of lifting food embargoes. Senator BOND and I not only were in Columbia at one of these farm forums, but we were at the State fair.

I am reading from a newspaper article out of Sedalia, MO, entitled, ''Farmers Meet with Bond, Ashcroft at State Fair.''

This is what some farmers said. This is what the article begins with. It includes quotes by farmers.

Some farmers who are worried by low prices and the recent lack of rain felt encouraged after talking with Missouri's two U.S. Senators about emergency relief and trade barriers.

''I hope the relief comes soon,'' said Brent Sandidge, a hog farmer. ''[But] rather than always giving us immediate relief, help us so that we can live so that emergency money won't be needed.

That is what the hog farmer was saying. Give us the capacity to sell our products so emergency money won't always be needed.

One such long-range plan is Ashcroft's Food and Medicine for the World Act. . . .

The article continues, and then Brent, the hog farmer who was with us, said:

. . . lifting embargoes makes sense. We need to use the agriculture in this country to feed the grave hunger of people around the world.

I am pleased to have had that article in the Sedalia paper. The bottom line is this: The final Agriculture appropriations conference report should have included the embargo reform that was overwhelmingly supported by American farmers and adopted by the Senate. Frankly, it is a great disappointment to me that the Agriculture conference report does not include reform for food embargoes. First of all, this reform, which we had included in the Senate version of the Agriculture bill, was a reform that would have required the President to collaborate with Congress and get approval before imposing any unilateral sanction that would embargo food or medicine.

The Senate approved that amendment by an overwhelming vote of 70–28. That included a majority of positive votes from both sides of the aisle—both Democrats and Republicans. This vote shows that not only do we have more than a majority, but 70 votes would be more than enough to invoke cloture, if these votes remain committed, more than enough votes to even override a Presidential veto.

After the Senate 70–28 vote when the Agriculture appropriations bill went to the conference, the House conferees voted on a proposal to make the Senate reform even stronger. This is significant because it reflects the view of many of the House Members with whom I have talked that embargoes be brought to the House of Representatives for a straight up-or-down vote, and the proposal would receive the same kind of overwhelming support in the House that it received in the Senate. They were confident of that if voted on by the House. Also, eight Senate conferees to three favored keeping the Senate provisions along with the stronger House provisions.

It is a mystery that the House wanted this, the Senate wanted this, we voted 70–28 to have it, and then behind closed doors a decision was made to strip out the reform provision that received overwhelming bipartisan support in the Congress. It is something that the American farmers want, that will help sell American goods overseas, that will help reverse the currently depressed prices, that will help provide food and medicine to people all around the world, and a reform that would reverse the rather ridiculous policy in which America finds itself alone so often as a nation using food and medicine as a weapon of foreign policy.

A select few in Congress have tried to make the issue of embargoes on food an issue about Cuba. I reject this narrow interpretation. It is about the importance of consistent U.S. policy on food and medicine embargoes. Since Cuba is one of those countries that we sanction or embargo exports of wheat, rice, pork, and other vital farm products, let me address that. Does it really make sense for the United States not to sell food to Cuba when the entire rest of the world already does? I don't think so. Does it really make sense for the United States to deny food and medicine and thereby bolster Castro's anti-American distortions?

Let's hear from the countryside on this issue. Here is an e-mail I received from one of my constituents, Thomas Capuano, from Kirksville, MO:

Dear Senator ASHCROFT, I want you to know that I favor loosening the embargo on Cuba. The best way for understanding between our two peoples is by means of free markets, free exchange of ideas and goods and services, and freedom of movement. . . .

I ask unanimous consent to have this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To: John Ashcroft.
From: Tom Capuano.
Date: 15 July, 1999.
Subject: Cuba embargo.

DEAR SENATOR ASHCROFT: I want you to know that I favor loosening the embargo on Cuba. The best way for understanding between our two peoples is by means of free markets, free exchange of ideas and goods and services, and freedom of movement between Cuba and the U.S. Please consider supporting the exemptions that are currently being proposed to ease the embargo. Food and medicine should be totally exempted from the embargo.

Thank you for your attention.

Mr. ASHCROFT. Here is another e-mail received from Ms. Janelle Sharoni:

The blockade against Cuba has been going on for so many years we have nearly forgotten about the terrible suffering of the Cuban people and the total lack of any results to point to from this blockade. The blockade has not worked and has alienated us from other Latin Americans.

All this does is exempt food, agricultural supplies, medicine and medical supplies for the trade embargo. It does NOT indicate any change in American policy, just a change in how we deal with the poor and suffering.

That is a description of the Food and Medicine for the World Act.

I ask unanimous consent to have this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To: Senator Ashcroft.
From: ''Janell H. Sharoni''.
Date: 21 July, 1999.
Subject: End the Cuban Embargo.

DEAR SENATOR ASHCROFT: The blockade against Cuba has been going on for so many years, we have nearly forgotten about the terrible suffering of the Cuban people and the total lack of any results to point to from this blockade. This blockade has not worked and has alienated us from other Latin Americans.

Businessmen are trying, against of course the wishes of the Miami community, who seem to control our entire congress, to make headway in working to establish relations with Cuba. Please support or co-sponsor SB926 to end the embargo against Cuba.

All this does is exempt food, agricultural supplies, medicine and medical supplies for the trade embargo. It does NOT indicate any change in American policy, just a change in how we deal with the poor and suffering in the third world. Is it not obvious that Fidel Castro will die in office and never be removed?

This is the first step in ending our stupid cold war relationships with a person who is head and shoulders above most of the dictators we have supported in the past in our anti communist stance.

The Pentagon is not afraid of Cuba, and especially the Cuban people. Why, Senator Ashcroft, do we continue this terrible ordeal against the people of a nation so close to our shores.

Sincerely,

JANELLE H. SHARONI.

Mr. ASHCROFT. I received many letters about this issue. Here is one from a constituent in St. Joseph, MO, Mr. Craig Drummond, who is the Drake University student body vice president.

I don't know why he went all the way to Iowa to get his education, but Drake is a fine institution.

He states it this way:

The United States is a country that was founded on the premise of freedom, democracy and sovereignty. We enact policies, laws and regulations that best exhibit the highest ideals of democracy and the American public. For the most part, we do a good job and function well as a powerful global leader. I am a proponent of democracy and capitalism and hold the values and ideas of the aforementioned paramount to any other country or government. The United States has problems and for the most part we are aware of these and have good people working to rectify our problems and wrongs. That is why this whole Cuba situation intrigues me so much.

Why does America continue to have an embargo against trade with Cuba? Why have we chosen to isolate Cuba and ourselves from each other?

I think the point here that ought to be made is a point that needs to be made over and over again. For food and medicine, we don't strengthen the regime; we strengthen the people. Strengthening oppressed people is what is fundamentally appropriate in terms of eventually allowing them to survive oppressive regimes.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 22, 1999.

DEAR SENATOR JOHN ASHCROFT OF MISSOURI: I am writing this letter in regards to the United States' embargo against Cuba. I recently visited Cuba through a U.S. Treasury Department licensed trip that was part of a class for Drake University. In Cuba I was immersed in their culture and sense of community and feel that after this experience, it is my Lockean duty as an American citizen to write my elected leaders and express my concern at the status quo foreign policy that America practices in regards to Cuba.

The United States is a country that was founded on the premise of freedom, democracy and sovereignty. We enact policies, laws and regulations that best exhibit the highest ideals of democracy and the American public. For the most part, we do a good job and function well as a powerful global leader. I am a proponent of democracy and capitalism and hold the values and ideas of the aforementioned paramount to any other country or government. The United States has problems and for the most part we are aware of these and have good people working to rectify our problems and wrongs. That is why this whole Cuba situation intrigues me so much.

Why does America continue to have an embargo against trade with Cuba? Why have we chosen to isolate Cuba and ourselves from each other? This puzzles me dearly and I have searched, with a patriotic mindset, to find answers, yet I have not found any viable ones. Cuba operates as a socialistic government and this government is by far one of the best examples of true socialism that I have seen. The people are educated, have access to medical care and the leaders do not live lavish lifestyles. Cuba is poor and the people need money and have wants, yet the division of wealth appears to be fair and from the government leaders to the person on the street, the people support their governmental system.

Why then has the United States, the world leader in human rights, let itself place greed and the desires of a limited minority of American businessmen above the needs of a people, fair foreign policy, and the search for social justice in U.S. action? American businessmen are upset because their companies were nationalized in the Revolution of 1959. Cuba has since offered retribution, but the former owners have declined it on the grounds that the retribution is not for the real amount that the assets were worth. Well, as someone who has invested in foreign markets, I personally know of and accept the higher degree of risk that is taken when investing in foreign markets that are not under direct U.S. control. A foreign investor must accept this risk and realize that there is additional risk associated with transacting or operating a business in a foreign country.

Cuba is a nation of great beauty and opportunity. The Cuban people desire and need the help of the United States. I see no reason for the current embargo and would ask you to compare Cuba to China when talking about foreign policy and governmental structures. I am asking as a constituent and citizen that you look into this matter so that you can form an educated opinion on this subject. Hopefully, education on this subject will foster a desire to rise up and make the necessary change to lift this embargo. There may have been reasons in the past for the implementation of the embargo, but Cuba and the U.S. have both changed since the 1950's and it is time for our foreign policy to change as well.

The lifting of the embargo will not only help the Cuban economy, but it will inevitably act as an impetus to spark American investment and exports to Cuba. Such transactions could only be considered a positive for the U.S. economy. Thank you and if you have any questions or comments please do not hesitate to contact me.

Sincerely,

CRAIG W. DRUMMOND,
Drake University Students Body Vice-President.

Mr. ASHCROFT. A final letter from Mrs. Joan Botwinick in University City, MO:

I want to thank you for introducing a bill which would lift the embargo on food and medicine. Not only is it the humane thing to do, but it would also benefit our farmers.

That is a clear statement of what I think is the important truth.

I ask unanimous consent to have the letter printed in its entirety in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY CITY, MO,
Sept. 24, 1999.

DEAR MR. ASHCROFT: I want to thank you for introducing a bill which would lift the embargo on food and medicine in Cuba. Not only is it the humane thing to do, but it would also benefit our farmers.

The broader issue is: Do we promote democracy by putting sanctions on countries we don't like or who may be a threat to us, or do we try to help improve their economies by engaging in commerce and dialogue. I believe our best course is the latter.

Sincerely,

JOAN BOTWINICK.

Mr. ASHCROFT. Comments about lifting the food embargo come not just from the Midwest. An editorial from the Fort Lauderdale Sun-Sentinel, August 16, 1999, states:

It clearly would be in America's best interest to expand trade in food and medicine to Cuba, for more reasons than one.

I continue to quote:

If nutrition and health-care conditions don't improve in Cuba under the easing or lifting of U.S. trade restrictions, Castro won't have the embargo to blame for his government's failures.

In other words, we provide Castro with an opportunity to blame America for hungry people, to blame America for sick people, as long as we embargo food and medicine.

Quite frankly, there is a ground swell of support to lift the food and medicine embargo on Cuba—and other countries.

An article from the Omaha World-Herald commends the cosponsor of this legislation, Senator CHUCK HAGEL of Nebraska, who has been such a leader in this respect. I will read from that article:

Sens Chuck Hagel, R-Neb., and John Ashcroft, R-Mo., added to the Senate's recent farm spending bill an amendment that would exempt most food and medical supplies from U.S. sanctions against foreign nations.

As an editorial in this space said on August 10, Cuba provides the closest example of why Hagel and Ashcroft have a good idea: Such sanctions usually harm only the people who deserve it least, and they pointlessly exclude U.S. farmers and pharmaceutical manufacturers from significant international markets.

I ask unanimous consent to have this editorial from the Omaha World-Herald, Friday, August 20, 1999, printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Omaha World-Herald; Fri. August 20, 1999]

A GENTLER FACE TOWARD CUBA

Maybe it's just a coincidence of timing. But lately it seems that Midwesterners are at the forefront of a push to start easing some of the barriers between the United States and Cuba.

Sens. Chuck Hagel, R-Neb., and John Ashcroft, R-Mo., added to the Senate's recent farm spending bill an amendment that would exempt most food and medical supplies from U.S. sanctions against foreign nations.

As an editorial in this space said on Aug. 10, Cuba provides the closest example of why Hagel and Ashcroft have a good idea: Such sanctions usually harm only the people who deserve it least, and they pointlessly exclude U.S. farmers and pharmaceutical manufacturers from significant international markets.

Senate Minority Leader Tom Daschle of South Dakota and Sen. Byron Dorgan, D-N.D., recently came back from a visit to Cuba with figures that undergird that idea. They said officials in Cuba told them the country imports nearly $1 billion in food and medicine annually and food imports could double in five years. Cuban doctors and hospital officials told the Americans that more than 200 important pharmaceuticals are not to be found in Cuba and that a pressing need exists to restock.

One must consider the source of such assertions. But even if the numbers were substantially exaggerated, they still point to real markets and real needs.

Now there's the visit to Havana by the Gold Nemesis from Lincoln, Nebraska's top under-17 soccer team, with its people-to-people sports diplomacy stint. What are the young players (many of whose parents have no memory of a time when there wasn't an embargo against Cuba) learning?

''People from Cuba are not stereotypical, real hard-nosed, mean people,'' Gold nemesis co-captain Christian Mangrum told the Associated Press. ''They're actually really nice, really genuine.''

No surprise there, surely. The faceoff between the two nations has never been about Americans vs Cubans. It is about the corrupt and dictatorial regime of Fidel Castro and his dreams of Pan-American revolution. And harbor no illusions: Castro remains Castro. All in Cuba is not sweetness and light

Dorgn reported that Castro staunchly defended the current system. ''He staunchly defends what he has done,'' Dorgan said. ''He rejects the notion that there are human rights violations.'' Dorgan said Cuban officials had told him and Daschle they were free to speak to any Cuban. But that proved to be untrue when they wanted to talk to four dissidents recently sentenced to prison.

The overthrow of Castro is not a realistic prospect, but after all, he will not live forever. It is time to think about what happens after he's gone. If Americans demonstrate to Cubans that we as a nation aren't out to starve them or deprive them of medical care; if we show them more about average Americans and the kind of life that is possible under a more progressive form of government: doesn't it make sense that in the post-Castro era they'll be open to a free and open society?

For that reason, when the House of Representatives resumes its session next month, it should join the Senate in easing the food and medicine embargo.

Mr. ASHCROFT. Most people realize it is the good thing to do for our farmers and it is the right thing to do in terms of humanitarian interests of those abroad. That is why the Senate overwhelmingly approved this concept, and that is why it should have been retained in the conference report which provides relief for American farmers.

We provide financial relief, but we ignore the need for structural relief so that their market can be expanded. It is no secret that what happened to the appropriations bill for farmers has been construed by some as an affront to farmers. Missouri farmers are not duped; they are not fooled. They understand that while there is additional financial assistance being given out, they are still being deprived of their markets, and Missouri farmers want to be able to produce and to sell. That is what farming is all about. They are bewildered as to how their freedom to market, which had majority support from both sides of the aisle, could be stripped out of the bill. I will do everything I can to make sure they get the freedom to market we have been promising them for years; we must deliver.

Quite frankly, there is growing consideration of an idea that says we can't have Freedom to Farm if we don't have freedom to market. We have never given it a real chance to work. We have to give our farmers the chance to market what they produce as well as the freedom to be producers.

If what happened over the last 2 weeks on sanctions policy keeps up, I do not think we will be seeing this program work. We have to have both freedoms: The freedom to farm and the freedom to market; and who will be to blame but those who kept us from passing the freedom to market?

Our amendment, the Food and Medicine for the World Act, is designed to allow our farmers to market around the world and is designed to restructure the way in which agricultural embargoes, or food embargoes, would be imposed—if at all. That proposal would have put United States farmers on more competitive ground with the Canadians and more competitive ground with the Europeans and South Americans in world markets. It would have put money in the pockets of U.S. farmers—clear and simple; just a fact; there would have been money in the pockets of American farmers.

It is hard to believe we simply—we? I should not say ''we.'' From somewhere, in the dark of night in the conference committee, out goes that provision which had overwhelming support, I believe, in both Houses of the Congress. It would have restored the credibility of the Congress worldwide, across America, and would have restored our farmers' credibility worldwide as suppliers.

I will continue my efforts to win final approval for ending unilateral food and medicine embargoes. Next week the sponsors of the amendment, that was approved 70 to 28 and was added to the Agriculture appropriations bill, intend to introduce the embargo reform as a freestanding bill. We will bring it to the Senate and the Congress. We will say to the Congress: This is not part of the Agriculture appropriations measure as it was before, but we want to present this to the Congress. I am grateful the majority leader of the Senate has made a commitment to me to bring the proposal back to the Senate floor for separate consideration this session. That is important to me.

I wanted the measure approved as part of the Agriculture appropriations bill and sent to the President for signature. It would have been easier. It certainly was an overwhelming consensus of this body and I believe an overwhelming consensus of the House. But if that can't be, then we try plan B. Plan B is to bring it up separately and get it passed through the Senate, get it passed through the House of Representatives, and sent to the President.

I thank the majority leader of the Senate who has made a commitment to bring the proposal back to the Senate floor for separate consideration. This debate will continue, therefore.

Let me reiterate a few points that are vital to the proposal we are advancing. The general framework is this. We do not make it impossible to have an embargo. We just say, before there can be an embargo, the Congress has to approve it. So we do not tie the hands of the President, but we ask him to shake hands with the Congress before you take this draconian, drastic step which hurts American farmers, before you have sanctions on food, fiber, and medicine. We will not allow the President, with the stroke of a pen, to damage the livelihood of American farmers or to cut off the subsistence of oppressed people around the world. It will require consultation with the Congress.

I want to make one thing as clear as I can. This is genuinely a proposal that supports the policy of helping our farmers and putting products which will eliminate suffering and hunger into the hands of those who need them most. This is not about shipping military equipment or even dual-use items—things that could be used in the military setting—to other countries. We want to keep those kinds of things out of the hands of tyrants. But we do not want to assist tyrants, or strengthen the hands of tyrants, by allowing them to blame America for hungry people who are oppressed or people who are ill in health, so that the tyrant can say: The reason you are ill and the reason we don't have good medicine is the United States of America won't allow you to have good health or won't sell us food.

Our approach helps us show support for the oppressed people who need to be strengthened in these countries, at the same time we send a message that the United States in no way will assist or endorse the activities of the rogue

leaders of these nations which threaten our interests. If these rogue leaders don't spend the money with the American farmers to buy food, that leaves them hard currency to buy weapons and destabilize countries around the world. We ought to hope they spend all their money on food for their people instead of weaponry they use either to repress people in their own regimes or destabilize neighboring countries.

Ending unilateral embargoes against sales of U.S. food and medicine is good, solid foreign policy, it is good farm policy, and it promotes U.S. interests around the world. In the past, we have imposed embargoes that have done exactly the opposite from what we intended. If we use food as a weapon, we have to be careful it doesn't backfire. Using food as a weapon has really resulted in more backfiring than forward firing. We have actually enriched the people we were seeking to hurt, and we have hurt the people, the American farmers, who have been the producers of what has made this Nation the greatest nation on the face of the Earth, where hunger has been virtually abolished—or it should be.

Let me just give this example. It is a tragic example. It is not humorous, but it is almost funny because it backfired so badly. Everyone remembers the Soviet grain embargo in the 1970s. We canceled 17 million tons of high-priced exports from the United States. We told farmers: You cannot make those sales; we are not going to allow you to ship that grain to Russia.

Here is what happened. The Russians, having been relieved of their contractual obligation to buy what they wanted to buy, went into the world marketplace. Do you know what they did? They bought all the stuff which we refused to sell them, and they saved $250 million in the process. We really hurt the Russians with that one. Robert Kohlmeyer of ''World Perspectives'' brought that story to the committee as we had hearings on sanctions. I thought to myself, that gun backfired in a big way. The only people with powder burns, the only people suffering as a result of that volley, were American farmers and individuals in the production of American agriculture.

Our market reputation as a supplier in the world went down, and other people decided they would bring on land to be producers, in South America and other settings, so they could supply what we would refuse to supply. All of a sudden, we brought new competitors into the arena; we destroyed our reputation; we helped our enemy get $250 million he wouldn't otherwise have gotten, and we hurt American farmers. Seldom can a gun backfire so accurately in so many directions. I say seldom, but it is just generally so in the arena of embargoes. Our embargoes more often deny people who suffer under such regimes the food and medicine they need and desire rather than hurting the leaders in those countries.

America has been a nation that promotes freedom worldwide. We should continue to talk truthfully about political oppression in other countries. We should do so, though, without denying food and medicine to the oppressed people who need to be strengthened, not weakened. How can we ever expect to topple a regime by starving those who populate it? Our foreign policy interests should be to strengthen, not to weaken, those who could resist an oppressive regime.

We need to stop using food as a weapon against the innocent. It is not good foreign policy. It is failed foreign policy. That gun backfires. It is not working. It is hurting those abroad and is hurting those of us who are back home. In terms of market access for farmers, we can talk about the roadblocks that are laid down by foreign governments—and I am pretty distressed about those roadblocks. The Europeans have vast subsidies that make it hard for us to compete with them overseas. But let us also be aware we have to stop throwing roadblocks in the way of our own farmers here at home. We have built a solid brick wall in front of our own farmers. Simply, it is an impenetrable wall when it relates to embargoes and sanctions imposed unilaterally on food and medicine against a number of countries around the world. My message today to the Congress is simply this: Tear down this wall we have built.

Let our farmers be free. Our food embargoes have failed. Our food embargoes are not effective. Food embargoes are not the way for us to win. That gun backfires. It is time to tear down this wall. And we will. Starting next week, we will do our best to bring this measure up as an independent, freestanding measure.

While I believe it is important to help our farmers in the Agriculture appropriations bill upon which we are going to be voting, that is a financial assist in the short term for a disastrous year, but we need the long-term structural reform that the hog farmer in Sedalia, Brett, came to me and said: We need the ability to market so we don't need to come back for financial assistance over and over again. Tear down this wall.

I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Presiding Officer, the other distinguished Senator from Kansas. I appreciate his recognition. I ask unanimous consent to speak for up to 10 minutes on the Ag appropriations conference report which is before the Senate.

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

Mr. BROWNBACK. Mr. President, I rise in support of what my colleague from Missouri just spoke about. As he was speaking, I was thinking where I was when the embargo happened. In the late seventies, I was a farm broadcaster in Manhattan, KS, when President Carter put the embargo on the Soviet Union. My dad was farming, as he is today. We were both long in wheat. Wheat went down lock limit for 3 days in a row with that embargo. The markets did not recover when that big of a sale was taken out of the system. We lost a lot of money.

Senator ASHCROFT was talking about how much we lost as a nation and how much our farmers lost. I remember what we lost as a family in that embargo, not that it should be any deciding factor, but it galvanized in my mind what happens when we do these sorts of things. That is, we lose markets, we lose money, our farmers are penalized, punished—and the Soviet Union got cheaper grain out of the deal. It was bad for us all the way around.

One of my great disappointments with the Ag appropriations conference report is that we had a chance to end once and for all the use of food and medicine as a foreign policy tool. We did not take that chance, and we are poorer for it. We should have gotten this monkey off the back of U.S. farmers.

I rise to state my strong disappointment with this conference report, even though my colleague from Mississippi, who chairs this subcommittee, has done everything he possibly can. There is a lot of good in this appropriations conference report, but we missed a chance to lift these unilateral sanctions on food and medicine.

As you have already heard several times, the Ashcroft amendment was adopted overwhelmingly in this body by a vote of 70–28. It is important to keep mentioning that fact because it is astonishing to me that such a clear message from the Senate could be so easily ignored.

In a place as diverse as America and as compact as Congress, there are bound to be honest disagreements about any number of issues, including sanctions. These disagreements were given a thorough and extensive airing in the Senate, and the result was an overwhelming majority decided it was not an effective policy tool to use food and medicine in foreign policy. This is a conclusion that a vast majority of the American public has already recognized for some time and certainly the farming public has recognized this for a long period of time.

What has occurred with the Agriculture appropriations bill is an attempt to avoid this important policy issue. I am delighted we are going to bring it back up next week and discuss it, but it is an unfortunate tactic that has moved us to next week rather than now in deciding this critical policy issue for U.S. agriculture and for America's foreign policy. Compounding this wrong is the fact that U.S. agriculture is in the midst of an economic struggle, and sanctions serve to limit U.S. markets for no real policy effect.

Unilaterally using food and medicine as foreign policy weapons fails to take into account that the U.S. has competition in agriculture. If we do not

sell it, somebody else will, and that is what has taken place in the past. It is time we limit the possibility of this happening again in the future to the United States.

Even if the U.S. denies trade with another nation, other countries will, and do eagerly, sell these products. We know this for a fact. The only one who gets hurt in this process is truly the U.S. farmer, the farmers across Kansas who do not get to make these sales.

While it is difficult to calculate the actual gain that lifting sanctions would bring in the short term it is easy to see the long-term benefits of sanctions reform. These benefits include the increased sales to new markets because we tell that new market we will be a reliable supplier; we will not just step in willy-nilly on this; we will be reliable in our supplying. Perhaps even more profound, this policy serves to reassure all our trading partners that the U.S. will continue and will always be that constant and reliable supplier of agricultural goods. This assurance is necessary in a competitive market.

Efforts to reinstate this important sanctions relief language or find a compromise have certainly been valiantly put forward by Senator ASHCROFT, Senator DORGAN, and a number of others, including the Chair. I commend my neighbors in this principled fight and their persistence on this issue. Still the few who oppose sanctions reform have blocked any progress.

Reluctantly, I will vote for this bill because farmers and producers are depending on the emergency aid funding contained in this bill. But I truly believe the future of U.S. agriculture depends on the long-term reforms such as this Senate-passed amendment lifting unilateral sanctions. I will continue to fight on this issue and insist that the will of the majority be followed.

In conclusion, we had a chance to once and for all remove the use of food and medicine as a foreign policy tool, and we missed it. We could do something good, something right, morally on the high ground, the right thing for U.S. farmers, the right thing for those consumers in places around the world who need and should have this good, high quality food product we have. We missed that opportunity. We are poorer for it, and so is the rest of the world. We will have this fight again next week. I hope we can still move this bill this session of Congress. I lament we did not do it on this piece of legislation.

Mr. President, I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Wisconsin is recognized.

Mr. KOHL. I thank the Chair. Mr. President, I am glad to join my colleague, Senator COCHRAN, in support of the conference report to H.R. 1906, the fiscal year 2000 Agriculture appropriations bill.

I congratulate Senator COCHRAN, chairman of the subcommittee, for guiding us past many obstacles that have stood in the way of final passage of this measure. At the end of today's debate, we will send to the President an agricultural spending bill that will result in immediate aid to hundreds of thousands of farmers across our country. That is an accomplishment of which we can all be proud.

At times, work on this bill was contentious. The money we had available to work with made it very difficult to fund adequately the most critical programs at USDA, FDA, and the other agencies in this bill.

Senator COCHRAN did a masterful job in finding a balance of priorities, given the budgetary constraints under which we had to work. In fact, we were even able to increase spending for some critical programs. This conference report provides an increase for the President's food safety initiative, as well as additional funds to help avoid a shortfall in inspectors at the Food Safety Inspection Service. An increase is provided for the WIC Program to help maintain caseload. Other programs, such as research and education, conservation and rural development are all funded at a very healthy level.

Most important, we have managed to include $8.7 billion in emergency aid to farmers suffering from the price collapse that has hit too many commodities. I realize some of my colleagues, especially those from the Northeast, will argue that more is needed to address the needs of farmers suffering from the effects of this summer's drought and Hurricane Floyd. I agree. The administration should send us a separate emergency request for these recent disasters, and Congress ought to act on it immediately. But our commitment to help the farmers of the Northeast overcome the natural disasters of the last several months should not stop us from enacting aid for farmers all over the country suffering from the economic disasters of the last several years.

I also want to note the efforts made to ensure that harmful legislative riders, such as attempts to undermine USDA reform of dairy policy, did not become part of this conference report. We have spent months putting together a fair bill—not perfect, but fair. Efforts to incorporate dairy compacts into this legislation were defeated more than once. It is time to pass this bill and get much-needed funding to dairy farmers and to hardworking farmers across the country.

And let me emphasize that last point. This bill contains almost $9 billion in emergency assistance to struggling farmers everywhere. Within days of the President signing the bill, almost $5 billion of that aid will be on its way to farmers. It is all well and good for us to spend days listening to talk about this money—how it is distributed and how much there should be—but there are hundreds of thousands of farmers who need it now to plant, feed, and operate. All the words in the world will not help farmers get next year's crop in the ground or milk the cows. We have talked enough—it is time now to pass this bill.

In closing, let me say how much I have enjoyed working with Senator COCHRAN. This is my first year as ranking member on this subcommittee and his exceptional leadership, good judgment, and helpful hand has been indispensable in making this a positive experience for all of us. I would also like to thank his distinguished staff, Rebecca Davies, Martha Scott Poindexter, Les Spivey, and Hunt Shipman, for their important contributions to this bill. And, of course, I must thank Galen Fountain of the minority staff for his wisdom and patience. Galen is an invaluable resource to me, to all Democratic Senators, and to the Senate itself.

I ask unanimous consent that a letter on the Foreign Market Development Program from the USDA be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, September 29, 1999.

Hon. HERBERT KOHL,
Committee on Appropriations, Washington, DC.

DEAR SENATOR KOHL: This is in reply to your request for information about the Commodity Credit Corporation (CCC) Charter Act and the President's budget to fund the Foreign Market Development Program (FMD) through CCC.

The President's budget proposes to shift funding for FMD from the FAS appropriated account to the Commodity Credit Corporation (CCC). The budget also proposes to fund a new Quality Samples Program through CCC. In conjunction with the budget, the Administration has forwarded to Congress legislation authorizing the use of CCC funds for FMD and capping expenditures for that purpose at the Fiscal Year (FY) 1998 program level of $27.5 million.

You questioned whether such legislation was necessary or whether the Administration has the authority to fund these programs through CCC administratively. You are indeed correct: although it is the Administration's position that such legislation should be enacted, CCC has the authority to fund FMD and the proposed Quality Samples Program under the Section 5(f) of the CCC Charter Act without additional legislation. The legislation we submitted does not expand the Secretary's existing authority; it limits it by imposing a cap on CCC expenditures for the two programs.

If FMD ultimately is funded through CCC rather than from the FAS appropriated account, the Administration intends to continue to fund FMD at not less than the historic level of $27.5 million annually.

Please feel free to contact me if you need any additional information.

Sincerely,

AUGUST SCHUMACHER, Jr.,
Under Secretary for Farm and Foreign Agricultural Services.

Mr. KOHL. I thank the Chair and yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. I yield to the Senator from Rhode Island.

The PRESIDING OFFICER. The distinguished Senator from Rhode Island is recognized.

Mr. REED. I thank the Senator from Wisconsin for yielding and also thank him and the Senator from Mississippi for their efforts on behalf of this legislation. But I must come to the floor today in opposition to this bill because it is not fair legislation for all the farmers of America—certainly not fair to the farmers of the Northeast, in Rhode Island, New England, the Mid-Atlantic States, because they have suffered a tremendous loss this year because of a drought that has historic implications. It was the worst drought in the history of this region in over 105 years of record keeping by the National Oceanic and Atmospheric Administration. This has had a devastating impact on the farmers of my State and of the region.

Most people do not consider the Northeast to be a place where there are lots of farms, but in my own small State of Rhode Island there are over 700 farmers who grow vegetables, turf, nursery stock, cranberries, strawberries, and potatoes. We also have numerous orchards and dairy farms. All of these farms have suffered devastating losses. And these are family farms; these are not large agricultural combines—certainly not in Rhode Island. They are family farms that are struggling to make do. This year they had a difficult struggle because of this historic drought.

We originally thought that farm losses would be about 50 percent of the crop—a serious blow. But I have just been given data today from our agricultural authorities where in Rhode Island they are suggesting that the August estimates were not as severe as the reality is turning out to be. In fact, the estimate is that the percentage loss of sweet corn in the State is 80 percent, silage corn is 70 percent, potatoes is 60 percent, mixed vegetables is 75 percent, and hay is 50 percent. These are difficult losses to bear, particularly difficult to bear without assistance.

We have received some rain through the last few weeks, but it has not been enough to reverse the damage that already was done April through August with the worst drought in the history of our region.

That is why I am here today, because, frankly, the resources in this legislation that are being made available to the Northeast, to the Mid-Atlantic farmers, are insufficient. We have tried, over the last several months, to structure a meaningful relief package that would help the farmers throughout this country—every region.

In the 1999 emergency supplemental appropriations bill, Democrats offered an amendment to provide disaster relief for America's farmers and ranchers which would have taken care of all of our farmers throughout the country. This provision was rejected by the majority. Later, Democrats offered additional disaster relief amendments to the fiscal year 2000 Agriculture appropriations bill as it was being considered in the subcommittee. Those amendments were rejected also.

On the floor of the Senate in August, I joined my Democratic colleagues in supporting an emergency farm package that would provide over $10 billion to producers in need of relief, including $2.6 billion in disaster relief and $212 million in emergency conservation assistance, both of which would have been very critical to my farmers in Rhode Island and throughout the Northeast. Sadly, that proposal was also rejected. There was even discussion to try to work out a compromise, a bipartisan effort, on the order of $8.8 billion. This, too, failed.

Finally, I think in the hopes of moving the process forward, we did agree to the final $7 billion package proposed by the majority, as a downpayment, if you will, on the necessary support we hoped we could obtain through the conference process and we hoped we would be voting on today in this final conference report.

But today we are faced with a bill which we cannot amend, which we must either accept or reject; and, sadly, despite all the efforts, all the earnest efforts of my colleagues, I must vote against it because it does not provide the kind of assistance that is necessary for the farmers of my State and my region.

Of the $8.7 billion in emergency farm relief in the appropriations bill, only $1.2 billion is set aside for all disasters declared by the Secretary of Agriculture in 1999. In the Northeast alone, our Governors have told us we are facing nearly $2 billion in total losses. And as today's data indicates, those are probably conservative estimates. For the Department of Agriculture to cover 65 percent of our region's losses alone would cost about $1.3 billion. Yet we have only appropriated $1.2 billion for the entire country—every region, for every natural disaster from January 1 to December 31.

So as you can see, all of this money that is within this bill could easily be used in the Northeast, in the Mid-Atlantic alone, but it will be spread throughout the country and, in fact, be spread in such a way that my farmers will be particularly disadvantaged.

It is unlikely this $1.2 billion of disaster relief money will be available to my farmers until sometime in the middle of next year because, as the legislation is written, the Secretary must wait until the end of the year to calculate all of the damages throughout the country and then begin the cumbersome process of proration and distribution of these funds, which could take months. That is another problem with the legislation. Not only are there insufficient funds available to the Northeast, but these funds may not come until the middle of next year.

That is in contrast to what my colleague from Wisconsin pointed out with respect to those farmers who are part of the Agricultural Market Transition Act. There is $5.5 billion there. That money will be flowing out immediately. They will get assistance immediately. Not only will they get this assistance, but they will also qualify for this $1.2 billion of natural disaster money if they suffered their loss through a natural disaster. They will get essentially two bites of the apple, where my farmers in the Northeast will get what is left.

There are many States throughout this country that qualify for this disaster program, this $1.2 billion—33 States, in fact. So there will be a long line of farmers who have to be satisfied by this insufficient amount of money.

There are things we could have done, I believe we should have done, in addition to putting more money into the natural disaster program so we could take care of the real needs of all the farmers across the country.

I had hoped we could have increased the Crop Loss Disaster Assistance Program, which is something that has been helpful in the past. There is also a Livestock Feed Assistance Program which is also critically important to my farmers in the Northeast because much of the silage has been lost. In our dairy farms particularly, that is a critical loss.

We also, as we go forward, should think about the structure of the program for noninsured crop disaster assistance, the NAP program. There is a trigger in that program that requires a 35-percent areawide loss. Sometimes we can't meet that loss, but, frankly, most of the crops in my State are noninsured. They are strawberries, vegetables, et cetera. They individually sometimes can't meet this trigger, and they are denied any assistance whatsoever. If that program were more flexible, we could address some of the concerns we are talking about today in terms of insufficient funding.

In addition to this lack of resources, in addition to the unfairness of the distribution, in addition to the lack of timely response to the problems of my farmers in the Northeast and Rhode Island, there is also the issue of the dairy compact. Failing to extend this undercuts a program that was working, a program that provided not only support to the dairy industry in my State but, frankly, provided consumers with milk at reasonable prices. It also provided tremendous environmental benefit to the State of Rhode Island and other States because of the pressure of development, particularly in the Northeast. Many of these dairy farms, given the choice of producing at a loss each year or selling out to developers, will sell out. In Rhode Island, the little green space we have becomes less and less and less.

For all these reasons, I must oppose this legislation. I hope in the remaining days of this session we can, in fact, find ways and other legislative vehicles, perhaps even a supplemental, to

direct assistance to the farmers throughout this country, including farmers in the Northeast, particularly in my home State of Rhode Island.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I yield such time as he may consume to the Senator from Minnesota, Mr. GRAMS.

The PRESIDING OFFICER. The distinguished Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I will talk a few minutes this morning in support of the Ashcroft amendment to the Agriculture appropriations bill dealing with sanctions. I know this Agriculture appropriations bill covers many areas, including dairy, as we just heard our colleague from Rhode Island discuss. I have a different view, of course, on the dairy situation. I hope to have more on that in another statement that will also be entered into the RECORD in regard to the Agriculture appropriations bill.

I was disappointed the conferees decided to drop the Ashcroft Food and Medicine for the World amendment added by 70 Senators to the Senate Ag appropriations bill. I am a cosponsor of the bill to be introduced by Senator ASHCROFT and the cosponsors of his amendment. While I would prefer this bill addressed all unilateral sanctions, not just food and medicine, I strongly support the bill as a good start to reforming our sanctions policy. As a cosponsor of the Lugar Sanctions Reform Act, I believe it is long overdue that the administration and the Congress think before we sanction.

it makes no sense to punish the people of a country with which we have a dispute. Denying food and medicine does nothing to penalize the leaders of any country. Government leaders can always obtain adequate food and medicine, but people suffer under these sanctions, whether they are multilateral or unilateral. Those two areas should never be a part of any sanction.

At the same time our farmers suffer from the lingering effects of the Asian financial crisis as well as those in other areas of the world, we either have, or are debating, sanctions that further restrict markets for our farmers and medical supply companies. Since most of our sanctions are unilateral, it makes no sense to deny our farmers and workers important markets when those sales are made by our allies. I need not remind any of you that we are still experiencing the aftermath of the Soviet grain embargo of the early 1980's when the United States earned a reputation as an unreliable supplier.

Another example of how we have harmed our farmers is the Cuban embargo. I have for several years supported Senator DODD's Cuba food and medicine bill, similar to this proposal. For 40 years this policy was aimed at removing Fidel Castro—yet he is still there. This is a huge market for midwestern farmers, yet it is shut off to us for no good reason. Because Cuba has fiscal problems, many of its people are experiencing hardship. Those who have relationships with Cuban-Americans receive financial support, but those who don't have relatives here need access to scarce food and medical supplies. Higher shipping costs from other import sources has restricted the volume of food that can be imported. Yet here we are 90 miles away. We could help these people, but we cannot. It is time to develop more contact with the Cuban people and time to help those who do not have relatives in the United States. This bill does not aid the government, as United States guarantees can only be provided through NGOs and the private sector. Currently, donations are permitted, as well as sales of medicine, but they are very bureaucratically difficult to obtain, and they don't help everyone. Our farmers are in a good position to help and they should be allowed to do so.

I applaud Senators ASHCROFT and HAGEL and many others for there work to ensure farmers and medical companies will not be held hostage to those who believe sanctions can make a difference. Any administration would have to get Congressional approval for any food and medicine sanction. This is our best opportunity to help farmers and to show the world we are reliable suppliers. I urge the support of my colleagues for this long overdue legislation.

I yield the floor.

Mr. COCHRAN. Mr. President, seeing no Senators seeking recognition, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally among all sides to the debate.

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

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, I yield such time as he may consume to the Senator from Wyoming, Mr. THOMAS.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized for as much time as he may consume.

Mr. THOMAS. I thank the Chair.

Mr. President, I thank the chairman of the Appropriations Committee for the work that has been done on both sides. I know this is a very difficult issue, one about which Members have very different ideas concerning resolution. I do appreciate the work that has been done.

Certainly, one of the things that has occurred and has an impact on what we are talking about today has been the difficult times we are having in agriculture. In my State of Wyoming, we have basically three areas of economic activity. This is one of the three; minerals is the other. Both have not been good lately. Fortunately, there are some signs of improvement, particularly in the livestock area, which is of course the most important part of Wyoming's agriculture.

I come to the floor to talk about what we need to do in the long run. We are talking in this bill about a great deal of fairly short-term remedies. I don't argue with those particularly. I guess maybe we have spent a little more money than we should, used the emergency technique for some things that probably are not bona fide emergencies. On the other hand, we have a great deal to do in our community in agriculture and all that needs to be done.

No one doubts the urgency of providing the short-term relief, whether it be from emergencies in weather, from emergencies in markets, or whether it be other kinds.

But the fact is that this, in my view, is not the long-term solution to the problems we have. Producers in Wyoming generally do not favor returning to the Government farm programs. I think they would much prefer the idea of being in the marketplace, producing for the marketplace, developing new markets.

We had an agricultural seminar in our State recently, and those were the things that were talked about—that we do need to develop markets; we need overseas markets because we are great producers. We produce efficiently and at good prices. But in order to do that, we have to continue to develop markets. I think we have to, in addition, reduce the kinds of restrictions that prohibit the sort of production we choose. So we need to follow up, and I think many of the agricultural leaders in the Senate believe we have some things we have to do to make Freedom to Farm work. Those are the things we must do in following up to make that marketplace work.

One of them, of course, is to reduce unfair trade barriers throughout the world. We have a great many of those, and probably the most pressing one is the European Union, where they have found various ways through tariff barriers, or nontariff barriers, to keep agricultural products in the country moving—beef, for example, which is important to me and others.

We have a great opportunity, as we go forward with the WTO meetings in Seattle soon, to take to that meeting the kinds of things that are important to us. I happen to be involved as chairman of the subcommittee on Asia and the Pacific rim. So I have been involved with some of the countries with which we deal to a great extent.

Japan has a 40-percent tariff on American beef. This is not a realistic thing to do. If we are going to have trade organizations and trade treaties that are designed to level the playing field and be fair, those kinds of things should not happen. We have some opportunities in China, as a matter of

fact, where they moved this summer to suggest they would take more wheat and also more beef. So we have some great opportunities to do that. We just this week had some hearings with respect to the NAFTA treaty with Canada. In this instance, we had some hearings before the International Trade Commission to seek enforcement of those trade agreements.

So what I am saying, of course, is that these are the kinds of things, over the long term, that we have to do to cause American agriculture to produce for the market and to be able to produce from that market a reasonable price. We can do that.

Unilateral sanctions. We have had a great deal of talk and discussion about unilateral sanctions. I think most people would agree that unilateral sanctions are not an effective tool for foreign policy. Basically, what we do is bar our own producers from selling in those particular places and gain no advantage from it. If there have to be sanctions, they certainly ought not to be unilateral. They should be through some kind of a trade organization.

So that, coupled with enforcement, I believe, of trade agreements is something that agricultural people are very anxious about. Obviously, foreign trade is not the only remedy, but it is one of the major ones. It was unfortunate that at the time we were moving into the marketplace in agriculture, we had the currency crisis in Asia, a place where we have a potential for great markets. Of course, now, hopefully, the Asian market is strengthening and we will find we will be able to move back there again.

As I mentioned, foreign trade is not the only remedy and not the only issue on which we ought to be working. I think we have to have some other innovative avenues to spur market competition. I think one of them that, again, was talked about at our seminar in Wyoming was producer-owned cooperatives that move on through to the retail marketing of these products.

I think it is pretty clear, particularly in the case of beef—or at least it is very appropriate there—where you had a major reduction in the price received by producers but no reduction in the retail market, no reduction in the grocery store when you went there—so there is some sort of a problem in between. We think producer-owned cooperatives may be a way to do the processing and to ensure that, indeed, producers are given their fair share of the final product. Another is niche marketing. A great number of things are taking place on the Internet, where people are marketing products in specialties areas.

I think we need to look at the concentration of packers, where there are only two or three packers that handle 80 to 85 percent of the livestock. I think there are some similarities in the grain industry, where very few buyers are available to go into the marketplace. So you have to ask the question, Is there, indeed, a competitive, fair marketplace? We have the Packers and Stockyard Act which is designed to do that. Over the years, we have appealed to the Justice Department a number of times to look at whether there was, indeed, a monopoly factor. They have said that, under the law, there is not. Not everybody agrees with that. Nevertheless, that has been the result.

We are going to, I think sometime this week, introduce a proposition that would have to do with packers' ownership of livestock and see if we can do something about reducing the potential for monopolies so the market prices are there. In this bill, I think there is a market-price-revealing requirement that is very important.

Financial solvency, of course, for agriculture is always difficult.

Crop insurance. The Senator who is presiding at this time continues to do a great deal with crop insurance, and we need to do that—at least from the weather emergency standpoint. That is the kind of thing that needs to be in place to protect the investment of farmers. In the form of tax relief, we have tried to do some things to extend income averaging. As you can understand, because some years are good and some are not, there needs to be the ability to income average.

There is interest in estate taxes. Most agricultural people have their estate in property, and they make very little profit often, but it accumulates toward their estate under the circumstances, and after they get beyond the exemption of 55 percent, that estate has to be paid in taxes. That is extremely difficult for agriculture. So we are going to be doing some things there.

Regulatory relief is particularly important in States such as ours, where 50 percent of the land belongs to the Federal Government, where much of agricultural activity, particularly livestock, is carried on, on public lands. The restrictions sometimes are very difficult.

So I am pleased we are going forward with this bill. As is the case with many, it probably isn't the way I would do it if I were in charge. But I am not in charge, nor is anyone else. So when you put it all together, it is difficult. I think the committee has done the best they could and has done a good job, but we need to focus on the long-term prosperity in agriculture, the family farm. We need to focus on continuing to keep U.S. producers competitive in the world market and, finally, opening those markets throughout the world for our agricultural products on a fair basis, so we are not kept out of those markets by nontariff barriers, and, in addition, of course, to develop domestically the things we do.

So, again, I say to the chairman, the Senator from Mississippi, good job. He has worked very hard in doing this, and we are pleased that this bill will be sent to the White House.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, let me, first of all, repeat what I said on the floor yesterday, which is that I am going to support this emergency package, both the financial emergency package and the disaster relief emergency package.

I am going to do so because, may I say for the Record, Tracy Beckman tells me this will mean $620 million in AMTA payments to Minnesota, and this will be important for some 60,000-plus producers. I hasten to add that most of this money to farmers will end up being used to pay back bankers.

I also am going to support this because I want to get some assistance out there. I don't think we are going to have enough with this $8.7 billion package. I don't think there is enough for disaster relief.

Clearly, our farmers in the Northeast are saying we don't figure in. And in northwest Minnesota where we have had so much wet weather and some farmers haven't been able to get a crop in or much of a crop in, I fear there won't be enough assistance.

But I think that when we are at least talking about something we can pass. We need to get this to the President and have President sign it in order to get some of this financial assistance out to our communities within the next couple of weeks. For this reason, I am going to support it. I also want to say that I hope to have to never vote for such a package again.

I believe these disaster relief bills are becoming a disaster. I think they are a complicated way of acknowledging the fact that we have a failed agricultural policy. Who would ever have dreamed that we would have spent over $19 billion now to keep farmers going post-Freedom to Farm bill. This doesn't make a lot of sense.

The producers in my State, the farmers in my State, much less the rural communities, the small businesses that are affected by this, the implement dealers, and those who sell tools all say: What we want is a decent price.

I want to make it real clear that I wish—though I appreciate the work, I don't think there is any Senator on the floor who has any unkind words to say about Senator COCHRAN, publicly or privately, because I think he is held in such high regard—I wish we were doing this through a somewhat different mechanism because I fear that too much of the support will be in reverse relation to need. I think we will have yet another supplementary emergency package to deal with, especially disaster relief because there is not enough in here.

In any case, we ought to deal with the root of the problem. The family farmers in my State of Minnesota and in the rural communities that have been so affected by this economic convulsion in agriculture—it is a depression in agriculture—I want to see a

new policy. The Freedom to Farm bill has become the ''freedom to fail'' bill. I do not hear very many Senators talking any longer about staying the course. We have to change the course of agricultural policy.

I make a plea on floor of the Senate that before we finish, before we adjourn, before we leave Washington, before we go back to our States, we pass legislation to change farm policy; that we pass some legislation to deal with the price crisis; that we pass legislation to give our farmers and our producers some leverage in the marketplace so they can make a decent price and so they can support their families.

The plea or the cry in rural America from family farmers is nothing more than to say for all you people who believe there should be a family wage, or a living wage, and a parent or parents ought to be able to make enough of a wage to support their families, well, those of us who produce the food and the fiber for families in this country ask for the same thing.

That is what this is all about.

I want to translate this crisis in personal terms.

Lynn Jostock is a Waseca, MN, dairy farmer. He tells his story:

> I have four children. My 11-year-old son Al helps my husband and I by doing chores. But it often is too much to expect of someone so young. For instance, one day our son came home from school. His father asked Al for some help driving the tractor to another farm about 3 miles away. Al was going to come home right afterward. But he wound up helping his father cut hay. Then he helped rake hay. Then he helped bale hay. My son did not return home until 9:30 p.m. He had not yet eaten supper. He had not yet done his schoolwork. We don't have other help. The price we get at the farm gate isn't enough to allow us to hire any farmhands or to help our community by providing more jobs. And it isn't fair to ask your 11-year-old son to work so hard to keep the family going. When will he burn out? How will he ever want to farm?

Gary Wilson, an Odin farmer, says:

> Received the church newsletter in the mail. What's normally to the entire congregation had been addressed to only farmers. The newsletter said farmers should quit farming if it was not profitable. If larger, corporate-style farms were the way to turn a profit, the independent farmers should let go and find something else to do. ''What he doesn't understand is that the farmers are his congregation. If we go, he won't have a church.''

Oh, how right Gary Wilson is.

The point is, if we continue with this failed policy, we are going to lose a generation of producers. We are going to see this convulsion in agriculture play out to the point where we have a few large conglomerates that control all phases of the food industry. Believe me, if you have just a few landowners versus a lot of family farmers who live and buy in the community and invest in the community, there won't be the support for the church. There won't be the support for the synagogue. There won't be the support for the small business. There won't be the support for the school system.

Darrel Mosel is a Gaylord farmer.

> Farming for 18 years. When he started farming in Sibley County, which is one of Minnesota's largest agricultural counties, there were 4 implement dealers in Gaylord, the county seat. Today, there are none. There's not even an implement dealer in all of Sibley County. The same thing has happened to feed stores and grain elevators. Since the farm policies of the 1980s and the resulting reduction in prices, farmers don't buy new equipment they either use baling wire to hold things together or quit. ''The farm houses have people in them but they don't farm. There's something wrong with that.''

That is a direct quote from Darrel.

John Doe—this is a farmer who wants to remain anonymous:

> This family has gone through a divorce and the father and three children are operating the farm. The father has taken an off farm job to make payments to the bank and has his 12 year old son and 14 year old daughter are operating the farming operation, unassisted while he is away at work. The neighbors have threatened to turn him in to human services for child abandonment and so he had to have his 18 year old daughter quit work and stay at home to watch the two younger children.
>
> The 12 year old boy is working heavy farm equipment, mostly alone. He is driving these big machines and can hardly reach the clutch on the tractor. It's this or lose the farm.

I could go on and on, but I will not. I want to repeat what I have said, which is that I am going to support this emergency assistance package. But all it does, at best, is enable farmers to live to farm another day. The truth of the matter is it isn't going to help the farmers who it needs to help the most.

In addition, I am going to support it because at least it gets some assistance to some families. It doesn't do anything for the small businesses. Most important of all, farmers simply will not have any future.

Ken and Lois Schaefer from Greenwald, MN, will not receive much assistance. Ken and Lois are one of the few small, independent hog operations still remaining, with roughly 400 hogs. They raise feeder hogs and sows. Lois has an off-farm job to make ends meet. Ken is considering an additional job. This is common. People who farm have jobs off the farm; it is unbelievable stress on the family. There is no choice if they are to survive.

A recent hog operation opened near the Schaefer farm and is seeking employees. Ken's neighbor started working part time for the hog factory. Ken and Lois will not receive much assistance; there is not near enough livestock assistance. However, Ken and Lois do not necessarily want assistance. What they want is a decent price for their hogs.

They ask the question: How can it be that we as hog producers are facing extinction and these packers are in hog heaven? How can it be that we as hog producers are facing extinction and the IBPs and the Cargills and the ConAgras are making record profits?

Several weeks ago, I spoke about the crisis that is ravaging rural America. I told my colleagues about farmers I visited in Minnesota, Iowa, Missouri, South Dakota, and Texas. Today, I want to talk about why there is this convulsion, why every month more and more family farms are put on the auction block; why every month more and more family farmers are forced to give up their way of life; why they lose their work; why they are losing their hope; and why they are sometimes losing their communities.

We ought to act now. I have said to the majority leader three or four times that I want an opportunity to bring to the floor of the Senate some legislation that will alleviate the suffering. I want to talk about this today. I want the opportunity to have an up-or-down vote on a moratorium on any further mergers or acquisition of any huge agribusiness. We have a frightening concentration of market power. These big conglomerates have muscled their way to the dinner table and are driving out family farmers. At the very minimum, we can put into effect the moratorium and have a study so over the next 18 months we can come up with legislation while this moratorium is in place that will put some competition and free enterprise back into the food industry, giving our family farmers, our producers, a fighting chance.

Several weeks ago I spoke on the floor at some length about the crisis that is ravaging rural America today. I told my colleagues about some of the farmers I've visited with in Minnesota, in Iowa, in Texas, and around the country who are on the brink of financial disaster because of record low farm prices.

Farmers from all around the country were in Washington, DC, that week because they know that the future of the family farm is at stake. Every month, more and more family farms are put on the auction block. Every month, more and more family farmers are being forced to give up their life's work, their homes, and their communities. We must act now.

In Minnesota, about 6,500 farmers are expected to go out of business this year. That's about eight percent of all farmers in my state. In northwest Minnesota, which has been hit especially hard by this crisis, about 11 percent are expected to go under. An August 1999 survey of Minnesota County Emergency Boards reported that more Minnesota farmers are quitting or retiring with fewer farmers taking their place; more Minnesota farm families are having to rely on non-farm income to stay afloat; and the number of Minnesota farmers leaving the land will continue to increase unless and until farm prices improve. We must act now.

Today I want to take a step back and look at the larger picture. I want to examine what is going on in American agriculture and why; what it means for farmers and for us as a society; and, most importantly, what we can do about it.

I want to talk about record low farm prices. I want to talk about record high

levels of market concentration and the absence of effective competition in almost every major commodity market. I want to talk about the failure of our antitrust enforcement authorities to do much of anything about this.

I want to talk about the need for Congress to take immediate action to restore competitive markets in agriculture and give farmers more equal bargaining power against corporate agribusiness. And I also want to make the case for a moratorium on large agribusiness mergers and acquisitions, effective immediately, which I have recently proposed along with Senator DORGAN.

In my travels around Minnesota and around the country, I've found that many people are not even aware of the crisis afflicting rural America today. Even fewer have any idea to what extent market concentration and anti-competitive practices have substantially eliminated competition in agriculture. So let me just start by ticking off a few statistics that some of my colleagues may find surprising.

In the past decade and a half, an explosion of mergers, acquisitions, and anti-competitive practices has raised concentration in American agriculture to record levels.

The top four pork packers have increased their market share from 36 percent to 57 percent.

The top four beef packers have expanded their market share from 32 percent to 80 percent.

The top four flour millers have increased their market share from 40 percent to 62 percent.

The market share of the top four soybean crushers has jumped from 54 percent to 80 percent.

The top four turkey processors now control 42 percent of production.

49 percent of all chicken broilers are now slaughtered by the four largest firms.

The top four firms control 67 percent of ethanol production.

The top four sheep, poultry, wet corn, and dry corn processors now control 73 percent, 55 percent, 74 percent, and 57 percent of the market, respectively.

The four largest grain buyers control nearly 40 percent of elevator facilities.

By conventional measures, none of these markets is really competitive. According to the economic literature, markets are no longer competitive if the top four firms control over 40 percent. In all the markets I just listed, the market share of the top four firms is 40 percent or more. So there really is no effective competition in the processing markets for pork, beef, chicken, turkeys, ethanol, flour, soybean, wet corn, dry corn and grain.

This development is not entirely new. In some sectors of agriculture, there was already considerable horizontal concentration at the turn of the century. Pork and beef slaughtering and processing were dominated by Wilson, Armour and Swift. That's why Congress passed the Packers and Stockyards Act in 1921.

But now, with this explosion of mergers, acquisitions, joint ventures, marketing agreements, and anti-competitive behavior by the largest firms, these and other commodity markets are becoming more and more concentrated by the day.

Recently the Justice Department approved a modified merger between Cargill and Continental. Just a few weeks ago Smithfield Foods, a major meat processor, announced the acquisition of Murphy Family Farms, a giant hog producer. DuPont is buying Pioneer Hi-Bred International. ADM is buying more and more of IBP. Among seed companies and input suppliers, there has been more than $15 billion worth of combinations in the last three years.

In my hands I have a monthly listing of new mergers, acquisitions, and other agribusiness deals through March 1999. Let me just read a sample of some of the headlines to give you a sense of how rapidly this concentration is taking place. March 1999: Dupont to buy Pioneer. Farmland-Cenex to discuss combining grain operations. Smithfield to acquire Carroll's.

February 1999: Three California dairies preparing for merger. December 1998: Monsanto completes Dekalb purchase. Smithfield gains control of Schneider. Cargill buys Bunge's Venezuelan units. November 1998: Cargill buys out rival grain operation; deal boosts firm's hold on market. Dow Chemical completes purchase of Mycogen. IBP buys appetizer business in expansion move. And so on.

The effect of this surge of concentration is that agribusiness conglomerates have increased their bargaining power over farmers. When farmers have fewer buyers to choose from, they have less leverage to get a good price. Anybody who has been to an auction knows that you get a better price with more bidders. Moreover, when farmers have fewer buyers to choose from, agribusinesses can more easily dictate conditions that farmers have to meet. And fewer buyers means farmers often have to haul their production longer distances, driving up their transportation costs.

In addition to this horizontal concentration among firms in the same line of business, we are also seeing another kind of concentration. It's called vertical integration. Vertical integration is when one firm expands its control over the various stages of food production, from development of the animal or plant gene, to production of fertilizer and chemical inputs, to actual production, to processing, to marketing and distribution, to the supermarket shelf.

The poultry industry is already vertically integrated, by and large. 95 percent of all chicken broilers are produced under production contracts with fewer than 40 firms. Now the same process is occurring in the pork industry. Pork packers are buying up what's called captive supply—hogs that they own or have contracted for under marketing agreements. If these trends continue, grain and soybean production may soon be vertically integrated just like poultry.

The problem with this kind of vertical concentration is that it destroys competitive markets. Potential competitors often never know the sale price for goods at any point in the process. That's because there never is a sale price until the consumer makes the final purchase, since nothing is being sold outside the integrated firm. It's hard to have effective competition if prices are not publicly available. Today there is essentially no price discovery, and therefore no effective competition, for chicken feed, day old chicks, live chicken broilers, turkeys and eggs. If vertical integration of pork and dairy continues at the current pace, we can expect much the same in those industries.

Vertical concentration stacks the deck against farmers, as we can see clearly in the case of the rapidly consolidating hog industry. An April 1999 report by the Minnesota Land Stewardship Project found that:

> Packers' practice of acquiring captive supplies through contracts and direct ownership is reducing the number of opportunities for small- and medium-sized farmers to sell their hogs;
>
> With fewer buyers and more captive supply, there is less competition for independent farmers' hogs and insufficient market information regarding price; and
>
> Lower prices result.

Even the USDA's Western Corn Belt hog procurement study showed price discrimination against smaller farmers. Smaller farmers were paid lower base prices, lower premiums, and they were given little or no access to long-term marketing contracts.

The combined effect of these two different kinds of concentration is to put enormous market power in the hands of a handful of global agribusiness giants. Not only do these conglomerates dominate processing for all the major commodities, but the same firms appear among the top four or five processors for several different commodities. ConAgra, for example, is among the Top Four for beef, pork, turkeys, sheep, and seafood, and it's number five for chicken broilers. To make matters worse, many of these firms are vertically integrated. Cargill, for example, is among the Top Four firms trading grain, producing animal feed, feeding hogs and beef, and processing hogs and beef.

Farmers clearly see the connection between this concentration and lower farm prices. Leland Swensen, president of the National Farmers Union, recently testified that

> The increasing level of market concentration, with the resulting lack of competition in the marketplace, is one of the top concerns of farmers and ranchers. At most farm and ranch meetings, market concentration ranks as either the first or second in priority

of issues of concern. Farmers and ranchers believe that lack of competition is a key factor in the low commodity prices they are receiving.

Well, no wonder. How else can you explain the record profits that the large agribusiness conglomerates are racking up, at the same time low prices are causing a depression for family farmers? IBP's earnings in 1998, for example, were up 62 percent. In the second quarter of this year, they were up a whopping 126 percent. Packing plants, food processors and retailers are all reporting record profits.

While corporate agribusiness grows fat, farmers are facing lean times. The commodity price index is the lowest since 1987. Hog prices are at their lowest since 1972. Cotton and soybean prices are the lowest they've been since the early 1970s. Feed grain prices are the lowest they've been since the mid-1980s. Food grain prices are at the lowest levels since the early 1990s. Agricultural income in the mid-Western states is predicted to fall between 15 and 60 percent this year.

Current prices are so low that many family farmers are lucky to stay in business. Market prices are lower than their cost of production. The value of field crops is expected to be more than 24 percent lower in 1999 than it was in 1996—42 percent lower for wheat, 39 percent lower for corn, and 26 percent lower for soybeans. But farmers' expenses aren't falling by the same amount. In fact, they're not falling at all. Farmers can't cash flow if their selling prices are falling through the floor while their buying prices are shooting through the roof.

It all comes down to market power. Corporate agribusinesses are using their market power to lower prices, without passing those price savings on to consumers. The gap between what consumers pay for food and what farmers get paid is growing wider. According to the USDA, the so-called farm-to-retail price spread—the difference between the farm value and the retail price of food—rose 4.7 percent in 1997. From 1984 to 1998, prices paid to farmers fell 36 percent, while consumer food prices actually increased by 3 percent.

In other words, the farmer's share of farm profit is falling. The farmer share of every retail dollar has fallen from 50 percent in 1952 to 25 percent today. By the same token, the profit share of farm input, marketing, and processing companies is rising. The agribusiness conglomerates claim that this is because they're putting more ''added value'' into food products. Actually, it looks like they're taking additional value out.

Some people have blamed low farm prices on other factors, such as declining exports. That's a big debate that will have to wait for another day. But let me just say this. We can hardly expect export growth to translate into higher prices for American farmers if the multinational agribusinesses still have enough bargaining power to keep farm prices down.

As Jim Braun, a third-generation Iowa farmer, wrote recently, ''Unfortunately, increased exports do not necessarily mean more money for farmers. IBP has doubled exports since 1990 and quadrupled profits in 1998, while it destroyed family farmers by paying below Depression-era prices for hogs. If Cargill, ConAgra, or ADM, the three major grain processors and exporters, could sell corn overseas for $20 per bushel, they could still pay American farmers below the cost of production simply because they have the power to do so.''

What we do know for sure is that low farm prices are driving thousands of farmers into bankruptcy, and concentration is helping to depress prices. That's reason enough why we should take immediate action to address the problem of concentration. But there are plenty of other reasons why we should be concerned about concentration in agriculture.

First of all, concentration is bad for the environment. When large-scale corporate feedlots replace family-size farms, they create large amounts of waste in a relatively small space. That puts enormous strain on the local ecology. The lower prices resulting from unequal bargaining power also put pressure on farmers to abandon careful soil and water conservation practices.

There's another reason why we should be concerned about concentration in agriculture. The price effects of unequal bargaining power are tremendously destructive of community and family values. This connection was made explicit in an infamous 1962 report by the Committee for Economic Development, whose members included some of the biggest food companies.

Amazingly, the Committee had this to say about community and family values. They recommended investment ''in projects that break up village life by drawing people to centers of employment away from the village . . . because village life is a major source of opposition to change.'' They went on to say, ''Where there are religious obstacles to modern economic progress, the religion may have to be taken less seriously or its character changed.''

So the largest agribusinesses were afraid that ''village life'' and religion would stand in the way of modern economic progress. But what exactly did they mean by the term ''modern economic progress''? It turns out they meant the bankruptcy and forced emigration of two million farmers. That's what their report recommended. These agribusiness giants were advocating lower price supports for farmers in order to lower farm prices. And the primary benefits of lowering farm prices, they argued, would be to lower input prices for the food companies, to increase foreign trade, and to depress wage levels by putting two million farmers out of business and dumping them into the urban labor pool.

There's a third reason why we should be concerned about concentration in agriculture. As the Committee for Economic Development report makes clear, this concentration is harmful to the economic development of rural communities. It's been estimated that when a farm goes under, three to five jobs are destroyed. For every six farm failures, one rural business shuts down.

The reason is pretty simple. When production is controlled by more nonlocal corporations, profits don't get reinvested in the community. When family businesses operate local farms, elevators, and grocery stores, they plough profits right back into other local businesses. Those revenues circulate locally three or four times, creating what's called a multiplier effect. But there's no multiplier effect when nonlocal corporations drain profits out of the community. Rural communities become little more than a source of cheap labor inputs for agribusiness multinationals—to be purchased as cheaply as possible in competition with low-wage labor overseas.

Obviously, this kind of concentration is not good for the social and economic health of rural communities. According to the Nebraska Center for Rural Affairs, virtually all researchers have found that social conditions deteriorate in rural communities when farm size and absentee ownership increase. Studies have shown that communities surrounded by large corporate farms suffer from greater income polarization—with a few wealthy elites, a majority of poor laborers, and virtually no middle class. The tax base shrinks and the quantity and quality of their public services, public education, and local government declines.

John Crabtree of the Center for Rural Affairs sums it up this way: ''Replacing mid-size farms with big farms reduces middle-class entrepreneurial opportunities in farm communities, at best replacing them with wage labor. . . . A system of economically viable, owner-operated family farms contributed more to communities than systems characterized by inequality and large numbers of farm laborers with below-average incomes and little ownership or control of productive assets.'' He concludes that ''Societies in which income, wealth, and power are more equitably distributed are generally healthier than those in which they are highly concentrated.''

I think this last point is true not only of rural communities, but of our country as a whole. ''Societies in which income, wealth, and power are more equitably distributed are generally healthier than those in which they are highly concentrated.'' In other words, we all do better when we all do better. When we have a thriving middle class, including a thriving family farm sector, our economy performs better. Our democracy functions better.

The idea that concentrations of wealth, of economic power, and of political power are unhealthy for our democracy is a theme that runs throughout American history, from Thomas

Jefferson to Andrew Jackson to the Progressive Era to the New Deal. But this idea was perhaps most forcefully expressed by the People's Party of the late 1800s, sometimes called the Populists.

The People's Party embodied popular disgust with rampant monopolization and concentration of economic and political power. The Populist platform from the 1892 nominating convention in Omaha declared, ''The fruits of the toil of millions are boldly stolen to build up colossal fortunes for a few, unprecedented in the history of mankind.'' People's Party founder Tom Watson thundered, ''The People's Party is the protest of the plundered against the plunderers.''

In the Gilded Age of the late 1800s and the Progressive Era of the early 1900s, the danger of concentrated economic power was widely recognized and hotly debated. The Populists argued that a free and democratic society cannot prosper with such concentration of power and inequalities of wealth. As the great Supreme Court Justice Louis Brandeis said, ''We can have democracy in this country, or we can have wealth in the hands of a few. We can't have both.''

The Populists were reacting to a concentration of wealth, economic power, and political power that was remarkably similar to what we've experienced in the late 1900s. Today, despite wage gains for low-income workers over the past couple years, inequality in America has reached record levels.

According to reports by the Center on Budget and Policy Priorities and the Economic Policy Institute, the gap between rich and poor is greater today than at any time since the Great Depression. CBO data shows that after-tax income is more heavily concentrated among the richest one percent of the population than it has been since 1977. CBO projects that in 1999 the richest 1 percent of Americans (2.7 million people) will receive as much after-tax income as the poorest 38 percent (100 million people) put together.

At the same time, we are witnessing the biggest wave of mergers and economic concentration since the late 1800s. Not only in agriculture, but in media and communications, banking, health care, airlines, energy, hi-tech, defense, you name it. There were 4,728 reportable mergers in 1998, compared to 3,087 in 1993; 1,529 in 1991; and a mere 804 in 1980. And as Joel Klein, head of Justice Department's Antitrust Division, has pointed out, the value of last year's mergers equaled the combined value of all mergers from 1990 through 1996 put together.

Former Speaker Newt Gingrich, the political scientist E. J. Dionne, and the philosopher Michael Sandel, among others, have all drawn parallels between the conditions of today and the heyday of monopoly power in the 19th Century. In the Gilded Age, the welfare of farmers, rural communities, and small businesses was sacrificed for the economic interests of burgeoning bank, railroad, and grain monopolies. Today, the welfare and future of our family farmers and rural communities is being sacrificed to the economic interests of near-monopoly global agribusiness.

While the Sherman Act was written by a Republican senator and signed into law by a Republican president, in 1896 William McKinley and the Republicans openly sided with the titans of industry and decided to write off rural America. They felt that the ''social reformers, agrarian rebels, church leaders, and others who challenged the authority of the industrial giants'' were being hopelessly sentimental, as E.J. Dionne puts it. The McKinley Republicans presumed that monopoly interests were on the right side of history, of economic progress, and of civilization.

Interestingly enough, Populist demands were initially rebuffed with many of the same arguments that have become conventional wisdom today. The Populists were told that monopoly power was the legitimate outcome of free markets, that concentration was the inevitable result of technological progress, that concentration represented economic efficiency, and that there were no viable alternatives.

These arguments are no truer today than they were at the turn of the century. The current trend towards concentration in agriculture is not the product of the ''free market,'' nor of Adam Smith's invisible hand. For starters, with no effective competition in the major commodity markets, these can hardly be held up as models of free market competition. What they really stand for is market failure.

In any event, these near-monopolies were not created by the free market at all. They were created by government, just like the railroad monopolies of the 19th century. Instead of Adam Smith's invisible hand, we are seeing the hand of multinational food conglomerates, in the words of Iowa farmer Jim Braun, ''acting inside the glove of government.''

The role of government in creating and fostering these monopolies is probably most obvious in the context of intellectual property rights, such as patents and copyrights. These are monopolies by definition. The whole point of intellectual property protection is to prevent competition. Without that patent protection, there would be a lot more companies selling seed and other inputs to the farmer, there would be a lot more competition, and the farmer would pay much lower prices. And because of that protection, intellectual property rights generate outsized profits and market power.

My point is not that these patent protections are a good thing or a bad thing. The answer will probably depend on a lot of different factors in each particular case. My point is that they are not an example of the free market at work. On the contrary, these are monopolies formally granted by the government.

The issue here is not just competition for the patented goods, but barriers to competition for the entire agribusiness industry. If one of these conglomerates engages in high-handed behavior, new businesses could normally be expected to enter the market and steal its market share. But smaller competitors can't enter the market if the barriers to entry are too high. And intellectual property rights are a mighty high barrier.

In fact, one of the motors driving consolidation of agribusiness today is biotechnology. Soon biotech companies will be able to control the entire food production chain with their genetics. Already Monsanto, DuPont, and Novartis are gobbling up smaller biotech companies' market share, patent rights, and customer base. And biotech patent monopolies on plant and animal genomes will be a nearly insurmountable barrier to market entry in the future.

Professor Bill Heffernan, who was commissioned by the National Farmers Union to study these trends, projects that the entire agricultural sector will soon consolidate into a small number of ''food chain clusters,'' revolving around intellectual property firms. The number of these clusters will be limited by the small number of firms with intellectual property protection and by extremely high barriers to market entry.

A handful of vertically integrated food chain clusters are already poised to control food production from the gene to the supermarket shelf. Professor Heffernan identifies three existing food cluster chains: Cargill-Monsanto, ConAgra, and Novartis-ADM. He predicts that another two or three will eventually develop. Smaller seed firms, independent producers and other independent businesses will face a dilemma. Either they join one of alliances to obtain inputs and sell their production, or they go out of business.

The emergence of these titanic food conglomerates is not the inevitable outcome of technological progress, but of conscious policy choices. Our government-funded research programs, for example, have chosen to fund expensive technologies that generate greater sales for the largest agribusinesses and diminish the role of farmers in the production of food.

Government support for private-sector monopoly over the ''terminator gene'' is a good example of the bias inherent in these choices. The terminator gene is a gene that can be inserted in plants to make their seeds sterile. It forces farmers to buy new seeds every year instead of reusing their own.

This is not a neutral technology. It raises the income of the seed suppliers and intellectual property holders by forcing farmers to pay more for seed. As Lee Swenson of the National Farmers Union recently has testified, ''Biotechnology and the terminator gene have put the farmer at the mercy of

the food cluster for seed to plant crop. If the firms in the processing stage of the cluster require specific genetic material and the farmer cannot get that seed, the farmer has no market access.'' Yet this technology was developed with support from none other than the USDA.

While choosing to invest in technologies such as the terminator gene, the government has generally failed to invest in technology that would benefit the family farmer. Research dollars have not been directed towards technologies that would reduce farmers' costs for capital or inputs, for example, or help them produce higher value products. Dr. Neil Harl of Iowa State University also calls for more government support of cutting edge seed varieties that should be made available to smaller seed companies, helping them compete against the emerging food clusters.

Instead, Congress has chosen to cut funding for publicly available research in biotechnology. One seed company CEO, when asked what farmers could do to resist the growing vertical integration of agriculture, said, ''Absolutely nothing, because these are property rights owned by the companies, so the farmer is going to become more and more at the mercy of the few who own intellectual properties. Again, it goes back to the shortsightedness of funding basic research in such a parsimonious fashion. Without government funding, companies are going to fund research and control it.''

Economic concentration is not dictated by economic efficiencies any more than it is by free markets and technological progress. In the late 1800s, John D. Rockefeller made the classic argument for the economic efficiencies of monopoly power. He claimed that Standard Oil's monopoly was good for the public because it created efficiencies that could be passed along to the consumer in the form of lower oil prices. That argument wasn't compelling then, and it's not compelling today.

First of all, efficiency is not what's driving the trend towards concentration in agriculture. Research by Iowa State University economist Mike Duffy shows no further economies of scale beyond 600 acres of row crops and about 150 sows. But the most rapidly growing farming operations in Iowa are much larger than that, so economies of scale cannot be driving their expansion.

One Iowa farmer writes, ''Today efficiency and cost of production have nothing to do with determining which farmer will survive as a food producer.'' The most important factor is probably the special relationships the integrating firm has with other businesses. In industries undergoing vertical integration, especially, farmers who don't have special relationships with feed or slaughtering firms often have to pay more for inputs and have more problems selling their product. And smaller farmers are being forced to sign production contracts with input suppliers to obtain new technologies they need to stay competitive.

Another critical factor determining who survives in these non-competitive markets is deep pockets and market share. Conglomerates with multiple holdings can cross-subsidize one of their operations with profits from another operation, making it harder for smaller, less diversified firms to compete. They can also drive local non-diversified firms out of business by excess production or processing of a commodity, driving price down below the cost of production.

These cross-subsidies are increasingly taking place on a global scale. A firm like Cargill, which has operations in 70 countries, can absorb losses in one country so long as it can cross-subsidize with revenues from another country. Because they control supplies in more than one country, these multinationals can also drive prices down to the detriment of farmers in both countries.

Even if concentration did produce economic efficiencies, such efficiencies wouldn't concern us if they weren't passed on to the consumer. But we've already seen that the agribusinesses' price windfalls are not being passed on to the consumer. That's because they are able to exploit their economic power to increase profit share at the expense of farmers.

So it's simply not true that there are no viable alternatives to continued economic concentration. Concentration is not dictated by free markets, by technological progress, or by economic efficiency. It's occurring because of government-created monopolies, biased choices in technology policy, special relationships, and cross-subsidies. And it's occurring because our choices in farm and trade and antitrust policies. In the end, concentration is driven by policy choices that could be made differently.

Consider all the policy choices that have brought American agriculture to where it is today. When we paved the way for family farming with the Homestead Act and the defeat of slavery, that was a policy choice. When we enacted parity legislation in the 1940s, leading to an increase in the number of farmers, expansion of soil and water conservation practices, and a decline in farm debt, that also was a policy choice.

When we cut loan rates in the 1950s and 1960s to lower farm prices, that was a policy choice. When we interlinked domestic commodity markets with lower world prices through trade agreements, that was a policy choice. When we eliminated the safety net for farmers with the Freedom to Farm Act, that was a policy choice.

When we invest public resources in technology that tilts the scales against family farmers, that is a policy choice. When we fail to fund enough economists at GIPSA or enough antitrust staff at Justice and the FTC, that is a policy choice. And when we encourage global concentration through our trade policies while allowing corporate agribusiness to destroy competitive markets here at home, that too is a policy choice.

Now the policy choices before us are clear. We can take legislative action that will help preserve family-based agriculture. Or we can continue on our present course, which is leading unmistakably in the direction of contract farming, rural depopulation, and global oligopoly.

In August, the Omaha World Herald carried a story about one economist's projections for the future of American agriculture. ''Farmers who stubbornly insist on being their own boss will end up in the economic scrap heap,'' he said. This economist described a trend toward ''polarization of farms by size, with the number of large farms growing at a rapid pace''; ''separation of land ownership from land production, with more and more people owning land as an investment and leasing property for production''; and contract farming, which will change the role of farmers from that of an independent producer to skilled tradesman.''

Can any Senator honestly tell me this is the vision he or she supports? Do we really want a world of contract farming, in which farm laborers are stuck with one-sided contracts and inadequate price information and struggle to get out from under mountains of debt? Do we really want a world in which our rural areas become depopulated because family farmers have to leave the land? Do we really want a world in which vertical integration and contract farming shift ever more bargaining power to agribusinesses?

Do we really want a world in which management decisions are made by a small group of corporate executives, removed from the land thanks to new precision farming technologies? Do we really want a world in which titanic food chains face little pressure to pass on price savings to the consumer?

Do we have any say in this matter? I think we do. We don't have to accept this vision of the future if we don't want to. We can propose a different one, and we can fight for it. These are all policy choices.

These choices are made more difficult by the immense power of corporate agribusiness—not only economic power, but political power as well. As Lee Swenson of the NFU recently testified,

> The remaining firms are increasing market share and political power to the point of controlling the governments that once regulated the firms. Some of the biggest corporations have gotten tax breaks or other government incentives. . . . Corporate interests have also called on the government to weaken environmental standards and immigrant labor protections in order to allow them to reduce productions costs.

The bigger these agribusinesses get, the more influence they have over our public policy choices. The bigger they

get, the more money they have to spend on political campaigns. The bigger they get, the more lobbyists they can afford to amass on Capitol Hill. The bigger they get, the more likely they are to be named special U.S. trade representatives, like the CEO of Monsanto. The bigger they get, the more likely public officials will be to confuse their interests with the public interest, if they don't already do that. And the bigger they get, the more weight they will pull in the media.

It's a vicious circle. These agribusiness conglomerates used their political clout to shape public policies that helped them grow so big in the first place. Now their overwhelming size makes it easier for them to dictate policies that will help get even bigger.

This was just as much a problem at the turn of the century as it is now. American democracy suffered greatly as a result of concentration of economic power in the late 1800s. But the Populists and their successors showed us that there is a different path, that there are alternatives, and they proceeded to lay the groundwork for the Progressive Era.

Even before the founding of the People's Party, populists and labor and progressives began working to rein in the concentration of economic power. With the help of some forward-looking Republicans, they fought for and passed the Sherman Act and the Clayton Act and the Packers and Stockyards Act and the Federal Trade Commission Act. They also reined in the trusts through regulation of banks and railroads. And they demanded more and better democracy through the direct election of senators.

Judge Robert Bork notwithstanding, I don't believe the Sherman Act was motivated by concerns over economic efficiency and consumer welfare. In fact, during consideration of the Sherman Act, Congressman Mason directly responded to the efficiency arguments raised by John D. Rockefeller.

> If the price of oil, for instance, were reduced to one cent a barrel, it would not right the wrong done to the people of this country by the trusts which have destroyed legitimate competition and driven honest men from legitimate business enterprises.

As Richard Hofstadter has written, the Sherman Act was ''a ceremonial concession to an overwhelming public demand for some kind of reassuring action against the trusts.'' During debate on the Act, Senator John Sherman himself railed against the ''kingly prerogative'' of men with ''concentrated powers.'' He vowed that ''We will not long endure a king over production, transportation, and sale of any of the necessities of life.''

But the antitrust laws, in the words of Supreme Court Justice William O. Douglas, are now ''mere husks of what they were intended to be.'' In the last 20 years, the courts have been unduly influenced by the anti-antitrust views of Judge Bork and the Chicago School. Today tremendously unfair market power routinely goes unpunished, especially with regard to vertical integration.

Courts have limited the effectiveness of the antitrust laws by narrowing their focus to questions of economic efficiency and consumer welfare. The focus on consumer welfare is an obstacle to antitrust enforcement in agriculture, even though farmers were an integral part of the original antitrust movement. Conventional antitrust analysis focuses on the ability of dominant firms to charge higher prices to consumers; price declines are generally not regarded as a problem. But farmers today are drawing attention to the ability of dominant firms to abuse their market power to pay lower prices to producers, not consumers.

The Justice Department's recent approval of the Cargill-Continental merger raises troubling questions about the future of antitrust enforcement in agriculture. If DOJ can't stop the merger of Cargill and Continental, what merger will it ever stop? Will it ever be able to take any action at all to arrest the trend towards concentration in agriculture?

The Packers and Stockyards Act is a similar story. Enacted in 1921 to combat the market abuse of the top five meat packers, it has extremely broad and far-reaching language. Under the Packers and Stockyard Act, it is unlawful for any packer to ''engage in or use any unfair, unjustly discriminatory, or deceptive practice or device.'' It is unlawful to ''make or give any undue or unreasonable preference or advantage.''

However, some court decisions have limited its scope, and USDA is unwilling to test its regulatory authority in court. Meanwhile, concentration in the meat-packing industry today is higher than it was when the FTC issued its original report leading to enactment of the 1921 Act.

Clearly, we cannot simply rely on the current antitrust statutes and antitrust authorities to address the rapid consolidation of the agricultural sector. We must change our antitrust laws. Whether or not our antitrust agencies have authority that they are unwilling to exercise, we need to force their hand. And we must develop a new farm policy. Realistically, however, we know that doing these things may take some time. We must act now.

There is something we can do in the short term. I am offering legislation with Senator DORGAN that would impose a moratorium on mergers and acquisitions among agribusinesses that must already submit pre-merger filings under current law (annual net revenue or assets over $100 million for one party and $10 million for the other). This moratorium would remain in effect for 18 months, or until Congress enacts legislation to address the problem of concentration in agriculture, whichever comes first.

Over the longer term, however, we need to focus on equalizing the bargaining power between farmers and the global agribusiness giants. A growing disparity of economic power is shifting a larger share of farm income to agribusiness. We need to reverse that trend and level the playing field. Unless we ensure that farmers and ranchers receive a fair share of the profit of the food system, little else we do to maintain family-size farms is likely to succeed.

Of course, there's more than one way to attack the problem of unequal bargaining power. The antitrust statutes helped equalize bargaining power by increasing competition, thereby reducing the market power of monopolies. The formation of agricultural cooperatives under the Capper-Volstead Act helped equalize bargaining power from the opposite direction—by increasing the market power of farmers. Under either approach, farmers improve their bargaining position and are likely to obtain a greater share of farm income.

Yet there are some inherent disparities in market power that can only be remedied through farm policy. Because there are so many farmers, no single farmer can influence price on his or her own. On their own, farmers cannot limit production waiting for prices to rise or until they can shift crops. Farmers are unable to reduce supply without assistance from the government, which is where farm policy can play a role.

Farm policy can also remedy inherent disparities in market power by placing a floor on prices. Laws guaranteeing workers the right to bargain collectively and a minimum wage are based on the same idea. The minimum wage law recognizes that there is unequal bargaining power between employers and workers, and that wage negotiation would often lead to wages that are too low. The bargaining power between agribusiness conglomerates and farmers is similarly unequal, and it is resulting in farmer prices that are too low. Farmers today essentially need the equivalent of a minimum wage.

Of course, bolstering the market power of family farmers is inimical to the economic interests of corporate agribusiness, and it will be fiercely resisted. But in the past we have managed to tame concentrations of economic and political power, and I refuse to believe we cannot do so again. For this reason, the examples of the Populist movement and the Progressive Era are enormously instructive and encouraging.

Finally, I want to mention the fiery closing speech at the People's Party convention in 1892, which reads like it could have been written yesterday. It was delivered by a remarkable Minnesotan—an implacable foe of monopoly power named Ignatius Donnelly. Donnelly affirmed that ''the interests of rural and urban labor are the same,'' and he called for a return to America's egalitarian founding principles. ''We seek to restore the government of the

Republic to the hands of the 'plain people' with whom it originated,'' he said.

We should do no less. If we want to sustain a vibrant rural economy and a thriving democracy, we need urgent reform of our farm and antitrust laws. We must act now. We can start by passing an 18-month moratorium on the largest agribusiness mergers.

I yield the floor, and I reserve the remainder of our time for the minority.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

Mr. COCHRAN. Mr. President, I ask unanimous consent—and I do not intend to object—that the time consumed by the Senator be charged equally to all time under the order on the appropriations bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Senator is recognized.

Mr. INHOFE. Mr. President, I am not going to take much time. I certainly hope the Senator from Minnesota did not cut his remarks short because he certainly is articulating something in which we are all very interested. I would do what I could to protect his rights to get a vote if he needed a vote, the same as I ask my rights be protected to either get a vote or to object to a unanimous consent request, which I have been doing with regularity in the last few days.

Mr. WELLSTONE. Mr. President, I thank my colleague for his remarks.

COMPREHENSIVE NUCLEAR TEST-BAN TREATY

Mr. INHOFE. Mr. President, I will take a few minutes to share with the Senate something that has not been mentioned yet in this whole CTBT debate.

First of all, let me respond to a couple of things that were said by the last speaker who spoke in favor of the Comprehensive Test Ban Treaty. I hate to be redundant, but I cannot let these things continue to go by. People will actually believe them when, in fact, they are not true.

The statement was made by one of the Senators that the Directors of the labs—the three energy labs—were in favor of this treaty. I listened to this, and yet we had them before our committee which I chair. They were very emphatic about their feelings. I am going to read to make sure the record reflects this.

Dr. Paul Robinson, one of the Directors, said:

> The Treaty bans any ''nuclear explosion,'' but unfortunately, compliance with a zero-yield requirement is unverifiable. The limitations of verifiability introduce the possibility of inconsistent observance of the ban under the threshold of detectability.

The threshold of detectability is something that is there. What that means is, no matter what equipment we use, we are unable to detect certain tests that are underground under certain yields. This is a zero-yield test.

We kept hearing from the same individual yesterday that they can get on-site inspections. Onsite inspections are not assured. Under this treaty, it is very specific. Going back to Paul Robinson, the Director of Sandia Lab:

> The decision to approve a request for an onsite inspection must be made by an affirmative vote of at least 30 of the 51 members of the treaty organization's Executive Council.

I know there is supposedly some informal agreement that we in the United States would be a member of that executive council. I do not see anything in this treaty that says we are. We are putting our fate in the hands of some 30 nations, and we do not know at this point who those 30 nations will be.

I will quote further to get my point across, although the Senator was well meaning yesterday in making the comment this was endorsed by the Directors of the labs. I will quote Dr. Paul Robinson again. He was referring to himself and the Directors of the other two labs. I am talking about all three labs:

> I and others who are or have been responsible for the safety and reliability of the U.S. stockpile of nuclear weapons have testified to this obvious conclusion many times in the past. To forego that validation through testing is, in short, to live with uncertainty.

He goes on to say:

> If the United States scrupulously restricts itself to zero yield while other nations may conduct experiments up to the threshold of international detectability—

The one I just talked about—

> we will be at an intolerable disadvantage.

We have to read that over and over because people are not getting that message.

The second thing he said was, what is the rush? This morning, I heard the President in his press conference of yesterday talk about the rush. Here is the President who has been saying over and over that he demands this come before this Senate and be acted upon by November of this year. Here it is. That is next month. We are doing exactly what he wanted. Yet now he wants to withdraw this treaty because he does not believe he has the votes for the ratification. I agree. He does not have the votes. It would shock me if he had the votes.

Yet we have had a chance for a very deliberative session. We have talked for hours and hours, some 22 hours of debate and committee activity on this subject. We are all very familiar with it.

I also suggest that any Member of the Senate who stands up now and says we should not be doing this and how unconscionable that we are considering something of this magnitude right now, any one of those Senators saying that had the opportunity, as the Senator from Illinois would have had the opportunity, to object to bringing it up because it was done so by unanimous consent.

The third thing they were talking about is how everyone is a strong supporter of this treaty. For the record, one more time, we have 6 former Secretaries of Defense and several former Directors of Central Intelligence, as well as some 13 former commanding generals, all of whom are in the RECORD right now, and I do not need to put it in again, I have already put that in the RECORD; also, the statement by Bill Cohen. There is no one for whom I have greater respect than my former colleague on the Senate Armed Services Committee, the former Senator Bill Cohen, now Secretary of Defense Bill Cohen.

But I had to remind him, during our committee meeting, that maybe now his attitude is different on some of these critical things because he is now working for the President. But what he said in September of 1992—and I remember when he said it when he was leading the fight to stop this type of a treaty; in fact, it is the same provisions—he said:

> . . . [W]hat remains relevant is the fact that many of these nuclear weapons which we intend to keep in our stockpile for the indefinite future are dangerously unsafe. Equally relevant is the fact that we can make these weapons much safer if limited testing is allowed to be conducted. So, when crafting our policy regarding nuclear testing, this should be our principal objective: To make the weapons we retain safe.
>
> . . . The amendment that was adopted last week . . .

This is back in 1992, but this is the same language we are talking about today—

> does not meet this test . . . [because] it would not permit the Department of Energy to conduct the necessary testing to make our weapons safe.

Here is the same Secretary of Defense, back when he was in the Senate, talking about the fact that our weapons are not safe. By the way, we had a chart that we showed of information that came from all three of the Energy labs which is in the Cloakroom right now, but we have used on the floor several times, showing specifically not one of the nine weapons in that arsenal meet the safety tests today. In other words, we have gone 7 years now without testing, and it has now taken its toll. We are having a problem. So anyway, that is very significant to remember those words of Secretary Cohen.

I have been asked the question by a number of people as to why I am so adamant about objecting to the unanimous consent request—and I do not care who makes it—to take this from the calendar and put it back into the Foreign Relations Committee.

I do so because there is something that has not even been discussed on

this floor yet; and that is, unless we kill it and actually reject this treaty by a formal action, the provisions of this treaty are going to remain somewhat in effect. In other words, we are going to have to comply with this treaty that has been signed—going back to a document of the Vienna Convention that was actually signed on May 23, 1969, but it did not become a part of the international law until January of 1980.

Article 18—and this is in effect today—says:

Obligation not to defeat the object and purpose of a treaty prior to its entry into force.

A State is obliged to refrain from acts which would defeat the object and purpose of a treaty when:

(a) it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intention clear not to become a party to the treaty. . .

What that means is, we have this flawed treaty, this treaty that allows our adversaries to conduct underground tests. Yet while we cannot do it, we have to comply with this treaty, if we merely send it back to committee.

So I just want to make sure—I am going to read that again. This is from the Vienna Convention. This is something that we are a party to. It says—I will take out some of the other language—

A State is obliged to refrain from acts which would defeat the object and purpose of a treaty when:

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(a) it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intention clear not to become a party to the treaty . . .

How do you make your intentions clear? Under the Vienna Convention language, not to be a party to this treaty you have to vote it down. You have to bring this up for ratification and reject it formally on the floor of this Senate. To do anything other than that is to leave it alive and to force us to comply with this flawed treaty, which is a great threat to our safety in this country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I want to make a couple comments about the conference report on Agriculture appropriations. Before I do, I would like to make a comment or two about the presentation just offered by my friend from Oklahoma.

The Senator from Oklahoma, as he always does, makes a strong presentation for something he believes very strongly in. I believe very strongly that he is wrong. I believe very strongly in the other side of the issue. Let me describe why just for a few moments.

The Comprehensive Nuclear Test-Ban Treaty is a question presented to this country in this form: Will the United States of America assume the moral leadership that it must assume, in my judgment, to help stop the spread of nuclear weapons around the world? There are two nuclear weapons superpowers—the United States and Russia. Between us, we have roughly 30,000 nuclear weapons. Some other countries have them, and many other countries want them. There are many countries, there are rogue nations, and there are terrorist groups that want to have access to nuclear weapons.

The question of what kind of a future we will have in this world depends, in large part, upon the direction this country takes in assuming its responsibility to stop the spread of nuclear weapons.

We already decided 7 years ago, as a country, we will no longer test nuclear weapons. We made that decision unilaterally. Over 40 years ago, President Eisenhower said: We must have a Comprehensive Nuclear Test-Ban Treaty; we must do that. About 5 or 6 years ago, we began negotiating with other countries to develop such a treaty. Two years ago, President Clinton sent to the Senate a treaty that would provide a comprehensive nuclear test ban all around the world.

For 2 years, that treaty languished here without 1 day of hearings before the primary committee that it was sent to, the Foreign Relations Committee. I know there is disagreement on that, but I tell you, Senator BIDEN, who is the ranking Democrat of that committee, says there was not 1 day of hearings devoted to that treaty.

I understand some people want to kill it.

Mr. INHOFE. Will the Senator yield on that?

Mr. DORGAN. I am happy to yield.

Mr. INHOFE. I ask the Senator, if it should not have been brought up for the purpose he just articulated, why did this Senator not object to the unanimous consent request to have a vote on it?

Mr. DORGAN. Let me say this about the unanimous consent request. If you take a look at all the arms control treaties that have been offered to the Senate—the ABM Treaty, the START I treaty, the START II treaty, on down the line—and take a look at how many days of comprehensive hearings they had, No. 1, in the committee of jurisdiction and, No. 2, how many days they were debated on the floor of the Senate, what the Senator will discover is this treaty, that has been treated lightly, it is a serious matter—treated lightly by the fact that the majority leader said, even without comprehensive hearings, we will bring this treaty to the floor of the Senate and kill it.

It alone is the arms control treaty that has been treated in this manner. All other treaties were dealt with seriously with long, thoughtful, comprehensive hearings—day, after day, after day—and then a debate on the floor of the Senate—day after day—which involved the American people and public opinion; and then this country made decisions about those treaties.

I know there are some who have never supported an arms control treaty under any condition. They have not.

Mr. INHOFE. If the Senator will yield further?

Mr. DORGAN. Let me finish my statement.

They do not support arms control treaties. I respect that. I just think they are dead wrong. I have on my desk—I ask consent to show it again—a piece of a bomber. This is a piece of a Backfire bomber, a Russian bomber. Why is a Russian bomber in a circumstance where its wing was sawed off—not shot down, its wing sawed off? Because arms control agreements have reduced the number of delivery systems and nuclear weapons.

This part was sawed off a Russian bomber wing as part of the reduction of the threat under our arms control treaties. These treaties work. We know they work. That is why, without shooting down a bomber, I have a piece of a Russian Backfire bomber wing, just to remind us that arms control treaties work.

Mr. INHOFE. Will the Senator yield further?

Mr. DORGAN. Just for a moment.

Mr. INHOFE. I think it is very significant because this subject has come up during 14 hearings before the Senate Foreign Relations Committee. We have over 130 pages of testimony on this. We have discussed it for hours and hours over the last 2 days. Again, any Senator could have objected to this and apparently believed it was not necessary.

But I have to ask you this question. You talked about only two countries having these weapons.

Mr. DORGAN. I did not say that. Let me reclaim my time. I did not talk about ''only two countries.''

Mr. INHOFE. There was a time when that was true. During the cold war that was a valid argument. It is no longer true. Virtually every country has weapons of mass destruction. Now it is a matter of which countries have missiles that could deliver them, of which now we know of North Korea and Russia and China—and whoever else we don't know because they have been trading technology with countries like Iraq and Iran, and other countries.

Mr. DORGAN. I did not say that the United States and Russia are the only countries that have nuclear weapons. I said we have 30,000 between the two countries. Other countries have nuclear weapons as well, and many other countries aspire to have nuclear weapons.

The Senator from Oklahoma said something that is not the case. He said virtually every other country has weapons of mass destruction. That is not the case. The nuclear club, those countries that possess nuclear weapons, is still rather small, but the aspiration to get a hold of nuclear weapons is pretty large. A lot of countries—more than just countries, terrorist groups—want to lay their hands on nuclear weapons. What happens when they do? Then we will see significant threats to the rest of this world.

It is in our interest as a country to do everything we can possibly do to stop the spread of nuclear weapons. Do we want Bin Laden to have a nuclear weapon? Do we want Qadhafi to have a nuclear weapon? Do we want Saddam Hussein to acquire a nuclear weapon? I don't think so. Arms control agreements and the opportunities to prevent the spread of nuclear weapons are critical.

How do we best do that? Many of us believe one of the best ways to do that is to pass this treaty, the Comprehensive Nuclear Test-Ban Treaty.

We are going to have this treaty back on the floor, I think, for 3 hours today. I will make it a point to come and I will spend the entire 3 hours with the Senator from Oklahoma.

Mr. INHOFE. If the Senator will yield for a response.

Mr. DORGAN. I have not yielded, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. DORGAN. This treaty was brought to the floor for 14 hours of debate. Name another arms control treaty that came to the floor with only 14 hours of debate. The Senator asks: Why didn't someone object? The burden is on us. Because the majority leader treated a serious matter lightly, the burden is on someone else.

The Senator from Oklahoma knows we objected the first time the Senator from Mississippi proposed it. He knows an objection was raised. The second time the Senator from Mississippi proposed it, he linked it to a time. If that is the only basis on which we had the opportunity to consider this treaty, so be it. But it is not treating a serious matter seriously, in my judgment. Name another treaty that has come to the floor of the Senate dealing with arms control, the arms control issues embodied in this treaty, trying to prevent the spread of nuclear weapons, that has had this little debate and comes to the floor, despite what my colleague says, without having had 1 day of comprehensive hearings devoted to this treaty in the committee to which it was assigned? Those are the facts.

Mr. INHOFE. If the Senator will yield on that point.

Mr. DORGAN. Mr. President, I came to speak about the Agriculture appropriations bill. The only reason I made these comments is, the Senator from Oklahoma was, once again, making statements. He is good at it. He feels passionately about these things. But I think, with all due respect, he is wrong on this issue.

This country has a responsibility to treat these issues seriously. This country has a responsibility to lead in the area of preventing the spread of nuclear weapons. We don't lead in that regard by turning down or rejecting this treaty. There was a coup in Pakistan yesterday; we are told. We don't know the dimensions or consequences of it. Pakistan is a nuclear power. Pakistan and India are two countries that don't like each other. They exploded nuclear weapons, literally under each other's chin, within the last year. Is that a serious concern to the rest of the world? It is.

Mr. INHOFE. Absolutely, if the Senator will yield.

Mr. DORGAN. Are we going to lead and try to stop nuclear testing? Are we going to lead in trying to stop the spread of nuclear weapons? I hope so. I cast my vote to ratify this treaty, believing it is the best hope we have as a country to weigh in and be a leader, to say we want to stop the spread of nuclear weapons around the rest of the country.

Mr. President, I see my friend from Arizona has also joined us. I came to speak about this Agriculture bill. I know my colleague from Illinois is waiting to address these issues as well.

Mr. KYL. I wonder if I might prevail on the courtesy of the Senator for 30 seconds.

Mr. DORGAN. Thirty seconds.

Mr. KYL. The Senator asked a question which I think deserves an answer: Name one other treaty that had less time or more time than this. Here are the treaties: The Chemical Weapons Convention had 18 hours allotted for it.

Mr. DORGAN. Is that less than 14?

Mr. KYL. That includes amendments.

Mr. DORGAN. How many comprehensive hearings did that treaty have?

Mr. KYL. If I could complete my answer to the Senator, which is that this treaty, pursuant to a request by the minority, had 14 hours associated with it, plus 4 hours per amendment, if there were amendments offered. There was an amendment offered on the Democratic side. The Democratic side used 2 hours allotted to them for that. The Conventional Forces in Europe Treaty had 6 hours, compared to 14 for the CTBT. The START Treaty had 9½ hours, about 6 hours less. The START II Treaty had 6 hours, and the CFE Flank Agreement, 2 hours. So every one of these treaties ended up having less time than the CTBT allotted for debate on the floor.

All of last week was consumed by hearings in the Intelligence Committee, the Foreign Relations Committee, and the Senate Armed Services Committee; I don't know how many hours total. Prior to that time, the Government Operations Committee had three separate hearings. That is the specific answer to the Senator's question.

Mr. DORGAN. One thing I hate in politics is losing an argument I am not having. The Senator from Arizona cites the number of hours this treaty or that treaty was considered on the floor of the Senate. I will bring to the floor this afternoon the compendium of action by the Senate on the range of arms control treaties, START I, START II, ABM, so on. What I will show is that in the committee of jurisdiction, there were days and days and days of comprehensive hearings and the length of time those treaties were considered, in terms of number of days on the floor of the Senate, were extensive. It allows the American people to be involved in this discussion and this debate. This approach, which treats a very serious issue, in my judgment, too lightly, says, let us not hold comprehensive hearings. I remind the Senator that the request from the minority was of the majority leader to hold comprehensive hearings, allow consideration, and allow a vote on this treaty. That is not the course the majority leader chose.

Having said all that, I am happy to come back this afternoon. I feel passionately about this issue. We should talk about all the things the Senator from Oklahoma is raising. We haven't tested for 7 years, and we think this country is weaker because of it. I don't know how some people can sleep at night. North Korea is going to attack the Aleutian Islands with some missile. Our nuclear stockpile is unsafe, one Senator said the other day. The bombs in storage are unsafe. We have been storing nuclear weapons for over 40 years in this country. All of a sudden they are unsafe, on the eve of the Comprehensive Nuclear Test-Ban Treaty.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT—Continued

Mr. DORGAN. Having said all that, let me turn to the question of the Agriculture Appropriations bill. Let me ask how much time I have remaining? I had sought 20 minutes.

The PRESIDING OFFICER. The minority has 136 minutes remaining.

Mr. DORGAN. I will take 5 minutes. My friend, the Senator from Illinois, is waiting and the Senator from Mississippi, who manages the bill, has the patience of Job. I will not spend a lot of additional time.

I want to run through a couple charts, if I might. I want people to think through if this were their income, what their situation would be. Every one of you have a job; you have an income. If you have a business, you have some profit or an expected profit. Ask yourself what your situation would be personally if your job was to raise corn. This is what has happened to the price of corn; it has dropped dramatically. Think of what that would mean if that happened to your income.

What about if you are a producer out there, a family farmer raising some children and trying to operate a farm? You are raising wheat. Here is what has happened to your income. It has plummeted?

What if you are raising some kids and trying to operate a family farm and doing well and you are producing soybeans? This is what happened to your income. Again, a drastic reduction.

Do you know of any other business in which prices have fallen as much as for wheat, corn, soybeans?

Likewise, what if somebody said that the product you raise, a bushel of wheat, for example, as a percentage of the cereal grain dollar, was going to shrink by over half?

Take another example. Say you were raising hogs and not too long ago you sold a 200-pound hog and got $20 for it. Then that hog was slaughtered and the meat from that hog went to the grocery store and was sold for $350. There is something wrong with that picture.

Is there something wrong with the stream of income that goes to the person who actually raised that hog versus the amount of income that goes to the middle people who process it? Absolutely.

We could go through chart after chart, those of us who represent farm States. All of us know what the story is. The story is, our family farmers are in crisis. We have a farm bill that has an inadequate safety net. We have the collapse of grain prices in this country in an almost unprecedented way. We have the weakening Asian economy, which means fewer exports. We have concentration and monopolies in every direction, which cuts the farmer's share of the food dollar.

When Continental and Cargill are allowed to get married, as they just did, two big companies gathering together under one umbrella, it demonstrates that our antitrust laws don't work. Every direction the farmer looks, he finds a monopoly. Want to raise some grain and ship it on a railroad? You are held up for prices that are outrageous in order to haul it by the railroad. The same is true with virtually every other commodity such as selling wheat into a grain trade that is highly concentrated. In every set of circumstances, farmers have been injured. And the result of all of these adverse circumstances coming together, especially the twin calamities of the collapse of commodity prices and weather-related crop disasters, means we have a full-scale emergency on our family farms.

This piece of legislation is not particularly good. I am going to vote for it, but with no great enthusiasm. I was one of the conferees. The conference met for a brief period of time. Senator DURBIN was a conferee, as well, and he will recall we met for a period of time, and one of the things we pushed for was to stop using food as a weapon. No more food embargoes. Guess what. That was our strong Senate position, but it is not in this report.

This report doesn't end the embargoes on food or end using food as a weapon. This report doesn't do that because the conference dumped it. We didn't do it because we were part of the conference, but the conference didn't meet. It adjourned in a pique and never got back together. We are told the Senate majority leader and the Speaker of the House cobbled together this bill, with some technical help. When we saw it again, it said we want to continue to use food as a weapon and keep embargoes on various countries around the world.

I am not happy with this bill. Let's provide income support to farmers, it says, after we pushed for that. But it says do it with something called AMTA payments. We are going to have people getting emergency payments who didn't lose any money because of collapsed prices; they weren't even farming. In fact, the payment limits have gone up. So it is conceivable that some landowners are going to get $460,000 without putting a hand to the plow. That is the new payment limit. Can you imagine telling a taxpayer in a city someplace that we want to help farmers in trouble, and they ask which farmers? Well, somebody is going to get a $460,000 payment whether or not they are actually farming. That is not helping America's family farmers. So there is a lot wrong with the payments provided by this bill.

Similarly, the disaster aid is only $1.2 billion and contains no specific line item for flooded lands. We know that amount shortchanges all the known needs. We know that is not going to cover the drought of the Northeast, the flooding from Hurricane Floyd and the prevented planting in the Upper Midwest—all of the disasters that need to be addressed across this country. But the combination of things in this legislation has put us in a position of asking if we are going to provide some help or no help.

We are in a situation where we have to say yes, we will vote for this package, but without great enthusiasm. This was done the wrong way. Most of us know that. We should have helped farmers who lost income because of collapsed prices and weather disasters, the people who really produce a crop. We ought not to have a $460,000 upper payment limit, and we ought not to have dropped the provision that says we are going to end embargoes on food and medicine forever. It was wrong to drop that. We know that.

I will have to vote for this conference report, without enthusiasm, because there is an emergency and a crisis, and some farmers will not be around if we don't extend a helping hand now. Never again should we do it this way. This is the wrong way to do it. It is not the right way to respond to the emergency that exists in farm country.

My friend, the Senator from Illinois, wants to speak. I thank him for his patience. I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Illinois is recognized.

THE COMPREHENSIVE TEST BAN TREATY

Mr. DURBIN. Mr. President, there are several issues that have been debated on the floor this morning, and it is typical of the Senate, which considers myriad issues, to consider some that are quite contrasting. To move from nuclear proliferation to help for soybean growers is about as much a contrast as you could ask for. But it reflects the workload that we face in the Senate, and it reflects the diversity of issues with which we have to deal.

I will speak very briefly to the issue of the nuclear nonproliferation treaty. This nuclear test ban treaty, which may be considered for a vote this afternoon, could be one of the most significant votes ever cast by many Members of the Senate. It appears the vote will be overwhelmingly in favor of the treaty on the Democratic side of the aisle, with a handful of Republican Senators joining us—not enough to enact this treaty into law and to ratify it so that it becomes virtually a law governing the United States. If that occurs, if we defeat this treaty this afternoon—as it appears we are headed to do—it could be one of the single most irresponsible acts ever by the Senate.

Let me give specifics. It was only a few hours ago, in Pakistan, that a military coup took place and replaced the administration of Mr. Sharif. Mr. Sharif had been elected. He was a man with whom we had dealt. He was a person who at least came out of the democratic process. But he was toppled. We have not had that experience in the United States, and I pray we never will. But the military leaders decided they had had enough of Mr. Sharif. They weren't going to wait for an election. They decided to take over. It appears from the press reports that the source of their anger was the fact that Mr. Sharif had not aggressively pursued the war against India, nor had he escalated the nuclear testing that took place just a few months ago.

You may remember, on the Fourth of July, the President of the United States of America stayed in the White House for a special meeting—a rare meeting on a very important national holiday with Mr. Sharif of Pakistan, where he laid down the rule to him that we didn't want to see the Pakistani army engaged in the militia tactics against the Indians in an escalated fight over their territory in Kashmir. He produced, I am told, satellite imagery that verified that the Pakistanis were involved, and he told Mr. Sharif to stop right then and there. If this escalated, two nascent nuclear powers could see this develop into a conflagration that could consume greater parts of Asia. The President was persuasive. Sharif went home and the tension seemed to decline—until yesterday when the military took over.

Why does that have any significance with our vote on a nuclear test ban treaty? How on God's Earth can the United States of America argue to India and Pakistan to stop this madness of testing nuclear weapons and escalating the struggle when we reject a treaty that would end nuclear testing once and for all? It is really talking out of both sides of your mouth.

This nuclear test ban treaty had been supported originally by Presidents Eisenhower and Kennedy, Democratic and Republican Presidents, over the years. It was President George Bush who unilaterally said we will stop nuclear testing in the United States. He did not believe that it compromised our national defense, and he certainly was a Republican.

If you listen to the arguments of my colleagues on the other side of the aisle, you would think this is just a cut and dried partisan issue, with Republicans on one side and Democrats on the other. The polling tells us that 82 percent of the American people want us to pass this test ban treaty. They understand full well that if more and more nations around the world acquire nuclear weapons, it doesn't make the United States any safer; it makes the world more dangerous. Leaders in some of these countries, who should not be entrusted with a cap gun, will end up with a nuclear weapon, and we will have to worry whether they have the delivery capability.

Why is a nuclear test an important part of it? You can't take this nuclear concept from a tiny little model on a bench and move it up to a bomb that can destroy millions of people without testing it. If you stop the testing, you stop the progress of these countries. Some say there will be rogue nations that will ignore that, that they don't care if you sign a treaty in the United States; they are going to go ahead and build their weapons.

I don't think any of us would suggest that we can guarantee a nuclear-free world or a nuclear-controlled world by a treaty. But ask yourself a basic question: Are we a safer world if we have a nuclear test ban treaty that puts sensing devices in 350 different locations so we can detect these tests that occur? Are we a safer world if we have a regime in place where one nation can challenge another and say, ''I think you have just engaged in the development of a nuclear weapon you are about to test, and under the terms of the treaty I have a right to send in an international inspection team to answer the question once and for all.''

Why, of course, we are a safer world if those two things occur. They will not occur if the Republicans beat down this treaty today, as they have promised they will. An old friend of mine—now passed away—from the city of Chicago, said, ''When it comes to politics, there is always a good reason and a real reason.''

The so-called good reason for opposing the treaty has to do with this belief that it doesn't cover every nation and every possible test.

The real reason, frankly, that a lot of them are nervous about going against this treaty is the fear that in a week or a month or a few months we will have another member of the nuclear club; in a week or a month or a few months we will have more testing between India and Pakistan; in a few weeks we may see what is happening in Pakistan disintegrating further and then having to worry about whether there will be nuclear weapons used in the process of their confrontation with India.

Those who vote to defeat the treaty will wear that collar, and they will know full well that they missed the signal opportunity for the United States to have the moral leadership to say our policy of no nuclear testing should be the world policy; it makes us safer. It makes the world safer.

Sadly, we have spent virtually no time in having committee hearings necessary for a treaty of this complexity, and a very limited time for floor debate. It is a rush to judgment. I am afraid the judgment has already been made. But ultimately the judgment will be made in November of the year 2000 when the American voters have their voice in this process. Our debates on the floor will be long forgotten. But the voters will have the final voice as to which was the moral, responsible course of action to enact a treaty supported by Presidents Eisenhower and Kennedy, and the Chairmen of the Joint Chiefs of Staff, a treaty that really gives us an opportunity for a safer world, or to turn our backs on it.

I sincerely hope that enough Republicans on that side of the aisle will muster the political courage to join us. The right thing to do is to pass this treaty.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999—CONFERENCE REPORT—Continued

Mr. DURBIN. Mr. President, I want to address the second issue before us, and one which is of grave concern in my home State of Illinois. It is the Agriculture appropriations bill.

It has been my high honor to serve on the agriculture appropriations subcommittee in both the House and the Senate. I have been party to some 13 different conferences. That is where the House and Senate come together and try to work out their differences.

I want to say of my chairman of the subcommittee, Senator COCHRAN, that I respect him very much. When I served in the House and he was a conferee, I believe that we always had a constructive dialog. There are important issues involving American agriculture. I was honored to be appointed to the same committee in the Senate, and I have respected him again for the contribution he has made as chairman of the committee.

But what happened to Senator COCHRAN in this conference shouldn't happen to anyone in the Senate. He was moving along at a good pace, a constructive pace, to resolve differences between the House and the Senate. Unfortunately, the House leadership turned out the lights, ended the conference committee, and said we will meet no more. What was usually a bipartisan and open and fair process disintegrated before our eyes. That is no reflection on the Senator from Mississippi. I have no idea what led to that. It occurred. It was clear that the problem was on the House side. We were making progress. We were making bipartisan decisions. The process broke down.

But with that said, I will vote for this bill, and reluctantly. I believe it will provide some relief for struggling farmers in our fragile farm economy.

The Illinois Department of Agriculture estimates that $450 million from the $8.7 billion agricultural relief package will directly benefit Illinois producers through receipt of 100 percent of the 1999 AMTA payments. I agree with the Senator from North Dakota. Using an AMTA payment is fraught with danger. I think it is an open invitation for every one of these investigative television shows to have fun at the expense of this bill and this decision process. When they find people who haven't seen a tractor in decades but have ownership of a farm receiving payments upward of $.5 million, they are going to say: I thought you were trying to help struggling farmers, not somebody with a trust account who has never been near a farm.

That may occur because we have chosen these AMTA payments. We should have done this differently. I think we are going to rue the day these payments are made and the investigations

take place. But these AMTA payments will be in addition to the more than $450 million already received by Illinois farmers this year to help them through this crisis.

I voted for the Freedom to Farm Act. I have said repeatedly that I did not believe when I voted for that farm bill that I was voting for the Ten Commandants. I believed that we were dealing with an unpredictable process. Farming is unpredictable. Farm policy has to be flexible. We don't know what happens to weather or prices. We have to be able to respond.

You have to say in all candor as we complete this fiscal year and spend more in Federal farm payments than ever in our history that the Freedom to Farm Act, as we know, has failed. It is time for us, on a bipartisan basis, to revisit it, otherwise we will see year after weary and expensive year these emergency payments.

Look at the Illinois farm economy. My State is a lucky one. We usually aren't the first to feel the pain. God blessed us with great soil and talented farmers and a good climate. But we are in trouble.

Farm income in Illinois dropped 78 percent last year to just over $11,000 a year. That is barely a minimum wage that farmers will receive. That is the lowest net income on farms in two decades.

Incidentally, if you are going to gauge it by a minimum wage, as the Presiding Officer can tell you, farmers don't work 40-hour workweeks. When they are out in the fields late at night and early in the morning, they put in the hours that are necessary. Yet they end up receiving the minimum wage in my State of Illinois. That is down from $51,000 in 1997. That was the net farm income per family in that year. Lower commodity prices and record low hog prices in particular are primarily to blame for this net farm income free fall in my home State.

The Illinois Farm Development Authority recently noted that the financial stress faced by Illinois farmers today is higher than it has been for 10 years. Activity in the authority's Debt Restructuring Guarantee Program is four or five times higher than last year. They have approved 7 to 10 loans per month in 1998. In 1999, the authority has been approving 30 to 40 debt restructuring loans per month—a 300-percent increase. This is a record level unmatched since the 1986–1987 farm crisis.

The U.S. Department of Agriculture has predicted that prices for corn, soybeans, and wheat will remain well below normal, and that farm income may drop again next near. Nationally, farm income has declined 16 percent since 1996.

On Saturday night in Springfield, IL, I went to a wedding reception and sat next to a friend of mine. I said: What is a bushel of corn going for now? He said $1.51. If you follow this, as they do every day in farm country, that is a disaster—$1.51 a bushel.

I said: How is your yield this year?

He said: It is up a little, but I can't make up for that decline in price.

That is what is coming together. That is the disaster in Illinois and in many places around the Nation.

The USDA is facing the largest farm assistance expenditure in its history. The Department of Agriculture processed 2,181 loan deficiency payments in 1997, about 2.1 million in 1998—1,000 times more—and they will work through a projected 3 million this year. Unfortunately, it appears that this crisis is going to drag on in the foreseeable future further draining USDA's resources and reserves.

I am going to address separately the whole question of the Ashcroft-Dodd amendment because I think it is one that deserves special attention. But I want to say that though I did not sign this conference report because of the procedures that were followed, I hope that we don't repeat this process in the future. It really undermines the credibility of Congress and of the good Members such as the Senator from Mississippi and others who really do their best to produce a good bill when they turn out the lights and send us home, and then circulate a conference report that has never been seen until they put it before you for signature.

Once the Senate acts on the conference report, sends it to the President, our role in helping improve conditions in rural America does not end. We should explore other ways to help our farmers.

Let me say a word about the Ashcroft-Dodd amendment.

You may recall during the Carter administration when the Soviets invaded Afghanistan. President Carter announced an embargo on the Soviet Union—an embargo that became one of the single most unpopular things that he did. President Carter and the Democratic Party wore the collar for a decade or more that we were the party of food embargoes, of agricultural embargoes. Our opponents and critics beat it like a tin drum to remind us that it was our party that did that.

I think it should be a matter of record that a strong bipartisan suggestion from Republican Senator JOHN ASHCROFT of Missouri, and Senator CHRIS DODD, a Democrat of Connecticut, that we stop food embargoes once and for all passed the Senate with 70 votes and then was defeated in that very same conference committee to which I referred. The bill we now have before us continues food embargoes. The sticking point apparently was that of the countries exempted from embargoes on food and medicine, specifically Cuba was to be excluded.

There are some Americans, many Cuban-Americans, who hate Castro with a passion for what he did to their country, their family, and their business, and believe we should punish him. He has been in power for over 40 years, and we imposed embargoes on his nation for food and medicine.

I have said on the floor and I will repeat again, in the 40 years I have seen photographs of Mr. Castro since we have embargoed exports of food to Cuba, I have never seen a photo of Mr. Castro where he appeared malnourished or hungry. The bottom line is, somehow he is pretty well fed. I bet he has access to good medicine. The people who are suffering are the poor people in Cuba and a lot of other countries. The people are suffering because we don't have the trade for American farmers. It is a policy that has not worked.

How did we open up eastern Europe? We opened it up by exposing the people who were living under communism to the real world of the West—free markets and democracy. They fled Moscow and that Soviet control as fast as they could. We have always thought we could isolate Cuba. I think exactly the opposite would end Castro's totalitarian rule—when the people in Cuba get an appetite for what is only 90 miles away in the United States, through trade, through expanded opportunities.

The Governor of the State of Illinois, George Ryan, a Republican Governor, has said he will take a trade mission to Cuba. I support him. I think the idea of opening up that kind of trade is the best way to quickly bring down any control which Castro still holds in that country.

When that amendment to end the embargo on food and medicine in six countries went to conference, the Republican leadership in the House of Representatives stopped it in its tracks. After we had voted on a bipartisan basis on the Senate side to move it forward, they stopped it in its tracks.

That is a sad outcome not just for the poor people living in the countries affected but for the United States to still be using food as a weapon with these unilateral embargoes on food and medicine. Yes, in the case of Cuba and many other countries, it is a policy which does harm a lot of innocent people. In Cuba, it is very difficult to get the most basic medicines. Are we really bringing Castro down by not providing the medicines that an infant needs to survive? Is that what the U.S. foreign policy is all about? I hope not.

Senator ASHCROFT is right. Senator DODD is right. We have to revisit this. I am sorry this bill does not include that provision. It is one that I think is in the best interests of our foreign policy and our future.

I hope the President will sign this conference report quickly and work with Congress to submit a supplemental request, taking into account the devastating financial crisis that continues in rural America. To delay further action on this would be a great disservice to the men and women who have dedicated their lives to production agriculture, a sector of the economy in which I take great pride in my home State of Illinois, and I am sure we all do across the United States.

I am extremely disappointed that this conference agreement removed the Ashcroft amendment that would have allowed food and medicine to be exported to countries against which we have sanctions. This amendment passed the Senate overwhelmingly after language was worked out carefully and on a bipartisan basis. I am especially disturbed that, after the conference stalled on this issue, just a few decided to withdraw this provision behind closed doors.

The sticking point was the idea of selling food and medicine to the people of Cuba—not to Iran, Iraq, or Libya. Cuba remains a Communist country whose leaders repress their people and commit serious abuses of human and political rights. We all agree on the goal of peaceful change toward democracy and a free market economy in Cuba. But continuing the restrictions on sending food and medicine to Cuba is the wrong way to accomplish this goal.

The report issued 2 years ago by the American Association for World Health, Denial of Food and Medicine: The Impact of the U.S. Embargo on Health & Nutrition in Cuba concluded that ''the U.S. embargo of Cuba has dramatically harmed the health and nutrition of large numbers of ordinary Cubans.'' The report went on to say:

> The declining availability of foodstuffs, medicines and such basic medical supplies as replacement parts for 30-year-old X-ray machines is taking a tragic toll. . . . The embargo has closed so many windows that in some instances Cuban physicians have found it impossible to obtain lifesaving machines from any source, under any circumstances. Patients have died.

I would like to read part of a letter I got from Bishop William D. Persell from the Diocese of Chicago who relates his experiences in visiting villages outside of Havana. He says:

> I was especially struck by the impact of the American embargo on people's health. We saw huge boxes of expired pill samples in a hospital. Other than those, the shelves of the pharmacy were almost bare. We talked with patients waiting for surgeries who could not be operated upon because the X-ray machine from Germany had broken down. A woman at the Cathedral was chocking from asthma for lack of an inhaler. At an AIDS center, plastic gloves had been washed and hung on a line to dry for re-use. The examples of people directly suffering from the impact of our government's policy after all these years was sad and embarrassing to see.

Many religious groups in the United States have called for the end of these restrictions, which the U.S. Catholic Conference, for example, has termed ''morally unacceptable.'' During Pope John Paul II's visit to Cuba last year, he noted that it is the poorest and most vulnerable that bear the brunt of these policies.

Hurting everyday people is not what this country is about. Such suffering attributed to our great nation is unconscionable. Even in Iraq, where stringent international sanctions have been imposed, there is an international ''oil for food'' program, which aims to be sure the Iraqi people have adequate nutrition. That program has not always been as successful as I had hoped, but we have not even tried similar relief for the Cuban people.

The burdensome and complex licensing procedures that Americans have to go through to get food and medicine to Cuba essentially constitute a ban on such products because of the long delays and increased costs. I applaud and welcome the changes the Clinton administration made following Pope John Paul II's visit to streamline the licensing procedures for getting these products to Cuba, but I'm afraid these changes are not enough. Although agricultural and medical products eventually have been licensed to go to Cuba through this lengthy and cumbersome process, much of it has not been sent. The licensing procedure itself discourages many from even trying to use it.

I believe that the suffering of the Cuban people because of these restrictions on food and medicine is counterproductive to our shared goal of democratization in Cuba. Castro gets to blame the United States, and not his own failed Communist policies, for the suffering and hardships of the Cuban people. The policy encourages a ''rally 'round the flag'' mentally, where people who otherwise might oppose Castro's regime hunker down and support the government in such trying economic circumstances portrayed as the fault of the United States.

There seems to be a consensus developing that food and medicine should not be used as a weapon against governments with which we disagree. Congress has supported lifting such sanctions against India, Pakistan, and even Iran. The people of Cuba should be treated no differently.

Mr. COCHRAN. Mr. President, I yield such time as he may consume to the distinguished Senator from Nebraska.

Mr. HAGEL. Mr. President, I thank the distinguished senior Senator from Mississippi who has managed this Agriculture appropriations bill through the high winds and difficult seas over the last few weeks. Some of that was acknowledged this morning. We started out dealing with agriculture, and we have now been dealing with the Comprehensive Test Ban Treaty and other important things. I am grateful for his patience, leadership, and diligence to get to this point.

This is a very important conference report we take up today. I rise to support the Agriculture appropriations conference report.

As has been noted on the floor of the Senate this morning that American agriculture is in trouble. Our American agricultural producers are struggling. I think it is worthy that we examine briefly what has caused this difficulty.

Good weather over the last 3 years has led to worldwide record grain yields, which has created a large oversupply and significantly reduced grain prices. Other important causes for these difficult times facing our agricultural producers are: The 2-year Asian economic crisis which has spread throughout the world; the high value of the American dollar versus other currencies; export subsidies and unfair trade practices by our foreign competitors; the lack of meaningful trade and sanctions reform; the lack of real tax and regulatory reform; and, for the last 5 years, the lack of fast-track trade authority for the President. All of these and more are directly responsible for the current situation in American agriculture.

I might add, they have nothing to do with our current farm policy, which is known as Freedom to Farm. What I have just registered, what I have just cited—those unpredictables, those uncontrollables—would be here regardless of America's farm policy. It is important to point that out because I have heard some suggest it is America's Freedom to Farm policy that this Congress enacted and this President signed in 1996 that is at the root of this disastrous agricultural situation in which we find ourselves. In fact, it is not.

This $69.3 billion bill will assist agricultural producers by providing, among other things, short-term assistance. It includes an $8.7 billion emergency package, and it is important we work our way through this so the American people understand what is included in this package:

There is $5.5 billion in agricultural market transition assistance payments that are paid directly to our agricultural producers, to the farmers and the ranchers. This equates to a 100-percent increase from the producers' 1999 payment and puts the money directly in the hands of our producers and certainly does it much faster than supplemental loan deficiency payments.

There is $1.2 billion for disaster relief; $475 million in direct payments to soybean and minor oilseed producers; $325 million in livestock feeder assistance; $325 million for livestock producers; $200 million is in the form of assistance to producers due to drought or other natural disasters; $400 million to assist producers in purchasing additional insurance for crops coming up that they will plant early next year for fiscal year 2000; and mandatory price reporting to assist livestock producers in their marketing decisions.

While the Agriculture appropriations conference report and emergency assistance package are important and they are very helpful in the short term, we need to look at the long-term solutions: How do we fix this for the long term so we don't keep coming back to Congress year after year after year for more supplemental appropriations? That is what we must stay focused on. We find those long-term solutions in opening up more opportunities for our farmers and our ranchers to sell the products.

Our producers need more open markets. While we need to adjust parts of

Freedom to Farm and we need to do that to make it work better, the basic underlying principle of Freedom to Farm should be preserved. And the basic underlying principle of Freedom to Farm is plant to the market, let the market decide.

In order to become more efficient and to produce for a growing market, we must give the producers the flexibility to grow what they want when they want: Grow for the market, not what the Government dictates or what the Government manipulates.

We need to adjust transition payments to make them more useful in times when cash flows are tight, when they are needed, not just arbitrary: Another supplemental appropriation. Payment levels may need to be adjusted annually, that is the way it is, to take into account such things as the value of the U.S. dollar, export opportunities, natural disasters, actual production levels, and other factors.

Loan deficiency payments have proven a useful tool for farmers, but we need to build into that more flexibility so producers can quickly respond to changes in the market.

The Crop Insurance Program is critical to the future of our ag producers. The Crop Insurance Program needs to be expanded and reformed so producers can be more self-reliant during economic downturns. We need to focus on private-sector solutions rather than public-sector solutions.

The United States needs a relevant and a vital trade policy that addresses the challenges of the 21st century. We need WTO accession for China, trade and sanctions reform, and more international food assistance programs. WTO negotiations also need to address unfair manipulation and other trade barriers that hurt America's farmers and ranchers. We are currently working our way through the beef hormone issue. The WTO has consistently come down in favor of the American producer, yet we still find the Europeans throw up artificial trade barriers. These are big issues, important issues. Trade must be a constant. It must be elevated to a priority in the next administration. The next President must put trade on the agenda, and he must lead toward accomplishment of that agenda.

As my friend, the distinguished Senator from Illinois, noted earlier, I, too, am disappointed this conference report does not contain the Ashcroft-Hagel-Dodd sanctions reform language, which passed this body, as noted by the distinguished Senator from Illinois, 70 to 28—70 votes in favor of lifting unilateral sanctions on food and medicine. I am confident we can move forward on this legislation. We will come back to it when it soon comes, again, to the Senate floor for consideration. The Ashcroft-Hagel-Dodd bill would exempt food and medicine from unilateral sanctions and embargoes. It is supported by the American Farm Bureau and the entire American agricultural community.

This reform also strengthens the ties among peoples and nations and demonstrates the goodness and the humanitarianism of the American people. It sends a very strong, clear message to our customers and our competitors around the world that our agricultural producers will be consistent and reliable suppliers of quality products. The American agricultural producer can compete with anyone in the world. Passing sanctions reform legislation will open up new markets, and it will allow our agricultural producers to compete in markets around the globe. I am hopeful we will move forward on comprehensive sanctions and trade reform legislation early next year. This must be a priority. It should be a priority. It is a priority, and it is a bipartisan priority.

As Senator DURBIN mentioned earlier, if you look at those 70 Senators who voted in favor of lifting sanctions on food and medicine, they represented the majority of both the Republican and the Democratic Parties in this body. That is a very clear message that this is a bipartisan issue. We should capture the essence of that bipartisanship and let that lead us next year as we should, and we will, make considerable progress in trade and sanctions reform.

Regulations continue to add to the cost of production to farmers and ranchers. Regulatory reform is critical. We need to look at all the regulations currently on the books and make sure they are based on sound science and, lo and behold, common sense.

We need to look at tax reform. In 1996 when the Congress passed and the President signed Freedom to Farm, two promises were made by Congress to our agricultural producers: We would comprehensively deal with the important dynamics of tax reform and regulatory reform. We have failed to do so. We have failed to address comprehensive tax reform and regulatory reform, aside from what we have discussed, not dealing with sanctions and trade reform either. We need to look at tax reform. For example, farm and ranch risk management accounts, FARRM accounts, reduction in capital gains rates, elimination of estate taxes, income averaging, and other constructive actions are all measures that take us, move us, get us to where we want to be.

This conference report includes an important new provision we have not seen in past Agriculture appropriations bills, the mandatory price reporting provision. This is important for livestock producers. It allows for market transparency, it levels the playing field, and ensures fairness. We also need to look hard at other issues like industry concentration and meat labeling to ensure that markets remain free, fair, and competitive.

While we deal with short-term crises, we also need to work consistently, diligently on the long-term improvements focused on trade, and sanctions, and taxes, and regulatory reform, and agricultural policy.

This is important legislation we debate today and will vote on this afternoon. It provides much needed assistance at a very critical time in the agricultural community. I hope we will pass this conference report today and the President will sign it, so we can get our farmers and ranchers the assistance they need. Then this body can move on to do the important business of our Nation and the important business of our agricultural community, connected to the total of who we are, as a nation and as a global leader, and that is paying attention to the issues of trade and foreign policy, sanctions reform, and all that is connected to the future for our country and the world as we enter this next millennium.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I compliment and thank my good friend from Nebraska for his statement on this Agriculture conference report.

Nebraska is an agricultural State. As my colleague from Montana, the Presiding Officer, knows, Montana is also an agricultural State. I see on the floor the chairman, my good friend from Mississippi. Mississippi is also an agricultural State. Every State is an agricultural State—some more than others, of course.

But I must say about the statement the Senator made—in most respects I agree with him—it was a good one.

Essentially it comes down to this. A lot of farmers and ranchers are suffering very dire economic consequences because of low prices in the main but also because of bad weather, because of disaster, droughts, or in many cases floods. The hurricane, for example, that came up the east coast not too long ago has devastated a lot of eastern American farmers. Those States are not part of the farm program but, nevertheless, have heavy agricultural segments in their economy and have been damaged significantly. We have a conference report in front of us which provides about $8.7 billion in emergency aid. Most of that goes to Midwest farmers, western farmers, and not enough goes to the northeastern farmers. That is regrettable.

There is not enough in this conference report that takes care of Eastern and Northeastern agriculture. There should be. I hope we can figure out a way to provide for those in agriculture in the Eastern and Northeastern parts of the United States because they are not sufficiently provided for in this bill.

Nevertheless, for most of America, this bill does help. It just helps. It does not do much more, but it helps relieve a lot of the pain that farmers—when I say farmers, I mean grain producers and livestock producers—are facing.

It is an old story. It has not changed. Agriculture is in a special situation; namely, it suffers the vagaries of weather; it suffers the vagaries of the market price. Most businesses today do

not have that to worry about. Most businesses today can control the prices they pay for their products. To some degree, they can control the prices for which they sell their products. There is a lot more stability in most other industries compared to agriculture.

Because of the instability in agriculture, again because farmers and ranchers have virtually no control over the price they get for their products and because the costs they pay for all of their supplies and implements keep rising—and they have virtually no say about that—agriculture is getting squeezed more and more each year. That is the problem, particularly when there is a natural disaster on top of it.

This Senate has not done a very good job in addressing this problem. There are a lot of fancy speeches about we have to do this and we have to do that. I have made some of them. All Senators in this Chamber at the present time have made some of them. I am not blaming us all, but I am giving us all a little bit of a reminder that we have not followed up our speeches enough with action. It is hard. It is very hard to know what the solutions should be, but we still have not found the solutions. We are elected to find the solutions. That is why we run for these jobs, and that is theoretically why people elect us. They think we are going to do something about some of the problems our people face.

Why haven't we done more? I submit in large part because this place is so partisan. It has become very partisan in the last several years. I am not going to stand here and blame one side or the other. I am going to say it is a fact. Because it is so partisan, there is very little trust, and because there is very little trust not much gets accomplished. There is not much trust between the majority party and the White House. When that happens, not much gets accomplished.

Our Founding Fathers set up a form of government of divided powers. We are not a parliamentary form of government. We are a divided government. We have the executive branch and the legislative branch, the two Houses of Congress, and people have to get along if we are to get something accomplished; people have to work together if we are going to get something accomplished.

Too often, people in the House and the Senate, and probably the executive branch as well, run to the newspapers, they run to the press back home and they make all these high-sounding statements to make themselves look good and the other side to look bad. They are trying to claim credit for doing the good things and basically saying the other guys are doing the bad things.

That is where we are. There is not a person listening to my remarks who does not disagree with that. That is exactly where we are.

The question is, How do we get out of this? How do we start to regain some lost trust? How do we begin to regain, in some sense—some are going to dispute a little of this—those times in the older days when there was a little more cooperation? How are we going to do that?

Basically, it takes leadership. It takes leadership by Senators; it takes leadership by the leadership. It means standing above matters a little bit, standing back and getting a perspective, remembering why we are here, remembering what really counts. And what really counts is serving our people without a lot of fanfare rather than trying to make a lot of big fancy statements.

I am reminded of a former Senator from Montana, Mike Mansfield. Mike Mansfield, who was majority leader for 17 years —he was leader longer than any other Senator has ever been leader in this body—was the kind of person—and that is probably why he was leader for so long—who basically worked to get things done but did not crow about it and did not try to take a lot of credit for it. He was a guy who wanted to get things done to serve the people and to serve the right way, not play politics, not play partisan politics. In fact, there is a new book coming out about Mike Mansfield. If you page through it, you can get a sense of what he was about, and we can take a lesson from it.

I am going to list a couple of things I know we have to do in the hope that—knowing that most agree we have to do these things—we somehow get together and start doing something about them.

One is to get this conference report adopted. It is going to help. It is not going to solve all the problems, but it is going to help. As I mentioned, it does not do enough for the Northeastern United States or Eastern United States. I very much hope we can find the time and way to do that.

In addition, we do need to address the longer term; that is, some kind of a safety net. There has been a lot of debate—most of it has been ideological—over Freedom to Farm. It is basically an ideological debate. Most farmers and ranchers do not give two hoots about ideology. Most farmers and ranchers just want some basic program, structure, or something that addresses the bottom so there is some kind of a safety net.

We are not talking about a handout. Nobody is talking about a handout. We are not talking about some solution where farmers are given an absolute guarantee they are going to make money or absolute guarantee they are going to make a profit. But we know because of weather conditions—sometimes it rains too much, sometimes not enough, sometimes there are floods, sometimes droughts, sometimes the market falls to the bottom—we need a floor to basically prevent people from going out of business—not to make a profit but prevent them from going out of business because we know how important agriculture is to our country.

Let's get over the ideology of Freedom to Farm, the ''freedom to fail.'' Those are nice sounding words. All of us have heard them hundreds of times. I say let's forget the words and figure out a way to design a safety net. It is not going to happen this year because there is not enough time. I ask us all, when we are home during the recess, to be thinking about this and thinking about a way to get a square peg in a square hole or a round peg in a round hole and find a solution. I guarantee, the best politics is really the best policy; that is, if we enact something that makes sense, then all the Republicans and all the Democrats can say: Yes, we did something good. And the people at home are going to be very happy for that. They care much more about that than who is blaming whom for not getting the job done.

I do not know why I have to say that. It is so obvious. I guess I say it because it is still not done.

We, obviously, have to address crop insurance. We want a Crop Insurance Program essentially so farmers and ranchers can make their own decisions and know how much they should be insured. We want a program that works and covers a lot more than the current program does.

As you well know, Mr. President, because you and I have spent a lot of time on these issues, we have to have a much better international trade regime. American farmers and ranchers are being taken to the cleaners. They are being taken to the cleaners compared with farmers and ranchers worldwide.

One example is this beef hormone matter. The Europeans for 12 years have said they are not going to take a single ounce of American beef. Why? Because they say our feed lots with growth hormones cause disease and people who eat American beef—Americans eat it all the time and other people do, too—has an adverse health effect on European consumers. It is a totally bogus issue, totally. Europeans know it; we know it. But for 12 years, they still have not taken any beef.

What do we do? We bring an action before the World Trade Organization. What happens? The World Trade Organization agrees. They sent it to an international scientific panel which concluded the Americans are right and the Europeans are wrong. They sent it to a second scientific panel. It came to the same conclusion. All the scientific panels came to the same conclusion. Europe still says no.

The WTO says that we have a right, as Americans, to impose tariffs on European products, on the value of the beef that is not going into Europe, so we do. Europeans say: Fine, we will just pay; we still won't import any beef. That is one of many examples where we are getting stiffed because there is not a way, there is not leverage, there is not a regime for us to stand up for what is right for American farmers.

And take the state trading enterprises, the Canadian Wheat Board, the Australian Wheat Board. We still have not solved that problem.

We will face a huge problem, too, in the coming years with respect to Europe. Europeans are getting on their high horse about genetically modified organisms. It is going to be a huge problem with Europe. To make matters even worse, Europe is starting to feel its oats. I think it is kind of upset with the United States because they see the United States as this big country. I think the war in Yugoslavia has exacerbated things a little bit because the European defense establishment did not provide the sophisticated materiel that was needed there. So now they want to build up their defense establishment. It is wrapped up in an awful lot of issues.

And it is OK for Americans to criticize the Europeans for their failure to be straight and have a level agricultural playing field. I might add, for example, their export subsidies are out of this world. European export subsidies are about 60 times American export subsidies for agriculture—60 times. Our EEP is about $300 million, $200 million—I do not think it is ever used—whereas their export subsidies are gargantuan.

Do you think Europeans, out of the goodness of their heart, are going to lower their export subsidies? No way. No way. We know that no country altruistically, out of the goodness of its heart, is going to lower their trade barriers. The only way to lower trade barriers is when there is a little leverage. So we have to find leverage in the usual way.

What I am saying is we have a huge challenge ahead of us; that is, to try to figure out—hopefully, in a noncombative way —how to deal with Europe. There are many issues with Europe, and they are just getting more and more complicated—whether it is Airbus or whether it is air pollution rules. They will not take our planes now because they say our airplanes pollute Europe. They are just huge issues. Basically, they are economic issues. And the economic issues are also very heavily agricultural.

We have to figure out a way. It takes leadership from the President. It takes some cool-mindedness in the House and the Senate, on both sides of the aisle, to try to figure out some way to crack this nut. It is going to be a very difficult nut to crack, but it has to be if it is going to help our farmers because right now our farmers are being taken advantage of by the Europeans—pure and simple. Nobody disputes that.

It is up to us to try to figure out a way to solve that one. I know that the more we criticize Europe, the more it makes us feel good, but it probably causes Europeans to dig their heels in a little more, and I do not know how much it will get the problem solved. We have to find leverage and some commonsense way to go about it and deal with this issue.

The leverage I suggest is the WTO ''trigger,'' as I call it, the export subsidy trigger. This legislation I have introduced essentially provides that if the Europeans do not reduce their agricultural subsidies by 50 percent in a couple years, then the United States is directed to spend EEP dollars in a like amount. If they do not eliminate them in another year, then the United States is directed to spend several billion dollars in EEP directed and targeted exactly at European producers, the European countries. So that is one bit of leverage.

I am also going to introduce legislation soon. It is agricultural surge legislation, to prevent farmers from suffering so much from import surges from other countries to the United States. We need action such as that and then to sit down calmly and coolly to talk with the Europeans, talk with the Chinese and the Japanese and the Canadians, to find a solution.

There are a lot of other things we need to do to help our farmers. Many have talked about the concentration of the beef packing industry, and they are right; there is way too much concentration of the beef packing industry, which is hurting our producers. There is labeling in this bill that helps.

There is one big omission. Seventy Senators voted to end the unilateral sanctions on food and medicine. The conferees disregarded the views of 70 Senators. They took that out. I do not know why. It does not make any sense why the conferees took that out of this conference report, particularly when 70 Senators, on a bipartisan basis, said, hey, we should not have unilateral sanctions on medicine and food; it should not be there. I wish they had not done that. Clearly, we have to find a way to get that passed.

I will stop here, Mr. President, because I see a lot of other Senators on the floor who wish to speak. But I strongly urge a heavy vote for this conference report and in a deeper sense—because obviously it is going to pass—calling upon us to back off from the partisanship. Let's start to think as men and women, as people. We are supposed to be educated. We are supposed to be smart. We are supposed to be leaders in a certain sense. Let's do it. Let's act as grownups, adults, problem solvers. That is all I am asking. It is not a lot. Over the recess, I hope we think a little bit about that, so when we come back next year, we can start to solve some problems.

COMPREHENSIVE NUCLEAR TEST-BAN TREATY

Mr. BAUCUS. Mr. President, on one other matter, although I told the Senator from Mississippi I would not address this subject, I am going to do so very briefly. That is the other matter before the Senate today, the Comprehensive Nuclear Test-Ban Treaty.

This is a no-brainer. It is an absolute no-brainer. It makes no sense, no sense whatsoever, for the Senate to disregard the views of the President of the United States to bring up the Comprehensive Test Ban Treaty knowing it is going to fail. It makes no sense. It is irresponsible. It is tragic. I cannot believe the Senate will let that happen. I cannot believe it because of the obvious signal it is going to send around the world.

What is that signal? The signal is: The United States is abrogating its leadership. The United States is sticking its tail between its legs and running away. It is leaving the scene. It is not being a leader. I cannot believe the Senate will allow that treaty to come up knowing it is going to be a negative vote.

I do not know what planet I am on—Mars, Pluto, Jupiter—to think of what the Senate could possibly do today. It is outrageous.

While I am on that point, let me speak toward bipartisanship just briefly. It used to be when the President of the United States had a major foreign policy request of the Congress, politics would stop at the water's edge. Politics would stop because it would be such an important national issue, and the Congress—Republicans and Democrats—would work together on major foreign policy issues.

There is plenty of opportunity for politics in the United States. There is plenty of opportunity—too much. It is highly irresponsible for the Senate to stick its thumb in the eye of the President of the United States when the President of the United States requests that there not be a vote on the Comprehensive Test Ban Treaty, whatever his reasons might be, and say: We don't care what you think, Mr. President; we're going to vote anyway because we want to knock this thing down.

I just cannot believe it. It is just beyond belief.

I very much hope that later on today and in future days, Senators will think more calmly about this, exercise a little prudence, and do what Senators are elected to do; that is, be responsible and do what is right, not what is political.

Mr. President, I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT—Continued

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise in opposition to the conference report on the fiscal year 2000 Agriculture appropriations bill. I regret very much having to do this because I appreciate the fact that all across our country, farmers are in need of assistance. I recognize that it is important to try to get some of these programs out to them. But I am very frank to tell the Senate that I think the conference

badly overlooked the pressing problems which the farmers in the Northeast and the Mid-Atlantic are facing. I can't, in good conscience, support a bill which simply fails to take into account the situation with which we are confronted, a situation which is unparalleled.

Steven Weber, President of the Maryland Farm Bureau, was recently quoted as saying:

> This is not just another crisis. This is the worst string of dry summers and the worst run of crop years since the 1930s. Talk to the old-timers. They haven't seen anything like it since they were young.
>
> Our farmers have been absolutely devastated by the weather we have experienced, not only over this past farming season but in previous ones leading up to it as well. We face a very pressing situation.''

In addition, I think this bill fails to address the needs of our dairy farmers. I will discuss that issue subsequently. First, I want to address the disaster assistance.

Most of the disaster assistance that is available under existing programs is in the form of low-interest loans for those who have been rejected twice by commercial lenders. What this approach fails to recognize is that our farmers have been hit with a double whammy. First of all, they had the low commodity prices which farmers all across the country have confronted; and in addition, in our particular situation, our farmers were confronted by severe drought problems, as I have indicated, unparalleled in the memory of those now farming for more than half a century. Low-interest loans simply won't work to address the collective and drastic impact of these factors.

Recognizing that, we sought substantially more and more direct disaster assistance in the Conference Agreement. And the response that the Conferees made to this request—the $1.2 billion that is in this bill—is clearly inadequate. The Secretary of Agriculture estimated that in the Northeast/Mid-Atlantic, we needed $1.5 to $2 billion just for those States alone. Never mind, of course, comparable damage, either drought or floods, that have occurred in other parts of the country which also need assistance. Indeed, it should not be our goal to identify an amount of funding where we have to take from one to give to the other. These states need assistance as well. What we are arguing is that this package ought to be comprehensive enough to meet the needs in the agricultural sector all across the country. I appreciate that other parts of the country have been hit with droughts and floods and that we must address these needs as well, but the amount provided in this conference report for disaster assistance is clearly inadequate to accomplish this goal. The amount that this legislation provides and that which will eventually make its way into the Northeast/Mid-Atlantic States will not enable us to confront the problem bleakly staring our farmers in the face.

We wrote to the conferees, a number of us from this region of the country, asking them to consider the following measures. I regret that very little weight was given to this request. All of them, I think, are exceedingly reasonable requests, and had they been addressed, it would have affected, obviously, the perspective I take on this legislation.

We asked the conference committee to consider the following measures: First, crop loss disaster assistance programs that provide direct payments to producers based on actual losses of 1999 plantings. These payments could be drawn from the Commodity Credit Corporation funds without an arbitrary limit. The arbitrary limit currently in the agreement precludes comprehensive assistance and delays the availability of the assistance. We asked that yield loss thresholds and payment levels be determined in advance so the payments can be made to producers as soon as they apply, rather than providing a fixed amount which would require all producers to apply before a payment factor can be determined and payments can be issued. We asked for this measure because these farmers need the help now. They need it quickly. They are under terrific pressure.

Secondly, we asked the committee to consider sufficient livestock feed assistance, which addresses losses in pasture and forage for livestock operations, provides direct payments to producers based on a percentage of their supplemental feed needs, determined in advance to speed payments and avoids prorating.

Thirdly, we requested the conference to consider credit assistance which addresses the needs of producers who have experienced natural and market loss disasters.

Fourthly, we asked the conference for adequate funding to employ additional staff for the Farm Service Agency and the National Resource Conservation Service so they could swiftly and expeditiously implement various assistance programs at the State and local level.

Finally, we requested cooperative and/or reimbursable agreements that would enable USDA to assist in cases where a State is providing State-funded disaster assistance.

All of these, had they been responded to as we sought, would have given us an opportunity to address the situation in our region, not only in a forthright manner but one that would accommodate the pressing crisis which we confront. As we indicated, this crisis has reached overwhelming proportions. We risk losing a substantial part of the region's critical agricultural sector. The measures in this conference report, I regret to say, are not sufficient, nor sufficiently focused on the needs of the Eastern States to address their problems. That is one major reason I oppose this conference report and will vote against it.

Secondly, this conference report deals with the dairy issue in a way that is harmful to our region. By failing to adopt option 1–A and disallowing the extension of the authorization of the Northeast Dairy Compact, the conference agreement has left our dairy farmers confronting a situation of instability. Milk prices have been moving up and down as if they were on a roller coaster. Our dairy farmers have been subjected to wide and frequent swings, which place our dairy producers in situations where they don't have the cash-flow to meet their costs in a given month. The price goes up; the price comes down. It takes an enormous toll on the industry in our State and elsewhere in the east.

As a result of these fluctuations, the number of dairy farmers in Maryland has been declining markedly over the last 2 decades. We fear that if this process continues, we are going to see the extinction of a critical component of our dairy industry and the farm economy; that is, the family-run dairy farm. Indeed, my concern is primarily focused on family farmers and on sustaining their presence as part of the dairy sector.

The Maryland General Assembly passed legislation to enable Maryland to join the Northeast Dairy Compact. They also took measures in that legislation to ensure that the interests of consumers, low-income households and processors, would be protected when a farm milk price was established. In fact, a representative from those groups would be on the compact commission, as well as from the dairy industry itself. Other states that are a part of the Compact or want to participate have taken the measures to protect same interests. And we believe this established a reasonable solution to provide stable income for those in the dairy industry, particularly family dairy farmers.

But the conference denied what I regard as a fair and reasoned approach—in refusing to extend the authorization of the compact, and therefore, committed our region's dairy industry to a continuance of this unstable and volatile environment.

Mr. President, agriculture is an important economic actor in the state of Maryland. It contributes significantly to our State's economy. It employs hundreds of thousands of people in one way or another. We really are seeking, I think, fair and equitable treatment. I don't think this legislation contains a fair and equitable solution for the crisis that faces farmers in the Northeast and Mid-Atlantic states. Indeed, it seems to ignore the fact that we have farmers as well. The only farmers in the country are not in sectors other than the Northeast and Mid-Atlantic and the needs of all of our farmers should have been addressed in this legislation.

The Farm Bureau has written me a letter urging a vote against adoption of the conference report. I ask unanimous consent that this letter be printed in the RECORD at the end of my remarks.

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

(See Exhibit 1.)

Mr. SARBANES. They write:

Maryland Farm Bureau believes that many of the provisions in the economic disaster relief package are important and necessary. We are concerned, however, that the adoption of the conference report as drafted will not meet Maryland's drought disaster needs. We also believe that the absence of the Option 1A dairy language will have long-term negative impacts on the State's dairy industry.

I agree with that. We should reject this package, go back to conference, and develop a package that addresses the dairy issue, allows us to develop the compact to give some stability and diminished volatility in the industry, and also increases the drought assistance package so it adequately and directly meets the needs of the farmers of our region.

The conference agreement should have done better by these very hard-working men and women, these small farm families. And because it has not—as much as I appreciate the pressing needs of agriculture elsewhere in the country, and as much as I, in the past, have been supportive of those needs—we in the region must take measures to have our farmers' needs addressed in the current context. We have experienced a very difficult and rough period for Maryland agriculture, and for agriculture generally in the Northeast and Mid-Atlantic. Because this crisis is not adequately addressed in this conference report, I intend to vote against it.

I yield the floor.

EXHIBIT 1

MARYLAND FARM BUREAU, INC.,
Randallstown, MD, October 12, 1999.

Hon. PAUL SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: I am writing to urge you to vote against adoption of the conference report on Agricultural Appropriations when it is considered on the floor tomorrow.

Maryland Farm Bureau believes that many of the provisions in the economic disaster relief package are important and necessary. We are concerned, however, that the adoption of the conference report as drafted will not meet Maryland's drought disaster needs. We also believe that the absence of the Option 1A dairy language will have long-term negative impacts on the state's dairy industry.

I urge you to vote to send the agricultural appropriations conference report back to the conferees with instructions that they add the Option 1A dairy language and that they increase the drought assistance package to adequately meet the needs of mid-Atlantic farmers.

Sincerely,

STEPHEN L. WEBER,
President.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, before the Senator leaves the floor, I commend my colleague for his comments. He could have easily been speaking on behalf of the State of Connecticut in talking about the particular concerns of his home State of Maryland. In a moment, I will explain why I also have serious reservations about this bill. But his point that the New England States, the Northeast, contribute significantly to the agricultural well-being of this country is well founded.

I know Secretary Glickman came to Maryland and he came to Connecticut during the drought this past summer. The exact number eludes me, but it was surprisingly high, the number of farmers and the significant portion of agricultural production that occurs east of the Mississippi and north of the Mason-Dixon line, or near north of the Mason-Dixon line.

So when we talk about these issues, it may seem as if it is more sort of hobby farms to people, but for many people in Maryland and for the 4,000 people in Connecticut who make a living in agriculture—these are not major agricultural centers, but in a State of 3.5 million people, where 4,000 families annually depend upon agriculture as a source of income, it is not insignificant.

So when you have a bill that virtually excludes people from Maryland, Connecticut, Rhode Island, Massachusetts, and Pennsylvania from receiving some help during a time of crisis, I hope our colleagues who come from the States that benefit from this bill, who I know have enjoyed the support of the Senator from Maryland, this Senator, and others during times of crisis, because we have seen a flood in the Midwest, or a drought in the Midwest, or cyclones and hurricanes that have devastated agriculture in other parts of our country—I never considered my voting to support people in those areas as somehow a regional vote. When I vote to support a farmer who has lost his livelihood because of a natural disaster, I think I am voting to strengthen my country, not to help out a particular farmer in a State that I don't represent.

So when we have a drought in the Northeast, as we did, a record drought this year that wiped out farmers, caused them to lose significant income, to lose farms and the like, and then to have a bill that comes before us that disregards this natural disaster—in my State, $41 million was lost as a result of the drought—I am disappointed. My colleagues may have stronger words to use. I am terribly disappointed, as someone who, year after year, has been supportive of particular agricultural needs, although I didn't directly represent them, that our colleagues in the House and Senate could not see fit to provide some financial help beyond, as my colleague from Maryland said, the loan program, which is not much help. We don't have crop insurance for my row croppers. The small farmers don't get crop insurance. When they get wiped out or lose income, they have to depend upon some direct payment. A loan program is of little or no assistance to them.

I am terribly disappointed that this bill excludes those farmers from the eastern part of the United States. It was the worst drought that has hit our region in decades. Congressional delegations throughout the region have consistently supported our colleagues in other regions when their States have suffered catastrophic floods, hurricanes, and earthquakes. We don't understand why it is so difficult for the eastern part of the country to convey to our colleagues how massive the devastation has been to our small farmers. As I have said, in my State alone, it is $41 million. In other States, the numbers may be higher. I represent a small State.

The dairy industry is one of the major agricultural interests in our region. It has gotten a double hit in this legislation—inadequate drought relief assistance and the exclusion of provisions that would have extended the Northeast Dairy Compact. On top of the drought losses, our farmers will lose an additional $100 million if the new milk marketing pricing goes forward.

While I am heartened by the recently issued court injunction postponing the implementation of the new pricing scheme, quite frankly, this is only a short-term solution and is no substitute for affirmative action taken by the Congress. Northeast dairy farmers are deserving of the same kinds of assistance we offer to the agricultural sectors in other parts of the country. I believe it is grossly unfair that this conference report has chosen to ignore their plight.

We should not be placing one part of the country against another. I don't want to see a midwestern farmer or a western farmer be adversely affected by votes we cast here. But, likewise, I don't want to see farming interests in my State or my region of the country be harmed as a result of our unwillingness to provide some relief when they absolutely need it to survive.

Inadequate drought relief and the exclusion of the Northeast Dairy Compact would be reason enough to vote against the legislation before us today. But I want to raise another issue that has caused a lot of consternation during the debate on this Agriculture appropriations bill. I am referring to the amendment offered by the distinguished Senator from Missouri, Mr. ASHCROFT, myself, and Senator HAGEL of Nebraska. The House leadership literally hijacked this piece of legislation and denied the normal democratic process to work when it came to this measure that was adopted overwhelmingly in the Senate by a margin of 70–28—by any measure, an overwhelming vote of bipartisanship. This measure would have ended unilateral sanctions on the sale of U.S. food and medicine to countries around the globe.

The amendment had broad-based support from farm organizations across the country which, time and time again, have been forced to pay the price of lost income when Congress has decided to ''get tough'' with dictators

and bar farm exports. Farmers, over the years, have rightfully noted that, although in some cases sanctions have been in place for 40 years, there is nothing in the way of positive foreign policy results to show for these sanctions.

On the other hand, the losses to our farmers are measurable and substantial—in the billions of dollars annually—as a result of these unilateral sanctions on food and medicine we have imposed for years.

Church groups and humanitarian organizations have joined farm organizations in strongly opposing use of food and medicine as sanctions weapons on moral grounds.

Ironically, U.S. sanctions—particularly ones on food and medicine—have been used as an instrument by hostile governments to shore up domestic support and retain power, the very power that we are allegedly trying to change through the use of sanctions actually having contributed to these dictators staying in power for as many years as some of them have. Whether or not the United States is fully responsible for the suffering of these men, women, and children in these targeted countries, it is hard to convince many of them that the United States means them no ill will when we deny them the access to foodstuffs, critical medicines, and medical equipment—the reason seventy of our colleagues decided to end this policy of unilateral sanctions on food and medicine.

Unfortunately, the House Republican leadership would not allow the process to work in conference. As a result, this bill was tied up for days over this single measure.

Again, I compliment my colleague from Missouri, Senator ASHCROFT, and Senator HAGEL, who are leaders on this, along with others in fighting for this provision.

This is not a provision that is designed to help dictators. It is a provision to, in fact, change these dictatorial governments and to provide needed relief and opportunity for millions of people who are the innocent victims of these dictators, and not deny our own farm community and business interests the opportunity to sell into these markets and make a difference. They are prepared, of course, to deny, in the case of the major opposition, by the way, which comes from some Members.

I want to emphasize that some members of the Cuban American community feel particularly strongly about the government in Cuba. I respect their feelings. I respect it very deeply. These families have lost their homes, jobs, and family members as a result of the government in Cuba under Fidel Castro. There is no way I can fully appreciate the depth of their feelings and passions about this. As I say, I respect that.

The exile community is not unfounded in its deep concerns about what has happened on the island of Cuba.

Before I make any comments about the island of Cuba and what goes on there, I want it to be as clear as I can possibly make it that my sympathies, my heartfelt sympathies go to the exiled community that lives in this country and elsewhere. Their passions, I understand and accept, and I am tremendously sympathetic.

But I must say as well that there are 11 million Cubans who live on that island 90 miles off our shores who are suffering and hurting badly. Arguably, the problem exists with the government there. I don't deny that. But to impose a sanction for 40 years on the same of food and medicine to 11 million people in this country also is not warranted.

While we may want to change the government in Cuba—and that may happen in time—we shouldn't be compounding the problem by denying the sale of food and medicine to these people.

Many people say they won't set foot on Cuban soil while Castro remains in power. I understand that as well. But don't deny the 11 million people in Cuba the opportunity to at least have basic food supplies and medicine. It seems to me that—in fact I believe—a majority of the Cuban American people in this country have similar feelings. Their voices are not heard as often as is oftentimes the case when a minority view is extremely vocal and can dominate. But I believe the vast majority of Cuban Americans feel strongly about Fidel Castro, want him out of power, and want democracy to come to their country but simultaneously believe the 11 million people with whom they share a common heritage ought not to be denied food and medicine by the United States.

To make my point, these Cuban Americans try on their own to do what they can by sending small packages to loved ones and family members and friends who live in Cuba. Others travel to deliver medicines. Some 150,000 Cuban Americans travel annually to go into Cuba to bring whatever they can to help out family members and friends. However, these gestures of generosity are no substitute for commercial sales of such products if the public health and nutritional need of 11 million people are going to be met.

Unfortunately, the antidemocratic forces have succeeded in stripping the Ashcroft-Dodd-Hagel amendment from this bill. I hope enough of my colleagues will vote against this legislation to prevent its adoption. We can delay a few days, send this measure back to conference, and reestablish this language that was supported overwhelmingly, and I think supported in the House of Representatives, the other body, as well, and bring the measure back.

If this measure goes forward without the inclusion of the Dodd-Hagel-Ashcroft amendment, rest assured we will be back on this floor offering similar amendments at every opportunity that presents itself, and we will continue to do so. The day is going to come when a majority of the Congress and the will of the American people, including the Cuban Americans, I strongly suggest, is going to prevail.

On that day, the United States will regain a moral high ground by ceasing forever to use food and medicine as a weapon against innocent people.

I argue, as Senators ASHCROFT, HAGEL, GRAMS, and others, that the adoption of amendments that would allow for the lifting of unilateral sanctions on food and medicines will also be a major contributing factor to changing governments in these countries.

Aside from helping out farmers and businesses that want to sell these products and the innocent people who can't have access to them in these countries, I believe the foreign policy implications of allowing the sale of food and medicine will be significant for our country and for the people who live under dictatorial governments.

For those reasons, and what is being denied our farmers and agricultural interests in the State of Connecticut and elsewhere in the Northeast, and the rejection of the Ashcroft-Hagel-Dodd amendment, I will oppose this conference report, and I urge my colleagues to do likewise.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, some of our colleagues have denounced the Agriculture appropriations conference report as inadequate. I must agree. Without a doubt this bill is deficient.

It fails to acknowledge the full impact of natural disasters that have been experienced by agricultural producers across the country.

It fails to include adequate funding for the drought that has hit the Northeast.

It fails to provide adequate funding for the hurricane damage to the Southeast and the Northeast.

It fails to include adequate funding for flooded farmland in my own part of the country.

This bill is also deficient in the way it got here because in the conference committee when it became clear that there were going to be steps to change the sanctions regime of this country, the minority, the Democrats, were simply shut out. That is wrong. That should not happen. But it did happen.

So we are left with that result. As a result partly of that lockout, this bill fails to provide the kind of sanctions reform that ought to have occurred.

In 1996 when we passed the last farm bill, the Republican leadership promised American farmers that what they lost in domestic supports they would make up through expanded export opportunities. That was a hollow promise. The harsh reality is that now the prices have collapsed, farmers are in desperate trouble, and there must be a Federal response.

I wish this bill were better. I wish it contained adequate assistance for

those who have been hit by hurricanes. I wish it had adequate assistance for farmers who have had their acreage flooded. I wish it had sanctions reform.

Food should not be used as a weapon. It is immoral; It is ineffective; and it is inhumane. But the harsh reality is we are where we are. We have a conference report that is flawed. Indeed, it is badly flawed.

The easy thing to do would be to vote against this conference report. But it would not be the right thing to do. This bill is not just about responding to natural disasters. It also responds to the price collapse that has occurred and threatens the livelihood of tens of thousands of farmers in my State and across the country.

The need for emergency income assistance could not be more clear.

I can say that in my State many farmers are relying on this bill as their only chance for financial survival. I don't say that lightly. It is the reality.

If this assistance is not passed and distributed immediately, literally thousands of farmers in my State are going to go out of business. It is that simple. A way of life and the tradition of farming will be lost in dozens of communities across my State. The funding in this bill only meets the most basic needs of our producers. Make no mistake, it is absolutely essential. Prices for agricultural commodities are at their lowest levels in 50 years in real terms. Wheat and barley are the lowest they have been in real terms in over 50 years. Farm bankruptcies are rising; auctions are being held on an unending basis. If nothing further is done, thousands of our farmers will go out of the business. That is the stark reality in farm country.

If we fail to pass this bill, we are going to mortgage the future of literally thousands of farm families. I think we should keep in mind this is not our last chance to get something done for those who have been so badly hurt, whether it is my farmers who have flooded acres, whether it is people in the Northeast and the Southeast hit by hurricanes, whether it is farmers in the Northeast hit by drought. There is another chance this year to get additional assistance. I sympathize with my colleagues from the Northeastern and Mid-Atlantic States. They are not alone. In my State this year, we have been hit by severe storms, flooding, extreme snow and ice, ground saturation, mud slides, tornadoes, hail, insects, and disease. It is unbelievable what has happened in my State.

Growing up in North Dakota I always thought of my State as dry. I now fly over much of North Dakota and it looks similar to a Louisiana rice paddy. There is water everywhere. Millions of acres are inundated and were never planted this year. Our farmers planted the lowest level of spring wheat since 1988, the year of intense drought. Yet prices remain very low—in fact, record lows. Barley production in North Dakota is down 42 percent. Yet prices remain very low.

Things have gone from bad to worse this fall. Farmers were anxious to get into the field for harvest but were forced to stay at home and watch the rain. North Dakota farmers suffered through 2 weeks of rain at the end of August and early September, the key time for harvest. As a result, the completion of harvest has been delayed. Damage resulting from a delayed harvest is deducted from prices farmers receive for their crops. At this point, there is absolutely no way some farmers will come anywhere close to matching their expenses for this year. We simply must pass this bill to allow entire communities to survive.

I was called by a very dear friend of mine 2 weeks ago describing what had happened to him. He was just beginning harvest when the rains once again resumed in our State. He had just cut his grain. It was on the ground and the rains came and continued day after day after day. As a result, that grain that was on the ground sprouted. He had 30-percent sprout in his fields. He took a sample into the elevator and the elevator said: Don't even bother trucking that in; we aren't going to buy it at any price.

That happened all over my State. I know it has happened in other States, as well.

Passing this bill and releasing this funding is absolutely critical for those farmers who have been so hard hit. Remember, passing this bill does not bar Congress from doing more in the future. We have other opportunities this year to help those who have been hit by a hurricane. There is other legislation moving through this body that has funds for those hit by hurricanes. That package can be improved upon. When we passed the emergency supplemental bill last May, we agreed to revisit agricultural emergency spending once the extent of the price disaster was known. We have done that. We can pass this bill now and assess future needs in response to natural disasters while this assistance is distributed.

The statement of the managers on this bill made several references to the need for additional Federal spending for 1999 disasters. They have recognized the reality. I hope colleagues on the floor will understand there are additional opportunities to achieve the result they seek. The answer is not to kill this bill. This bill, however flawed, is a step in the right direction. It would be a profound mistake to defeat it.

I close by urging my colleagues to support this conference report. We had an overwhelming vote in the Senate yesterday. It was an important vote to send the signal that this legislation ought to pass.

My colleagues in the Northeast are not alone. In many ways, we are in the same circumstance. We desperately need those farmers who have flooded acres to have legislation that addresses their needs. We will have another chance. We will have another opportunity. That is the great thing about the Senate; there is always another chance.

I close by looking at a picture that shows what is happening in my State. This is several sections of land in North Dakota. Everywhere you look is water, water, water—water everywhere. I have flown all over my State. It is truly remarkable; places that were dry for 30 years are now saturated.

I talked about the price collapse. I want to visually show what it is farmers are contending with. This chart shows clearly what has happened to spring wheat and barley prices over the last 53 years. The blue line is spring wheat; the red line is barley. These are two of the dominant crops of my State. Today the prices in inflation-adjusted terms, in real terms, are the lowest they have been in 53 years. That is the reality.

This chart shows the cost of wheat production with the green line; the red line shows what prices are. Prices have been below the cost of production the last 3 years. This is a disaster scenario of its own. This is the reality of what is happening in my State. This threatens the economic future of virtually every farmer in my State. The price is far below the cost of production. There are not many businesses that survive when it costs more to produce the product than is being received—not for a few months but for 3 years.

The next chart shows a comparison of the prices farmers paid for their inputs—the green line that keeps going on—versus the prices that farmers received. We can see there is a gap and it is a widening gap. In fact, the closest we came to having these two on the same line was back at the time of the passage of the 1996 farm bill. Since that time, the prices farmers pay have gone up. Thank goodness they have stabilized somewhat in the last couple of years, but the prices they have received have collapsed. That is the hard reality of what our farmers confront. These are, by the way, statistics from the U.S. Department of Agriculture.

I want to conclude by saying we ought to pass this bill. It is not perfect. In fact, in many ways it is deeply flawed. But it is far better than the alternative of nothing. It is far better than to take the risk of sending this bill back to conference and having it come back in much worse shape. At least we can take this and put it in the bank because this does address the question of price collapse. It does not do a good enough job on the disaster side, but we have other opportunities that will come our way before this session of the Congress concludes.

I will end by thanking the Senator from Mississippi, the chairman of the subcommittee, and Senator KOHL, his counterpart, for the good job they have done under very difficult circumstances. Make no mistake, there are 100 Senators and there are probably 100 different opinions of what agricultural policy should be and what an Agriculture appropriations bill should

look like. But we do respect and admire the work they have done. We again thank them for their patience and perseverance bringing this bill to the floor. It deserves our support.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from South Dakota.

Mr. JOHNSON. Mr. President, agriculture across most of America is in a state of crisis. We are facing incredibly low livestock and grain prices, coupled with weather disasters in many parts of the country, all simultaneously. The legislation before us, as my colleague has noted so ably, is imperfect. Some have referred to it as throwing a leaking liferaft to a drowning person, and there is some truth to that. But it is urgent legislation. It is legislation we need to move forward because the need is immense and the urgency is critical. There is certainly no assurance, if we were to vote this particular bill down, that it would be back to us anytime soon or that it would come back to us in a better situation than it is now.

I think we need to recognize the inadequacies of the legislation, but at the same time that we move forward, we do so with a commitment to do better, still this Congress and in the coming year, to address the underlying problems that at least contributed to the crisis we have in rural America. Faulty agricultural policy brought to us by Freedom to Farm, combined with low prices, natural disasters, and weak export markets, resulted in an inadequate safety net—for family producers, in any event—across this country.

We have seen net farm income absolutely plummet from $53 billion in 1996 to $43.8 billion in 1999. Off-farm income in many of our States, including mine, South Dakota, is responsible for 80 to 90 percent of our family producers being able to stay on the farm. If it were not for off-farm income, there would be an even more massive exodus off the farm and ranch than we are seeing.

Are there inadequacies in the bill? Certainly. I commend our colleagues, Senator COCHRAN, Senator STEVENS, Senator KOHL, and many others, for hard work on this legislation under circumstances that surely were trying, where the level of resources would certainly not permit what they would prefer to see happen. Nonetheless, I think we have to acknowledge we need a recommitment in this body and from our friends on the other side of the Capitol to address the underlying structural problems ag faces today. I believe that involves revisiting the Freedom to Farm legislation. I believe that involves strengthening our marketing loan capabilities.

I would like to see us pass my country-of-origin meat labeling legislation. I am still working with a bipartisan group of colleagues this week to put together legislation addressing vertical integration in the packing industry, so we do not turn our livestock producers into low-wage employees on their own land. I fear that is the road we are going down.

We have to address issues of trade, value-added agriculture, farmer-owned cooperatives, and crop insurance reform. All of these are issues that cry out for attention, above and beyond anything done in this legislation.

I do applaud the effort in this bill to include mandatory price reporting on the livestock side. I do applaud some modest funding, at least, for my school breakfast pilot project that is included in this bill. I am concerned, however, the process led us to legislation that involves a distribution process that may not be as equitable as what I think the American public deserves. I will quote briefly from an analysis by the Associated Press, Philip Brasher, where he observes:

> Some of the largest, most profitable farms in the country would be among the biggest beneficiaries of Congress' $8.7 billion agricultural assistance package because it loosens rules that wee intended to target government payments to family-size operations.
>
> An individual farm could claim up to $460,000 in subsidies a year—double the current restriction—and the legislation creates a new way for producers to get around even that limit.
>
> The payment limits apply to two different programs: crop subsidies that vary according to fluctuations in commodity prices; and annual ''market transition'' payments, which were guaranteed to producers under the 1996 farm law.
>
> Farmers are technically allowed to receive no more than $75,000 in crop subsidies and $40,000 a year in market transition payments under current law. But many farms, legally claim twice that much because they are divided into different entities. A husband and a wife, for example, can claim separate payments on the same farm.
>
> The aid package would double those caps, so farms could get up to $300,000 in crop subsidies and $160,000 in market transition payments this year.
>
> Last year, about 550 farmers nationwide claimed the maximum amount in crop subsidies, USDA officials said.
>
> Critics of the looser payment rules fear they will encourage the consolidation of farms and hasten the demise of smaller-scale operations. ''Big farms will use the extra cash to buy up land from the neighbors, driving up land prices in the process,'' said Chuck Hassebrook, program director of the Center for Rural Affairs in Walthill, NE.
>
> ''What is the purpose of these farm programs? Is it to help very wealthy, very large landowners get bigger and get richer?''

These are the kinds of questions and concerns many of us have. I think they are profound questions, having to do with the very nature of agriculture, the very nature of rural America. What road we are going down, in terms of ag and rural policy in America, policy responsible for feeding so efficiently and so effectively and in such an extraordinary manner the people of our Nation?

But for all its failings and shortcomings, many of which I briefly raised this morning, the fact is there is absolute urgency this legislation go forward, that we address the problems of income collapse, disaster all over America, with this legislation; and, hopefully, upon passage of this legislation, we recommit ourselves to going expeditiously forward to address the remainder of these other issues I have raised, and others of my colleagues have raised, reflecting upon the inadequacies and inefficiencies and the shortcomings of this legislation. They are many. But to stop this legislation now would only hasten the demise of still more family producers all across America. It would not guarantee a return to a better policy anytime very soon. We need to pass this bill, then go forward with additional legislation to redress these inadequacies.

I urge my colleagues to vote yes on passage of this legislation and to work with us in a bipartisan fashion on the remainder of these agricultural issues and budget issues before the country.

I yield.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield 8 minutes to the distinguished Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the conference report for the fiscal year 2000 Agriculture appropriations bill addresses one of the most beleaguered fisheries in the United States. The Norton Sound region of Alaska has suffered chronically poor salmon returns in recent years. Norton Sound is an arm of the Bering Sea off the west coast of Alaska. It lies to the north of the Yukon-Kuskokwim Delta, which has also seen very poor salmon returns in recent years.

Both of these regions are extremely rural and heavily dependent on commercial and subsistence salmon fishing for survival.

The provision in the conference report addresses the Norton Sound problem in several ways. First, it will make the Norton Sound region eligible for the Federal disaster assistance made available to the Yukon-Kuskokwim delta region last year.

Second, it changes the income eligibility standard from the Federal poverty level to that for the temporary assistance to needy families program.

The standard of living in many of these fish-dependent communities is well below the poverty line. This was one of the chief complaints voiced to my staff and several Commerce Department officials when they visited western Alaska last summer. This provision will allow more needy families to qualify for 1999 disaster assistance, much of which has gone unallocated.

Additionally, this bill will provide $10 million in grants through the Economic Development Administration for infrastructure improvements in the Norton Sound region.

The conference report included is $5 million in disaster assistance under the Magnuson-Stevens Fishery Conservation and Management Act to determine

the cause of the decline and to identify ways to improve the area's fisheries in the future. These funds will be available in 2001.

The main reason these communities are unable to ride out cyclical fishery failures is the lack of commercial infrastructure in rural fisheries. The EDA grants will help provide ice machines and other equipment to help these communities modernize their processing capabilities and extract more value from the resources they harvest.

I was also pleased to work with my colleagues from New England on their request for fishery disaster assistance. New England will receive $15 million in 2001 for cooperative research and management activities in the New England fisheries. These funds will provide New England fishermen with an important role in working to solve the problems of their own fisheries.

Within this conference report, I have also asked that the Agricultural Marketing Service—the AMS—convene two national meetings to begin development of organic standards with respect to seafoods. One of these meetings will be held in Alaska and the other meeting will be held on the Gulf of Mexico coastal area.

The AMS will use the information gathered at these meetings to develop draft regulations establishing national organic standards for seafood to be published in fiscal year 2000.

It is estimated that the sales of organic foods will reach $6.6 billion by the year 2000. The organic industry has been growing at a rate of 20 to 24 percent for the last 9 consecutive years.

Ocean-harvested seafood should be at the same level with other qualifying protein commodities, such as beef, pork, and chicken. I hope that these protein sources will be included in the proposed U.S. Department of Agriculture rules to be finalized by June 2000. Ocean-harvested seafood should not be excluded as an organically-produced product when USDA issues its final rule.

This issue is very important to Alaska, as the harvesting of seafood is an industry that employs more Alaskans than any other industry. In particular, I am concerned about the inclusion of wild salmon within USDA's final rule for the National Organic Program. Wild salmon is an organic product.

This past summer, two private certifying firms for organic food products visited two Alaska seafood processors to determine whether the wild, ocean-harvested salmon processed at these facilities could be certified as organic. One of the certifiers, farm verified organic, inspected capilliano seafoods. Their report is very positive. In fact, their approval allowed capalliano's salmon to be admitted to natural products east, which is a large organic food show in Boston, Massachusetts. In order to be admitted to this trade show, a product must be verified as organic.

I, frankly do not know what the dispute is about. Natural fish, wild fish should certainly be verified as organic.

I am confident that the AMS will find Alaskan wild salmon a very heart-healthy protein source, to be of high quality and organic, for the purposes of USDA's national organic program.

I thank my friend from Mississippi and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will be very brief. I know a number of Members are waiting to speak.

The Governors and legislators in the six New England States had five goals in mind when they enacted the Northeast Interstate Dairy Compact into law in each of their States.

They wanted to assure fresh, local supplies of milk to consumers. In fact, they wanted to do it at lower prices than found in most other parts of the Nation. They wanted to keep dairy farmers in business, they wanted to protect New England's rural environment, and they wanted to do this without burdening Federal taxpayers.

It turned out the Northeast Interstate Dairy Compact was a stirring success on every one of these points. But it also had an added benefit. It increased interstate trade into the region as neighboring farmers took advantage of the compact. Not only did prices come down, but the number of farmers going out of business has declined throughout New England for the first time in many years. We find there are still some who favor having Federal bureaucrats run this farm program, at a cost to the taxpayers, instead of the States themselves, with no cost to the taxpayers.

Because it has been so successful, half the Governors in the Nation, half the State legislatures in the Nation, asked that the Congress allow their States to set their own dairy policies, within certain limits, through interstate compacts that, again, cost taxpayers nothing. The dairy compact legislation passed in these States overwhelmingly.

Perhaps most significant, and I mention this because we have heard those from Minnesota and Wisconsin attack this, what they do not tell us is that the retail milk prices in New England not only average lower than the rest of the Nation, but they are much lower than the milk prices in Minnesota and Wisconsin. So those in these parts of the country who are attacking the Northeast Dairy Compact say they are concerned about consumers and ignore the fact that consumers pay a lot more in their States than they do in New England.

One has to ask, Why does anybody oppose the Dairy Compact? GAO and OMB report that consumer prices are lower and farm income is higher than the average for the rest of the country, without increased cost to the taxpayers. Why would anybody oppose it?

One of the things I learned long ago is to follow the money, and there is one group making a whole lot of money on this issue. They are the huge milk manufacturers, such as Suiza, or Kraft which is owned by Philip Morris, or other processors represented by the International Dairy Foods Association. They oppose the compact not because they care for the consumers, not because they care for the farmers, but because they care for their own huge, bloated profits.

Indeed, they sent around corporate front organizations to speak for them. One was the Public Voice for Food and Health Policy. When it finally became clear that Public Voice was going around fronting for these organizations, and that their policies were determined not by what was best for everybody but by corporate dollars, they finally went out of business.

I've talked about the close alliances between a lead executive who handled compact issues for Public Voice who negotiated a job to represent the huge processors.

I will give the press another lead on the next public interest group whose funding should be investigated, the Consumer Federation of America. One of their officers, formerly from Public Voice, has been going around Capitol Hill offices with lobbyists representing dairy processors.

One might ask why would Philip Morris want to use these organizations instead of going directly to the editorial boards of the New York Times or the Washington Post to bad mouth the compact? Why not have somebody who appears to be representing the consumers rather than Philip Morris coming in and talking about it?

The consumer representative, being paid by the big processors, could come in and say: Editorial board members, milk prices are higher for children in the School Lunch Program under this compact.

We ought to compare those prices. Let's compare the retail milk prices in New England against retail milk prices in the upper Midwest. A gallon of whole milk in Augusta, ME, was $2.47. The price was up to 50 cents more in Minneapolis, MN, the area opponents used as an example of how to save money.

I think we ought to take a look at these issues because when we hear some of the big companies, such as Philip Morris and Kraft and Suiza, saying, well, it's not the money. But you know, of course, it is the money. When they say ''we are here because we're concerned about the consumers,'' you know—with their track record—that the consumer is the last thing on their mind. And when these processor groups say they want to protect the farmer . . . oh, Lordy, don't ever, ever believe that, because there is not a farmer in this country who would.

Lastly, if anybody tells you the dairy compact will cost you money, I point out, not only does it not cost taxpayers any money, but the cost of milk is much lower than in States without a compact.

Mr. President, the Governors and legislators in the six New England states had five goals in mind when they enacted the Compact into law in each of their states.

They wanted to assure fresh, local supplies of milk to consumers—at lower prices than found in most of the nation—they wanted to keep dairy farmers in business, they wanted to protect the New England's rural environment from sprawl and destructive development, and they wanted to do this without burdening federal taxpayers.

The Northeast Interstate Dairy Compact has delivered beyond the expectations of those Governors and state legislators.

The Compact provided an added benefit—it has also increased interstate trade into the region as neighboring farmers took advantage of the Compact.

This great idea—coming from those six New England states—has created a successful and enduring partnership between dairy farmers and consumers throughout New England.

Thanks to the Northeast Compact, the number of farmers going out of business has declined throughout New England—for the first time in many years.

It is unfortunate that most still favor federal bureaucrats running the farm programs—I think Congress should look at more zero-cost state-initiated programs rather than turning a deaf ear to the pleas of state legislators.

Indeed, half the Governors in the nation, and half the state legislatures in the nation, asked that the Congress allow their states to set their own dairy policies—within federally mandated limits—through interstate compacts that cost taxpayers nothing.

And the dairy compact legislation passed with overwhelming support in almost all these states.

One of the most difficult challenges posed by the New England Governors is that the Compact had to cost nothing—yet deliver a benefit to farmers. The Compact is scored by CBO as having no costs to the Federal treasury.

Major environmental groups have endorsed the Northeast Dairy Compact because they know it helps preserve farmland and prevent urban sprawl. Indeed, a New York Times and a National Geographic article that I mentioned yesterday discuss the importance of keeping dairy farmers in business from an environmental standpoint.

Perhaps most significantly, retail milk prices in New England average lower than the rest of the nation and much lower than milk prices in Minnesota and Wisconsin, according to GAO.

The question is: why does anyone in America oppose the dairy compact? Since GAO and OMB report that consumer prices are lower and farm income is higher than the average for the rest of the country, without increased costs to taxpayers, why does anyone oppose the Compact?

The answer is simple, huge milk manufacturers—such as Suiza, headquartered in Texas, Kraft which is owned by the tobacco giant Philip Morris, other processors represented by the International Dairy Foods Association—oppose the Compact.

Even the most junior investigative reporter could figure out the answer to my question with the above information. All anyone has to do is look up the donations made by these, and other, giant processors. All the negative news stories about the compact have their genesis in efforts by these giant processors and their front organizations.

I have explained the details of this on the Senate floor so scholars who want to know what really happened can check the public records and the lobby registration forms.

Indeed, one of the corporate front organizations—Public Voice for Food and Health Policy—apparently could not continue to exist when it was so obvious that their policies where determined by corporate dollars rather than good policy.

A simple glance at the list of corporations who funded and attended their functions could be easily researched by any reporter. It will demonstrate that sad and disturbing relationship—now ended as Public Voice had to close up shop because it lost its conscience.

I have detailed the close alliances between their lead executive who handled compact issues for them and the job he negotiated to represent the huge processors a couple of times on the Senate floor.

I will give the press another lead on the next public interest group whose funding should be investigated—the Consumer Federation of America. Indeed, one of their officers—formerly from Public Voice—is being taken around Capitol Hill offices by lobbyists representing processors. A glance at who funds their functions and efforts will be as instruction as investigations of Public Voice.

Why should Philip Morris or Kraft want to use these organizations instead of directly going to the editorial boards of the New York Times or the Washington Post to badmouth the compact? The question does not need me to provide the answer.

What would be the best attack—whether true or not—on the Compact that might swing public opinion?

It might be to simply allege that milk prices are higher for children in the school lunch program. Who would the editorial boards more likely listen to regarding school children: a public interest group or a tobacco company?

By the way, I would be happy to compare milk prices after the Compact was fully implemented.

I would be pleased to compare retail milk prices in New England against retail milk prices in the Upper Midwest.

A GAO report, dated October, 1998, compared retail milk prices for various U.S. cities both inside and outside the Northeast compact region for various time periods.

For example, in February 1998, the average price of a gallon of whole milk in Augusta, ME, was $2.47. The price in Milwaukee, Wisconsin, was $2.63 per gallon. Prices in Minneapolis, Minnesota, were much higher—they were $2.94 per gallon.

Let's pick another New England city—Boston. In February 1998, the price of a gallon of milk was $2.54 as compared to Minneapolis which where the price on average was $2.94/gallon.

Let's look at the cost of 1% milk for November 1997, for another example.

In Augusta, Maine, it was $2.37 per gallon, the same average-price as for Boston and for New Hampshire and Rhode Island. In Minnesota, the price was $2.82/gallon. It was 45 cents more per gallon in Minnesota.

I could go on and on comparing lower New England retail prices with higher prices in other cities for many different months. I invite anyone to review this GAO report. It is clear that our Compact is working perfectly by benefitting consumers, local economies and farmers.

I urge my colleague to vote against this bill because, as I mentioned yesterday, it does not provide enough disaster assistance to the East and it does not provide enough disaster assistance to the nation.

Also, I cannot vote for it because it does not extend the Northeast dairy compact and does not allow neighboring states to also participate.

It also ignores the pleas of Southern Governors who wanted to be able to protect their farmers without burdening U.S. taxpayers.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from West Virginia.

Mr. BYRD. Mr. President, this afternoon the Senate is scheduled to vote on final passage of the fiscal year 2000 Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill. It is critical that we complete action on this bill today to speed assistance to American farmers in need. Therefore, I shall vote for the bill and urge my colleagues to support it also.

The severe drought that has gripped the Eastern United States this year is, by all accounts, the most damaging and prolonged such occurrence since the early 1930s. Just like that period nearly 70 years ago, springs have gone dry, streams have ceased to flow, pastureland and crops have broiled in the relentless Sun until all possible benefits to livestock or man have burned away. In the 1930s the drought turned much of our Nation's farmlands into a veritable dust bowl. Modern conservation practices today may have helped to reduce the erosion by wind,

but the soil is just as dry, and farmers in West Virginia and all along the East Coast are suffering from the natural disaster of a generation. Some farmers have had to make the painful decision to sell off their livestock or to give up farms that have been in their families for generations. This is what has been happening in West Virginia. This is nothing short of an emergency. It demands our attention and response.

This bill provides funding for many ongoing and long running programs as well as much needed assistance to farmers who suffered at the hands of Mother Nature this year. The $8.7 billion emergency package that is attached to this appropriations bill contains $1.2 billion specifically for 1999 natural disasters, including drought. In all, more than $1.2 billion will be available for direct payments for farmers suffering crop and livestock losses from natural disasters this year, up significantly from the $50 million in the version that first passed the Senate in August. That may not be enough to fully cover the still-mounting losses to farmers, but it is a good start. These emergency funds will be able to be distributed upon enactment of this legislation to farmers who have been waiting and waiting for the Federal Government to deliver. American farmers cannot afford to wait any longer for Federal assistance, and the Senate cannot afford to delay final passage of this fiscal year 2000 Agriculture Appropriations Conference Report.

Unfortunately, once this measure reached the conference committee, the process that we follow yearly as routine in conferences was sidelined. When difficult issues came before the conference, after only an evening and a morning of debate, the conference committee adjourned for lunch, and never returned. For several days, the conference was ''out to lunch,'' until deals could be reached behind closed doors guided by invisible hands, and our tried and true procedure was circumvented. I believe that this selective bargaining is why some Members have expressed their dissatisfaction with the final bill. The best work of the Congress is demonstrated when, as a body, we cooperate and allow ourselves to be guided by the rules and the traditions that have allowed our Government to flourish under the Constitution now for over 200 years.

I have stood before this body on numerous occasions since visiting West Virginia with the Secretary of Agriculture on August 2 of this year to impress upon my fellow Members what a significant impact the drought has had in West Virginia, and, of course, in other Mid-Atlantic and Northeastern States. Many of these States received a secretarial emergency declaration that has provided some limited USDA assistance to farmers who have experienced losses as a result of the drought. But, unfortunately, much of the assistance came in the form of loans to farmers who were already deep in debt. The recent losses caused by Hurricane Floyd make clear that more emergency assistance will be needed. We can do better for farmers, so I supported the Statement of Managers language directing the administration to conduct full estimates of the remaining need, and to submit to the Congress a supplemental budget request as soon as possible for both hurricane and additional drought assistance.

When we consider all of the natural disasters that have affected farmers this year, from frosts that killed citrus trees, to devastating drought, to States ravaged by storms, and by the hurricane, I feel that it is highly appropriate that the Senate act now because it seems a certainty that the $1.2 billion will be insufficient to help farmers who have been harmed by nature. But the current emergency package attached to the conference report is essential to begin addressing the crisis in rural America that has only been compounded by the weather disasters of 1999. Failure to pass this measure will only allow the suffering of struggling farmers to continue without relief.

The House of Representatives passed this measure on October 1, 1999. It is now time for the Senate to pass this measure.

I want to thank Senator COCHRAN in particular for his study and consideration and for the skill with which he has brought this bill to its present status. I want to thank him also for supporting some of my requests in the bill.

I requested that there be grants to farmers, livestock farmers in particular, in the amount of $200 million and also that there be provisions whereby farmers could restore their land, where there could be new vegetation planted so that they could have a chance of starting over again. It was in that conference that the chairman, in particular, supported my effort.

I was one of the three Democrats on this side who signed the conference report, and did so in particular because of the funding which had been provided, at my request, for the livestock farmers. There are livestock farmers in my State who were selling out their entire herds, not just for this year but for good. Some of those livestock farmers have been in the farming business for years, and the farm indeed has come down to them after one or more generations. It is important not only from the standpoint, I think, of helping these people who are so in need and who have to work every day, 365 days a year, who can never be sure what the weather is going to be, and who are at the mercy, in many instances, of Mother Nature—it is important that we come to their aid—it is also important for our country that we continue to sustain the small farmer.

In the Roman Republic, the small farmers left their farms in the Apennine Mountains and went into the cities and joined with the mob. When those farmers, those peasants of the land in Italy, left the land and migrated into the cities, the Roman republic began to collapse. It was in the homes of the Roman farmers that family values and the Roman spiritual values flourished. When those peasants left the land, the spiritual values of the Romans began to deteriorate because it was in the homes that they venerated their ancestors and worshipped their gods. They were pagan gods, but the Romans worshipped those gods.

Those family values, which included respect for authority and order—there is where the stern Roman discipline had its beginning. It was because of that stern Roman discipline that came out of the homes of the peasants—it was because of that stern Roman discipline that the Roman legions were able to conquer the various other nations around the Mediterranean basin.

It was the same way in our own country in colonial days. Most of the people in this country were from farming stock. There was a time when over 90 percent of the people in this country were from the farms. That day has long gone, as the corporate farms have largely taken over, just as in the Roman Republic, the latifundia—large corporate farms—which were owned mostly by Roman senators, pushed the small farmers off the land.

I suppose Oliver Goldsmith had that in mind when he wrote ''The Deserted Village.'' In his lines, he told the story of the Roman farmers as well as our own people.

Ill fares the land, to hast'ning ills a prey,
Where wealth accumulates, and men decay:
Princes and lords may flourish, or may fade;
A breath can make them, as a breath has made:
But a bold peasantry, their country's pride,
When once destroy'd, can never be supplied.

I thank all Senators for listening. I hope Senators will soon vote for this important bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from West Virginia for his kind comments about the handling of the legislation. I thank him for his valuable assistance in the crafting of the language of our disaster assistance provisions and other provisions as well.

I yield 8 minutes to the distinguished Senator from Maine, Ms. COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I thank the Chair.

Mr. President, I rise today in opposition to the conference report on the fiscal year 2000 Agriculture appropriations bill. I do so with considerable reluctance because the distinguished senior Senator from Mississippi, the subcommittee chairman, has always been so responsive to the needs of rural Maine. And the Senator, in his capacity as chairman, has provided valuable assistance to the State of Maine, particularly in the area of agricultural research, which is very important to my State.

Unfortunately, circumstances largely beyond the control of my good friend from Mississippi have brought this measure before us without a component that is absolutely critical to the survival of Maine's dairy farmers. The lack of provisions reauthorizing the Northeast Dairy Compact creates a serious regional inequity and places an unfair burden on Maine's dairy farmers.

While this measure contains $5.4 billion in payments for farmers harmed by low commodity prices, it ignores a mechanism that provides stability in pricing for dairy farmers in the Northeast. The Northeast Dairy Compact is a proven success, and it is absolutely critical to the survival of dairy farmers in Maine and throughout the Northeast.

First approved by Congress as part of the 1996 farm bill, the Northeast Dairy Compact has a proven track record of benefits for both consumers and farmers. The compact works by simply evening out the peaks and valleys in the fluid milk prices, providing stability to the cost of milk, and ensuring a supply of fresh, wholesome local milk.

The compact works with market forces to help both the farmer and the consumer. As prices climb and farmers begin to receive a sustainable price for their milk, the compact turns off. When prices drop to unsustainable levels, the compact is triggered on. The compact simply softens the blow to farmers of an abrupt and dramatic drop in the volatile fluid milk market.

It is important to reiterate that consumers also benefit from the compact. Not only does the compact stabilize prices, thus avoiding dramatic fluctuations in the retail cost of milk, but also it guarantees that the consumer is assured of the availability of a supply of fresh local milk. Let us remember that the proof is in the prices.

Under the compact, New England consumers have enjoyed lower retail fluid milk prices than many other regions operating without a dairy compact. Moreover, the compact, while providing clear benefits to dairy producers and consumers in the Northeast, has proven that it does not harm farmers or taxpayers in other regions of the country. Indeed, a 1998 report by the Office of Management and Budget showed that during its first 6 months of operation, the compact did not adversely affect farmers outside the compact region and added no Federal cost to nutrition programs. In fact, the compact specifically exempts WIC, the Women, Infants, and Children's Program, from any costs resulting or related to the compact.

The reauthorization of the Northeast Dairy Compact is also important as a matter of States rights. We often hear criticism of the inside-the-beltway mentality that tells States that we here in Washington know better than they do, even on issues that traditionally fall under State and local control.

That is simply wrong. In the Northeast Dairy Compact, we have a solution that was devised by our dairy farmers, that was approved by the legislators and Governors of the New England States, that is supported by every State agricultural commissioner in the region and overwhelmingly, if not unanimously, by the dairy farmers of the region. We in Congress should not be an obstacle to this practical local solution.

It is not too late. There are a variety of ways that Congress can allow dairy farmers in the Northeast to help themselves. All we need to do is to reauthorize the compact and take advantage of those opportunities. I am very disappointed, however, that Congress is missing the logical opportunity to renew this important measure through the Agriculture appropriations bill. Therefore, I must oppose this conference report. But I look forward to working with my colleagues to resolve this matter before we adjourn.

Again, I thank the Senator from Mississippi. He has been extremely responsive to the needs of agricultural producers in my State. I know that he shares my commitment to resolving this matter and coming to a solution that will help our dairy farmers survive before we adjourn this session of the Senate.

Thank you, Mr. President. I yield back to the chairman any remaining time I might have.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Maine for her kind comments. We will certainly continue to do everything possible to be responsive to the needs of agricultural producers both in New England and elsewhere in the country.

I yield such time as he may consume to the distinguished Senator from Vermont, Mr. JEFFORDS.

Mr. JEFFORDS. Mr. President, I rise in opposition to the FY 2000 Agriculture Appropriations bill. I oppose the Agriculture funding bill not because of what's in the bill, but because of what has been left out.

I have listened to several of my colleagues speak in support of the disaster aid in this bill. They have spoken passionately on how we need to help our family farms. I, too, support providing relief to farmers and ranchers across the nation who have suffered from weather and market related disasters.

However, this bill has ignored one of this nation's most important agriculture sectors—our dairy farmers. The bill, which provides $8.7 billion in aid to farmers, in large part as direct payments, has neglected dairy farmers, not only in my home state of Vermont, but the dairy farm families in the entire country.

Unlike the commodity farmers throughout the country, dairy farmers have not asked for assistance in the form of federal dollars. Instead, they have asked for relief from a promised government disaster in the form of a fair pricing structure from the Secretary of Agriculture and the extension of the very successful Northeast Dairy Compact, at no cost to the federal government.

Mr. President, I would like to remind my colleagues from the states and regions of the country that will be receiving billions of tax payer dollars in aid for their farmers, that the Northeast Dairy Compact has no cost to the federal government and has no adverse impact on any farmer outside the compact region.

If my colleagues who have opposed our efforts to bring fairness to all dairy farmers truly supported family farms across this country they would support my efforts to help protect the dairy farmers in my state as well as the dairy farmers in the rest of the nation.

While Congress is providing needed government assistance to commodity farmers across the nation, I would like to remind my colleagues on just how well the Dairy Compact helps dairy farmers protect against sudden drops in the price of their products.

This no cost initiative has given farmers and consumers hope. In large part based on the success of the Northeast Compact, which includes the six New England states, no less than nineteen additional states have adopted dairy compacts.

In total, twenty-five of the states in the country have passed compact legislation. During the past year Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Oklahoma, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Kansas, and Missouri have all passed legislation to form a southern dairy compact. Texas is also considering joining the Southern Compact.

The Oregon legislature is in the process of developing a Pacific Northwest Dairy Compact. In addition, New Jersey, Maryland, Delaware, New York and Pennsylvania have passed state legislation enabling them to join the Northeast Dairy Compact.

The Northeast Dairy Compact, which was authorized by the 1996 farm bill as a three-year pilot program, has been extremely successful. The Compact has been studied, audited, and sued—but has always come through with a clean bill of health. Because of the success of the Compact it has served as a model for the entire country.

One look at the votes cast by each state legislature, and you can see that there is little controversy over what is in the best interest for the consumers and farmers in each respected state. For example, in Alabama and Arkansas, both legislative chambers passed compact legislation unanimously. It passed unanimously in the North Carolina House. In the Oklahoma State Senate, it passed by a vote of 44–1 and unanimously in the Oklahoma House. It passed unanimously in the Virginia State Senate and by a vote of 90–6 in the Virginia House. In Kansas, the bill

passed in the Senate by a vote of 39–1 and an impressive 122–1 in the Kansas House.

The Northeast Dairy Compact was also approved on overwhelming votes in each of the New England state's legislative bodies.

Mr. President, given its broad support among the states, we all know that the issue of regional pricing is one that will continue to be debated. I am pleased with the tremendous progress the Southern states and other Northeastern states have made to move their compacts forward.

Thanks to the leadership of Chairman COCHRAN, Senator SPECTER and others progress has been made.

While the debate continues, we must allow the Northeast Compact to continue as the pilot project for the concept of regional pricing.

I am, of course, aware that some of my colleagues oppose our efforts to bring fairness to our states and farmers by continuation of the Northeast Dairy Compact pilot project. However, why do Members who share my admiration and respect for family farms oppose an initiative that has no cost to the federal government and has no adverse impact on farmers outside the region?

Unfortunately, Congress has been bombarded with misinformation from an army of lobbyists representing the national milk processors, led by the International Dairy Foods Association (IDFA) and the Milk Industry Foundation. These two groups, backed by the likes of Philip Morris, have funded several front groups such as Public Voice and the Campaign for Fair Milk Prices to lobby against the Dairy Compact and other important dairy provisions.

The real fight over dairy compacts should not come from Members of the Senate that support protecting small farms and consumers, but from the National Milk Processors who work against all farmers to the benefit of their bottom line, because they control the price now, and that gives them higher profits. All we want is a fair price.

It is crucial that Congress debate the issues presented on dairy compacts on the merits, rather than based on misinformation. When properly armed with the facts, I believe you will conclude that the Northeast Dairy Compact has already proven to be a successful experiment and that the other states which have now adopted dairy compacts should be given the opportunity to determine whether dairy compacts will in fact work for them as well.

Mr. President, federal dairy policy is difficult to explain at best. As a Member of the House of Representatives, I served as the ranking member of the Dairy and Livestock Subcommittee. During my years in the House, I worked very closely with the programs that impacted dairy farmers and consumers. I know the industry, I know the policies, and the compact is a raving success.

Of all the programs and efforts by the federal government to help our nation's dairy farmers and protect the interests of consumers, the most effective and promising solution I have seen thus far is the creation and operation of the Dairy Compact.

Unfortunately, many of my colleagues have not yet seen the benefit of compacts and may be basing their reasons on misinformation.

In addition to being sound public policy, the Dairy Compact represents a state's right to do all it can under the law to protect its farmers and consumers.

The courts agree that the Compact is legally sound. Last January, a federal appeals court rejected a challenge to the Dairy Compact by the Milk Industry Foundation. The Court found that the Compact was constitutional and the U.S. Agriculture Secretary's approval of the Compact was justified.

In November of 1998, a Federal district court judge also ruled in favor of the Compact Commission in a challenge brought by five New York-based milk processors. The court found that the Commission had the authority to regulate milk that is produced or processed outside of the region but distributed within the Compact region. In each case, the courts found that the work of the Commission is of firm and legal grounds.

Mr. President, in recent weeks Governors from throughout the Northeast and Southeast sent a letter to the Majority Leader of the Senate and House, urging Congress to consider and support the Dairy Compact legislation.

The Governors of the Compact regions speak not only for their farmers and consumers but for the rights of the States. The message to Congress from Governors nationwide has been clear. ''Increase the flexibility of states and support legislation that promotes state and regional policy initiatives.''

Governors from the twenty-five Compact states represent diverse constituents. They have all considered the benefits and potential impacts by compacts on all those in their states. In the state of Rhode Island for example, there are nearly six million consumers and only 32 dairy farmers. Yet, the dairy compact passed overwhelmingly in the Rhode Island State legislature and is supported by the entire Rhode Island delegation. A similar story is true for Massachusetts.

As I mentioned previously in my statement, nearly all the states supported the Dairy Compacts overwhelmingly.

The success of the three year pilot program of the Northeast Dairy Compact, has created an opportunity for a partnership between Congress and the States, to help strengthen the fundamental federalism movement.

The New England states by joining together as one are doing what any large state can do under the law such as California. A large State can do it. We can't because of the commerce clause. We have to join together and get a compact. We did that.

The reauthorization of the successful experimentation of the Northeast Compact and the creation of a Southern Compact as a pilot program will help maintain that the States' constitutional authority, resources, and competence of the people to govern is recognized and protected.

Mr. President, the Compact also stands on firm constitutional grounds. Does Congress possess the authority to approve the Northeast Interstate and Southern Dairy Compacts?

The answer to this question is clear, simple, and affirmative. Under the Compact Clause of the United States Constitution, states are expressly authorized to seek congressional approval of interstate compacts, even states in the Upper Midwest. And congressional approval, once given, endows interstate compacts with the force of federal law. The Compact Clause, and the Compacts that Congress may license under it, are important devices of constitutional federalism.

Despite what some of my colleagues have said, the Northeast Dairy Compact is working as it was intended to. Instead of trying to destroy an initiative that works to help dairy farmers with cost to the federal government, I urge my colleagues to respect the states' interest and initiative to help protect their farmers and encourage that other regions of the country to explore the possibility of forming their own interstate dairy compact.

For many farmers in Vermont and New England, the Compact payments have meant the difference between keeping the farm and calling the auctioneer.

Dairy farming in Vermont represents over seventy percent of the agricultural receipts in the state. No other state relies on one sector of agriculture more than Vermont depends on dairy.

What we were trying to accomplish in the Agriculture Appropriations bill was about helping farmers and protecting consumers. Farmers deserve our support and recognition. It is sometimes easy to forget just how fortunate we are in this country to have the world's least expensive and safest food supply.

Dairy farmers work harder than many of us realize. The cows have to be milked at least two times a day, 365 days a year; farmers work on the average 90 hours per week, an average of 13 hours a day; farm owners receive an average hourly wage of $3.65, take few if any vacations or holidays and have no sick leave. That is why they are so sensitive to something which may destroy or reduce the prices.

Prices received by farmers in the month of October will be lower than the prices received over 20 years ago. Can you imagine maintaining your livelihood or business with salaries of 20 years ago? Think about what that means to consumers also. The price of milk, if you look on an inflationary scale, is well below what it would be for softdrinks or anything else.

I am certain that my colleagues will agree with me that dairy farmers deserve a fair price for their product. What does it say about our values when some of the hardest working people, our farmers, are underpaid and unappreciated? Mandating option 1–A and continuing the dairy compact ensures that dairy farmers will have the needed tools to help face the challenges of the future.

In Vermont, dairy farmers help define the character of the state. I am proud to work to protect them to protect the traditions and special qualities of the state. Dairy is not just a farming operation for Vermont and other states in New England, it is symbol of our culture, history and way of life. Its survival is a highly emotional subject.

Vermonters take pride in their heritage as a state committed to the ideals of freedom and unity. That heritage goes hand and hand with a unique quality of life and the desire to grow and develop while maintaining Vermont's beauty and character. Ethan Allan and his Green Mountain Boys and countless other independent driven Vermonters helped shape the nation's fourteenth state while making outstanding contributions to the independence of this country.

Today, that independence still persists in the hills and valleys of Vermont. Vermonters have worked hard over the years to maintain local control over issues that impact the charm and quality of the state. Vermont's decision to enhance and protect its wonderful scenic vistas by prohibiting bill boards along its highways and roads was a local, statewide decision. Because of the vision Vermonters many years ago had, driving throughout Vermont enjoying the beautiful landscapes and nature beauty is a pleasurable experience. And it would not be without cows on the hillside. Vermonters choose to control their state's destiny. They should, as any other state have the right to protect their consumers, farmers and way of life.

Most Americans know Vermont as a tiny state in the Northeast that has good skiing, great maple syrup, and beautiful fall foliage—a charming place where the trees are close together and the people are far apart—far from the problems that plague many communities across the country. It is nearly impossible to drive down any country road in Vermont and not pass a farm with a herd of cows. Dairy farms still define the nooks and crannies of the rolling hills. Maybe there's a small pond nearby and a few horses or sheep. Or maybe there's a pasture with bales of hay and cows lining up at the barn waiting for milking time.

The look of Vermont distinguishes it as a throwback to a bygone, simpler time. Vermont is the home of stone fences, covered bridges, and red farmhouses. Vermonters have a special place in their hearts and lives for farmers.

Vermonters of today are struggling to keep step with the modern world while holding onto the state's classic rural charm and agriculture base. It's a difficult task requiring much thought and work. But then again, overcoming difficulties through hard work is what the native Vermonter is all about. Farm families know all about hard work.

Mr. President, dairy farmers did not ask Congress for billions of dollars in disaster aid? Instead, and most appropriately, they asked Congress to provide them with a fair pricing structure and the right of the states to work together at no cost to provide a structure that would help them receive a fair price for their product—not a bail out from the federal government.

Therefore, I must oppose the Agriculture Appropriations bill and suggest that Members whose farmers will be getting federal dollars in disaster assistance take a close look at how the Northeast Dairy Compact helps protect farmers and consumers with no cost to the federal government or any adverse impact on farmers outside the compact region.

I urge my friends to watch closely what is happening to dairy and to give us the opportunity to continue to live in a beautiful State with cows on the hillside.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I rise today to express my deep disappointment with the agriculture conference report that we in the Senate will vote on today. This agriculture appropriations bill falls well short of helping the Connecticut farmers whose very livelihood was badly hurt by this summer's record drought, and who are depending on our assistance to recover from the devastating losses they have suffered. Instead, this plan simply leaves farmers throughout the Northeast even higher and drier, and leaves me no choice but to vote against this bill.

In August, I joined with Agriculture Secretary Dan Glickman in visiting a family farm in Northford to inspect the drought damage done in Connecticut this year. On that day, the Secretary declared the entire state a drought disaster area. Since then, it has been estimated that farmers in our state have incurred losses of $41 million; together, the 13 Northeast and Mid-Atlantic states estimate their losses at $2.5 billion.

Sadly, despite strong bipartisan pleas for support, the agriculture appropriations bill shortchanges our state as well as the entire Northeast region. Of the $8.7 billion in ''emergency'' farm relief this bill provides, only $1.2 billion is available for natural disaster aid. This smaller allocation of money must be distributed, in turn, to farmers nationwide for drought, flood, and other natural disaster damage. It is likely that the drought-stricken farmers of the Northeast and Mid-Atlantic states would receive only about $300 million—less than one-eighth of their estimated recovery costs.

Historically, hard working Connecticut farmers benefit from very little federal assistance. During the last fiscal year, for example, Connecticut farmers received less than one-tenth of one percent of the $10.6 billion paid out by the government-funded Commodity Credit Corporation. It is only fair that when they need emergency recovery assistance, the government come through for Connecticut farmers too. Sadly, this bill is not fair.

This agriculture spending plan is regionally inequitable, offers insufficient disaster assistance for Connecticut farmers, and represents unacceptable public policy. In times of legitimate farm crises, Congress has repeatedly provided a helping hand to farmers in the Midwest and South. We owe nothing less to the farmers in Connecticut and throughout the Northeast who make a critical contribution to our economy. They deserve real help, not a bill of goods.

I am also concerned by the disappearance during conference of the Northeast Dairy Compact, which had been approved by the House of Representatives. Because the usual conference committee proceedings were circumvented this year, it is impossible to know why the Dairy Compact is missing in action. Regardless of the answer to this question, the subversion of the conference committee process disturbs me and represents a bad precedent for our legislative process.

Because this bill does not provide real, equitable relief for Connecticut farmers and does not include reauthorization of the Northeast Dairy Compact, I will join my colleagues from the Northeast in voting against it. I thank the chair, and I yield the floor.

Mr. KYL. Mr. President, I rise to discuss a matter that will severely affect milk producers and processors in my state of Arizona and impede their ability to compete effectively in the state of Nevada. Under the Secretary's final rule, Arizona and Clark County, Nevada, make up one of the 11 consolidated Federal Milk Marketing Order Areas. During consideration of the Agriculture Appropriations bill, a provision was agreed to in the Senate by voice vote that attempted to remove Clark County, Nevada from this proposed order. I say attempted because the drafting of this language was fatally flawed. It would not have achieved its intended goal of allowing Nevada to remove itself from the system. Of course, the Nevada Senators realized this mistake and moved to amend the language in conference. I notified the committee, both in writing and orally, that I objected to any attempt to amend or modify the Senate-passed language. Unfortunately, the language change sought by the Nevada Senators was approved, and is now found in Section 760 of the Agriculture Appropriations bill of FY 2000.

Section 760 creates, for the first time in nearly 75 years of federal milk-price

regulation, a category of milk handler which is statutorily exempt from milk-price regulation. Anderson Dairy—the sole processor in Clark County—will gain a tremendous competitive advantage from this exemption at the expense of the Arizona dairy industry. Allowing Anderson to be removed from the Arizona/Nevada order will make it the only milk processor with sales in Clark County that enjoys a regulatory exemption. But its competitors—such as the Arizona processors—will continue to be regulated on all Clark County sales, which make up approximately 20 percent of their market. In other words, Anderson will be able to price its milk well below that of the Arizona processors who remain subject to the pricing structure of the milk-order system.

Moreover, this statutory exemption will extend to Anderson Dairy sales outside of Clark County. Anderson Dairy would, therefore, enjoy a commercial advantage in its sales in Arizona while its competitors would continue to be regulated on all such sales.

A good argument can be made in support of a milk industry that is free from pricing regulations; however, that is not the case today. Competitive equity has been the foundation of Federal Milk Orders for over one-half century. Under 7 U.S.C. 608(c)(5)(A), handlers are subject to the same uniform classified prices as their competitors, and under § 608(c)(5)(B)(ii), revenue from handlers is pooled and blended so that producers may benefit from ''uniform prices'' irrespective of handler use of milk.

Section 760 of the FY 2000 Agriculture Appropriations bill strikes at the heart of each component of regulatory equity by exempting the Clark County handler from the uniform price and economic standards applicable to competitors within the order, and by excluding from the producer-revenue pool all revenue from milk sales to the plant. For the plant operators in Arizona who continue to operate under price regulation, competing against an exempt plant such as Anderson is like fencing with your sword arm tied behind your back. Anderson can exploit its commercial advantage by expanding sales to current or prospective customers of nonexempt handlers. Such expansion would, in the end, severely harm Arizona producers.

Mr. President, legislative exemption for Clark County plants should greatly enhance Anderson's asset value for acquisition purposes. Several national and international dairy companies have aggressively expanded their operations in the United States during the past few years. These include Dean, Suiza, and Parmalat. A price-exempt plant in the nation's fastest growing major metropolitan area would be very attractive to any expanding dairy enterprise. Should this occur, the producers and processors in Arizona would be negatively impacted.

Having one state subject to the pricing structure of the milk-order system and another, contiguous state free to set its own price creates an uneven playing field. When Anderson is granted the right of removal from a system created to maintain stability and equity within that region, we have effectively undermined the intent of that system.

Some 56 years ago, U.S. Appellate Judge Frank lamented that ''the domestication of milk has not been accompanied by a successful domestication of some of the meaner impulses in all those engaged in the milk industry.'' Queensboro v. Wickard, 137 F. 2d 969 (1943). Regional preferences and exemptions will only fuel these cynical impulses. I hope we can find a way to rectify this egregious situation and maintain a level playing field for the Arizona milk industry.

Mr. LAUTENBERG. Mr. President, I rise in opposition to this conference report. The East Coast suffered through months of drought this summer, causing enormous crop losses to our farmers. Then Hurricane Floyd arrived with severe rains, further affecting farmers with widespread floods.

These two acts of nature are serious emergencies affecting millions of people, yet this conference report does not do nearly enough for farmers on the East Coast.

In my state of New Jersey, agriculture is a $1 billion a year business involving 830,000 acres on over 8,000 farms. While in some more rural states these statistics may not be significant on a relative basis. But in a densely populated place like N.J. they are overpowering.

This summer's drought caused losses on 406,000 acres affecting 7,000 of those farms. All 21 counties in my state were declared drought disaster areas. It has taken a truly devastating toll on our farm community.

According to Secretary Glickman, the drought alone resulted in a total of $1.5 to $2 billion in damages throughout the Northeast and Mid-Atlantic regions.

And now, we have the devastation of Hurricane Floyd on top of the drought disaster. If any state has suffered a true farm disaster this year—it's New Jersey as well as our neighbors in the northeast.

Unfortunately, although this conference report contains $8.7 billion in emergency assistance for farmers, only $1.2 billion of that is for weather related disasters. And this $1.2 billion is spread out over the 50 states. That will not leave a fair share for New Jersey and other northeastern states that actually suffered a disaster this year.

Numerous New Jersey farmers have been left with no hay, no crops and no livestock worth taking to market.

Without our help, the result of these disasters may force some farmers to end decades of family farming and to give up the way of life that they love.

This Congress must do more. The situation facing East Coast farmers is a true emergency, in every sense of the word. At a time when we are watching entirely predictable activities like the census being declared emergencies, we are doing little to assist those who face true acts of God.

I cannot support this conference report until the farmers in New Jersey and up and down the East Coast receive the help they need.

Mr. DURBIN. Mr. President, today I plan to cast my vote in favor of the fiscal year 2000 Agriculture appropriations conference report. I do so, however, with great disappointment in the final package crafted by the Republican leadership. In short, I believe the conference report inadequately addresses the needs of our Nation's farmers, falls short on lifting economically dangerous embargos, and has turned a usually bipartisan, open, and fair process into a backroom operation.

With that said, Mr. President, I cannot stand in the way of at least some relief for to our struggling farmers and our fragile farm economy. The Illinois Department of Agriculture estimates that $450 million from the $8.7 billion agriculture relief package will directly benefit Illinois producers through receipt of 100 percent of their 1999 Agriculture Market Transition Act (AMTA) payments. This is in addition to the more than $450 million already received by Illinois farmers this year to help them through this crisis.

The Illinois farm economy is in trouble. Farm income in Illinois dropped 78 percent last year to just over $11,000, the lowest in two decades and down significantly from the $51,000 figure in 1997. Lower commodity prices and record low hog prices, in particular, are primarily to blame for this net farm income free fall in my home State.

The Illinois Farm Development Authority recently noted that the financial stress faced by Illinois farmers today is higher than it has been for 10 years. Activity in the Authority's Debt Restructuring Guarantee Program is four or five times higher today than last year. The Authority approved 7 to 10 loans per month in 1998. In 1999, the Authority has been approving 30–40 Debt Restructuring loans per month–a 300-percent increase. This is a record level, unmatched since the 1986–87 farm crisis.

The U.S. Department of Agriculture has predicted that prices for corn, soybeans, and wheat will remain well below normal and that farm income will again drop this year. Nationally, farm income has declined more than 16 percent since 1996.

USDA is facing the largest farm assistance expenditure in its history. USDA processed 2,181 Loan Deficiency Payments LDPs in 1997, about 2.1 million in 1998—a thousand times more, and will work through a projected three million LDPs this year. Unfortunately, it appears that this crisis will drag on for the foreseeable future, further draining USDA's resources and reserves.

I served as a conferee on this bill. However, I never had the opportunity

to fully debate the disaster provisions or bring up important matters such as producer-owned livestock processing and marketing cooperatives. Also, I find it unacceptable that the conference report excludes Cuba from the list of countries exempted from embargoes and sanctions for food and medicine. The Senate voted overwhelmingly in August to include the Ashcroft-Dodd provision in this bill. And Senate conferees insisted on this important language. When it became clear that the House conferees were on the verge of agreeing to a food and medicine exemption for Cuba, the House Republican leadership shut down the conference and completed the outstanding issues behind closed doors.

I did not sign the conference report because I believe the process was tainted—conferees were excluded from important final decisions. I hope this is never repeated. It undermines the credibility of the entire Congress.

Once the Senate acts on the conference report and sends it to the President, our role in helping to improve conditions in rural America does not end. We should vigorously explore other ways to help our Nation's farmers and our rural economy. We should work on short-term remedies like additional targeted disaster assistance as well as long-term solutions such as expanded trade opportunities—including ensuring that agriculture has an equal seat at the table for the upcoming round of WTO talks, promotion of renewable fuels like ethanol, and tax fairness.

I hope the president will sign this bill quickly and then work with the Congress to submit a supplemental request taking into account the devastating financial crisis that continues in rural America. To delay further action on this matter would be a great disservice to the men and women who dedicate their lives to production agriculture.

Mr. ROCKFELLER. Mr. President, I take this opportunity to comment on the conference report and the crisis in agriculture that came to pass in my State of West Virginia during the historic drought of 1999.

I am happy that after seeming to be a forgotten issue for so long, the necessity of emergency assistance for the victims of weather-related disasters has been included in the final bill that will be sent to the President. I commend the diligence of my colleague, the senior Senator from West Virginia, in working to ensure that this funding made it, and for working to include a specific mention of West Virginia's horrible statewide drought in the final report language.

Earlier this year, I saw the devastation visited on my State by this drought, and I vowed to do whatever I could to help West Virginia farmers and producers. I probably have written or signed onto more letters about agriculture funding this year than in all my years in the Senate. I invited the Secretary of Agriculture to come out and see the damage first-hand, and I walked along with him and Senator BYRD through the parched fields of Mr. Terry Dunn, near Charles Town, West Virginia. Farmers from around West Virginia told us how terribly the drought was hurting them. Many of these people work their farms and another full-time job, in hopes of keeping viable family farms that have passed down through four, five, and six generations.

I voted today to approve the conference report, although I believe the amount of emergency assistance should have been much higher. I voted for cloture because this money is needed, wherever it will eventually go, as soon as it can be dispersed. I made the decision that ''too little right now'' was better than ''too little, too late.''

I also realize that other, more divisive, issues have bogged down the conferees much more so than the prospect of providing a helping hand to struggling agricultural producers in the Northeastern, Mid-Atlantic, and Southeastern states. Actually, I am led to believe that some level of drought funding was among the least contentious issues, and that the conferees ultimately based their number on estimates provided by the Secretary of Agriculture.

Still, I remain troubled that the amount appropriated seems so low, and that emergency funding took so long to become a sure thing. I am mindful of the severe budget constraints under which they are operating, and the tense debates that have accompanied any attempt to appropriate emergency funding. But if the drought of 1999 was not a valid emergency, when will we see one?

Another thing that I will never understand is how the U.S. Senate—including Senators whose own states have suffered the worst drought damage since records were kept—could have voted down emergency funding when we originally debated this bill. I voted for the Democratic package which lost, and now finds its way into the final report. Another thing that troubles me is that while the conferees used Secretary Glickman's preliminary estimate of drought losses, they grouped those losses together with losses incurred during the devastation wrought by Hurricane Floyd, estimates of which exceed the emergency assistance in this bill by many billions of dollars, and did not appropriate a more realistic sum.

Once again, I know the conferees have attempted to give guidance to USDA in how this money should be distributed, and I look forward to an emergency supplemental appropriation that will allow for meaningful rehabilitation of the flood-ravaged agricultural areas of the Southeast and New Jersey. I hope, Mr. President, that if any such supplemental assistance is proposed, that there be included with it sufficient additional funds for our many drought survivors as well.

I hope for this, because this drought might be the last straw that ends the farming life as last for as many as ten percent of my state's small- and medium-sized farmers. Because of this terrible drought, it is estimated that West Virginia will suffer truly horrendous losses: As much as $89 million in cattle; half of our annual apple crop—for the worst yield since 1945; half of our corn; almost half of our soybeans; and nearly 90 percent of our new Christmas trees, a relatively new crop for West Virginia farmers, but one that has allowed many family farms to remain in the family.

In closing, Mr. President, I once again applaud the efforts of my colleague Senator BYRD for doing all that he could to see that our farmers weather this crisis. And I call upon the rest of my colleagues to recognize that most farmers in the drought- and flood-ravaged portions of the eastern United States will need much more help, as soon as it can get to them.

Mrs. MURRAY. Mr. President, I rise today to express my deep frustration with the fiscal year 2000 Agriculture Appropriations conference report before us today.

Two weeks ago, the Republican leadership pulled the plug on conference negotiations—and killed our prospect for comprehensive sanctions reform and additional assistance for agricultural communities hit by economic and natural disasters. When we look back at this first session of the 106th Congress, I believe we will see that decision as an enormous missed opportunity.

Mr. President, Washington State is the most trade-dependent State in the nation. And agriculture is one of its top exports. The growers in my State need open markets. Many times, market access is closed or limited because of the actions of foreign countries. We can and must fight to break down barriers erected by other nations.

We must also fight to break down the barriers to foreign markets created by our own government. Sanctions that include food and medicine do not serve the interest of the United States, and they certainly do not serve the interests of American producers. Oftentimes with the best of intentions, we have cut off all trade with states that sponsor terrorism, fail to live up to critical agreements, or refuse to share our principles of democracy.

Mr. President, we cannot and must not tolerate reprehensible actions by rogue states. But it is clear to me, and to 69 other Senators who voted for sanctions reform, that we do not act in the best interests of American foreign policy or American agricultural producers when we impose unilateral food and medicine sanctions. The people in the world we hurt most with unilateral sanctions are American growers.

The Senate sanctions reform package was a huge step in the right direction. It deserves to become law. Wheat growers in my State deserve access to Iran,

which was once our largest export market for soft white wheat. And pea and lentil growers deserve access to Cuba, a market valued at more than $17 million. In both of these cases, our foreign competitors have stepped into the market vacuum created by U.S. sanctions policy.

The Administration started sanctions reform earlier this year. I applaud those efforts—belated as they were. I also applaud those in the Senate who worked so hard for passage of the Ashcroft-Dodd amendment. But now the Republican leadership has sent the message to our foreign competitors that they can continue to conduct business as usual—that U.S. growers will not soon be players in markets like Iran and Cuba.

After hearing for years from some Republicans that the Administration lacked the will to reform our nation's outdated and ineffective sanctions policies, the Republican leadership proved it could not lead American agriculture into the 21st century. Too many of our producers already have empty wallets and empty bank accounts, and—in response—Congress delivered empty rhetoric on sanctions reform.

In September, I met with representatives of the Washington Association of Wheat Growers, the Washington State Farm Bureau, and the Washington Growers Clearing House. I expressed my strong support for the sanctions reform package and my hope that some agreement could be reached between the Senate and House. I did not count on the procedural maneuvering that doomed the sanctions package. Our growers deserved a better process and a better outcome.

Mr. President, in a perfect world this bill would include sanctions reform. Its emergency provisions would include more money for specialty crops, additional funding for the Market Access Program, and increased Section 32 money for USDA purchases of fruits and vegetables. It would include more resources for farm worker housing and Natural Resource Conservation Service conservation operations.

On the subject of minor crops, I would like to discuss the plight of apple growers in my state. The apple industry in particular is in the throes of the economic conditions as bad as anyone can remember. Poor weather has played a role, but more important are the economic factors.

Apple juice dumping by China has removed the floor price for apples. Chinese apple juice concentrate imports increased by more than 1,200 percent between 1995 and 1998. I was pleased to sponsor a letter with Senator GORTON, signed by a total of 21 Senators, to Commerce Secretary Daley urging the administration to find that Chinese dumping is destroying our growers and to impose stiff retroactive duties. Weak Asian markets and high levels of world production have contributed greatly to the terrible economic situation in central Washington State.

As a result, many small family farms that grow some of the best fruit produced in the world are going out of business. Many of these are not marginal producers. They are efficient growers whose families have been growing high quality apples and pears and other commodities for generations.

As in other parts of rural America, the communities that rely on tree fruit production for their economic base are reeling. It is hard to diversify when your economic foundation is crumbling. It is estimated approximately 20 percent of Washington apple growers will lose their farms in the next three years. And that is a conservative estimate. Over the August recess, I met with community leaders in north central Washington State. Okanogan County alone has experienced $70 million in losses in the tree fruit industry leading the county to declare an economic disaster.

Language in the conference report directs the Farm Service Agency to review all programs that assist apple producers, and review the limits set on operating loan programs used by apple growers to determine whether the current limits are insufficient to cover operating expenses. I urge FSA to complete this review as soon as possible so that those of us who represent apple producing states can improve the Federal Government's assistance to our growers.

The conference bill before us provides $1.2 billion in disaster assistance. The report language for that section of the bill mentions the plight of apple growers and urges the USDA to address the problem. However, let's be clear that it will be very difficult for my state's apple producers to get meaningful assistance through this bill. Simply put, this bill is not a victory for apple growers or their communities.

In the future, some of my colleagues may criticize the Secretary of Agriculture for not recognizing the critical need in apple country and failing to deliver assistance. Earlier this year, August Schumacher, Under Secretary for Farm and Foreign Agricultural Services, came to Washington State to hear from apple growers. I know the administration understands the needs of growers in my State. But the administration can't realistically address the needs of growers all over the country with only $1.2 billion. Nevertheless, I look forward to working with my colleagues to direct aid to apple growers in Washington State.

I believe this Congress needs to accept responsibility for the shortcomings in the bill. The Republican leadership certainly bears complete responsibility for the unacceptable manner in which this bill was taken out of the hands of congressional appropriators in the middle of conference negotiations.

Mr. President, while this bill is flawed, it is still a step in the right direction. I intend to vote for the conference report. Although we didn't do it two weeks ago, we must send the message this week that Congress will try to reestablish opportunity in rural America.

I will vote for this bill because it provides emergency assistance to many of our farmers and ranchers. It funds research, including new positions for potato and temperate fruit fly research that are critical to minor crop producers in my state. It delivers a nearly $52 million increase for programs in President Clinton's Food Safety Initiative, including $600,000 for research into listeriosis, sheep scrapie, and ovine progressive pneumonia virus (OPPV) at ARS facilities in Pullman, Washington and in DuBois, ID. It provides critical funding for WIC and other feeding programs, and for P.L. 480.

Mr. President, I was tempted to vote ''no'' on this conference report. But just as I believe the Republican leadership should have embraced responsibility on sanctions reform, I believe voting to pass this conference report is the most responsible approach. It is my sincere hope the Senate will pass sanctions reform and other legislation to provide greater economic security to communities that rely on agriculture before the end of this session.

Mr. HUTCHINSON. Mr. President, I rise to express my support for a provision by Senator ASHCROFT included in the Senate version of the Agricultural Appropriations Act for FY2000. This provision passed with 70 votes in the Senate but it was subsequently stripped out of the conference report after the conference stalled and never reconvened.

The Ashcroft provision is simple. It substantially curtails the use of unilateral sanctions of food and medicines without removing them absolutely from the palette of foreign policy options. If the President decided to include food and medicine in future sanctions, he would have to receive the approval of Congress, through an expedited procedure.

Mr. President, American farmers have spoken and they want help. In the past year, cotton prices have tumbled 46 percent and wheat is down more than 60 percent. Corn sells for as low as $1.50 for a bushel in some places. It is not surprising that net farm income dropped almost one billion dollars between 1996 and 1998. Storms and drought have destroyed our Nation's crops. We must help our struggling farmers out of this crisis.

The farmers in my home State of Arkansas have made it clear to me that one measure needed to help them out of the current crisis is an expansion of export markets. Indeed, our farmers are missing out on millions of dollars in exports each year. It is estimated that agricultural sanctions have robbed U.S. farmers out of an estimated ten percent of the world wheat market and half a billion dollars in sales. Before agricultural sanctions were placed on Cuba in 1963, that country was the largest U.S. export market

for rice, taking more than 50 percent of total rice exports. Even today, American farmers are losing out to farmers in Canada, Europe, and Asia who sell $600 million worth of food products to Cuba.

While President Clinton issued an executive order in April of this year allowing food and medicine sales to Sudan, Libya, and Iran, these sales would still face significant restrictions. Sales would be licensed on a case-by-case basis and made only to non-governmental entities. In some cases, where there are no non-governmental entities buying food for the people, no sales could be made.

It is true that the regimes that are sanctioned from food and medicine, including the governments of the Sudan, Libya, Iran, Iraq, and Cuba, are reprehensible. But we must also consider the populations of the these countries—people with whom we have no argument, people who are starving, people who are sick because they do not have enough food or medicine. While governments may intentionally withhold food and medicine from their populations, both to foster anti-American sentiment and to keep the people under subjection, we benefit no one by denying our farmers the opportunity to sell their crops. If we allow these sales—if we rein back our food and medicine sanctions, then we leave these regimes without an excuse for not providing their people with food. We close off a channel of resentment and make clear to people living under repression that their government is solely responsible for leaving them hungry. And we leave these governments with less money for weapons. Senator ASHCROFT's provision accomplishes all of these things.

Mr. President, I am not arguing for a provision that has been defeated and will never reappear. Let me say again that the Senate passed this provision with 70 votes. I am confident that it will advance this legislation favorably again.

Mr. BURNS. Mr. President, Chairman COCHRAN and his staff have done a highly commendable job of crafting a bill to help agriculture in these tough times. Important funding is included in the bill for agricultural research, nutrition programs, natural resource programs, food safety, export enhancement, rural development, and marketing and regulatory programs. I am exceptionally pleased with the funding that will go to Montana to carry out important agricultural research and promote rural development.

Times are tough in agriculture. In Montana, thousands of farmers and ranchers are experiencing a severe price crunch. Commodities simply are not bringing the prices agricultural producers need to break even. Now is an essential time to provide producers opportunities for diversification and increased marketing opportunities. Times are tough and times are changing.

The Federal Government has the opportunity to provide agricultural producers with enhanced options for marketing. We can do that through funding for agricultural research and rural development and policy changes for sanctions reform, country-of-origin labeling, rescission of the USDA grade, balance of trade laws, and price reporting.

I am extremely pleased with the inclusion, at my request, of reporting in this bill. Mandatory price reporting is a milestone for livestock producers. For too long there has been too much mistrust between agricultural producers and meat packers. Four major packers control 79 percent of the meat-packing industry. Many producers raising and feeding livestock feel that packers can control the market by not providing data on either the number of cattle they buy or the prices they pay for it. The USDA collects the information voluntarily. This legislation mandates that packers will provide that data twice daily and make it easily accessible to ranchers.

Mandatory price reporting provides Montana producers with all the pertinent information they need to make the best possible marketing decision. It means that a Montana rancher can check the daily markets. They will have the necessary data to make the decision to sell their livestock immediately or hold out for a better price. A five cent increase in the market can mean an extra $30 per animal. On a 300-head operation that means an extra $9,000. To those experiencing the best economic times in years, $9,000 doesn't seem like much. I can tell you—to a rancher who hasn't met the cost-of-production in three or four years, any amount of money in the black looks pretty good.

Lately ranchers have not had the money even to buy necessities for operating expenses. Due to the nature of the business and risks involved, farmers and ranchers are used to utilizing credit and operating loans. However, this economic crisis has bankers and rural business worried. Main Street Rural America is hurting too. Producers making knowledge-based marketing decisions helps everybody. It helps agricultural producers—and it helps rural communities who depend on agriculture for their livelihood.

Kent and Sarah Hereim own a 300-head operation between Harlowton and Judith Gap, MT. Nine thousand dollars means to them a new computer. That gives them even more accessibility to marketing information and the ability to make better marketing decisions. A computer provides access to the Chicago Mercantile Exchange or the Chicago Board of Trade for futures marketing options. It provides an updated mechanism to pay bills and keep spreadsheets on operating expenses. A computer can be a valuable tool for ranchers to keep production records, carcass data, grazing plans, and other management information. These records allow producers to be better managers and increase profits.

Nine thousand dollars can mean a new bull in addition to the computer. Buying better seedstock increases genetic capability and produces better animals. Increase in quality increases profit. More and more emphasis is being placed on paying producers on a grid. Paying on a grid means ranchers are paid on the quality of their animals not merely the number of pounds. This gives producers who strive for better genetics and meat quality a clear advantage.

Rural communities win too. An extra $9,000 helped the local computer store and it helped others in the industry. That new bull Kent and Sarah bought helps the seedstock (bull) producer who now has extra money to buy fencing supplies from the local agricultural supply store. The owner of that ag supply store now has extra money for Christmas gifts at the local clothing store. That clothing store owner puts extra money in a CD at the bank. In a rural community a dollar turning over makes a world of difference.

This example is why it is so important to put control back in the hands of the livestock producer. It is exceedingly important to producers to have an assurance that they are receiving timely and accurate data. It doesn't make sense for those raising the commodity to be a passive price-taker. Having the information readily accessible puts the rancher in a position to make good marketing decisions and not be left fully at the mercy of the buyer.

In Montana, livestock outnumber people by at least twice. These are less than a million people in Montana and over 2.5 million head of livestock. Sixty-four percent of the land in Montana is used for agricultural production. Livestock producers depend on the livestock markets for their livelihood. Mandatory price reporting gives them that data and the controls to use it.

Also important to livestock producers is the Sheep Industry Improvement Center. This center, which is located at USDA, has a $30 million budget to assist the sheep and goat industries in research and education.

I realize that no long-term solution will work until this current economic crisis is taken care of. This bill goes a long way in getting producers back on their feet and on the way to a better agricultural sector. Immediate funding needs of farmers and ranchers are addressed in a manner that will give them an opportunity to get back on track.

The $8.7 billion package contains important funding for Agricultural Marketing Transition Act (AMTA) payments for wheat and barley producers in Montana, as well as $322 million for livestock producers and $650 million in crop insurance.

I am pleased that important language for durum wheat producers was included in the bill. Before this change, the method for calculating loan deficiency payments (LDP) repayments unfairly presumed a high quality for

durum, which resulted in a lower repayment rate for their crop. However, as a result of this language, the USDA has agreed to correct inequities in the current loan deficiency program (LDP) program for durum wheat.

The crop insurance portion of the bill will provide $400 million to provide agricultural producers with a premium discount toward the purchase of crop insurance for the 2000 crop year. Currently, farmers would pay a higher premium for the year 2000 than for 1999 or 2001. With the lowest prices in years, agricultural producers cannot afford higher premiums.

I am disappointed that sanctions reform was taken out of the bill. I believe these concerns must be addressed as soon as possible. I will support Senator ASHCROFT in his efforts to exempt food and medicine from sanctioned countries. American farmers and ranchers stand much to lose by not having all viable markets open to them.

Imposing trade sanctions hurts American farmers and ranchers. Sanctions have effectively shut out American agricultural producers from 11 percent of the world market, with sanctions imposed on various products of over 60 countries. They allow our competitors an open door to those markets where sanctions are imposed by the United States. In times like these our producers need every available marketing option open to them. We cannot afford lost market share.

Trade sanctions are immoral. Innocent people are denied commodities while our farmers and ranchers are denied the sale to that particular country. It is my sincere hope that my colleagues will see fit to open up more markets by supporting Senator ASHCROFT.

Farmers and ranchers must be provided a fighting chance in the world market, and the people of sanctioned countries must be allowed access to agricultural commodities.

Again, I thank the fine chairman Mr. COCHRAN, and his staff, for all their work on this bill. I will continue to fight for Montana farmers and ranchers and provide a voice for agriculture.

Mr. WELLSTONE. Mr. President, I am disappointed that the conference committee on H.R. 1906, the Agricultural appropriations bill for FY 2000 included a legislative rider sponsored by Senator MCCONNELL that would fundamentally change the H–2A temporary foreign agricultural worker program.

I am concerned that the McConnell rider would be harmful to both foreign and domestic farm workers. The McConnell rider would essentially allow agribusinesses to import as many H–2A foreign guest workers as they want, regardless of whether there are workers here in America who want those jobs.

That would be harmful to the U.S. farm workers who want the jobs, obviously. But it would also be harmful to other farm workers, who would then have to compete with more easily exploitable foreign labor. And I believe it would not be good for the guest workers themselves, who would have few of the protections and benefits to which Americans are entitled.

The Administration opposes the McConnell rider. So does the U.S. Catholic Conference, the National Council of La Raza, the Farmworker Justice Fund, and the United Farm Workers. The McConnell rider also flatly contradicts the recommendations of the General Accounting Office.

Let me take a moment to describe how the H–2A foreign guest worker program works, and maybe that will help explain what the McConnell rider does. The H–2A program allows agricultural employers to import foreign workers on a temporary basis, but only when there is a shortage locally of available U.S. workers. The Labor Department has to issue a labor certification that there is a shortage of available U.S. workers. But before employers can get that certification from the Labor Department, they have to recruit U.S. workers during a period of 28 to 33 days.

The McConnell rider would substantially shorten the period during which agricultural employers have to recruit U.S. workers. Under current law, the recruitment period is 28 days, though it can be extended to 33 days if employers have to refile their application. The McConnell rider would shorten the recruitment period to 3 days, with a 5-day extension for refiling. The recruitment period would shrink from 28 days to three days.

Three days! Does anyone think any kind of meaningful recruitment is going to take place in a period of three days? Of course not. Shortening the recruitment period to three days would turn the labor certification process into a sham and a charade. The result would be that U.S. farmworkers who want those jobs wouldn't be able to get them, and employers would have almost automatic access to cheap, exploitable foreign guest workers.

GAO agrees that shortening the recruitment period to three days would undermine the labor certification process. A December 1997 GAO report looked at this very proposal and found that ''employers will not have sufficient time to meet their duties as required by the program and domestic workers will not have ample opportunity to compete for agricultural employment.''

The issue here is whether we should make the deplorable working conditions of farmworkers in this country even worse, because that would be the effect of the McConnell rider. I don't think my colleagues really want to do that.

Given the—frankly—miserable working conditions that many farm workers have to endure, I think it would be unconscionable for us to add to their burdens. Farm workers don't have a lot of power. They don't have a lot of economic power, and they don't have a lot of political power. They don't have a lot of money to contribute to political campaigns. You don't see a lot of farm worker faces among the lobbying groups that visit our offices.

Yes, there are some people who advocate on their behalf—groups like the U.S. Catholic Conference, National Council of La Raza, the Farmworker Justice Fund, the UFW. But farmworkers are largely disenfranchised and disempowered. Ultimately, they are dependent on our good will. I hope we can show a little good will towards people who don't have much leverage over us, but people who are very decent and hardworking and deserve better.

Mr. DEWINE. Mr. President, I rise today to discuss the agriculture appropriations conference report. First, I thank the Chairman and Ranking Member of the Agriculture Appropriations Subcommittee, Senator COCHRAN and Senator KOHL, for their hard work on this legislation. They faced multiple challenges in trying to find funds for so many different and critical areas within agriculture.

I support this bill, Mr. President. I support it because it will help provide some immediate relief to our farmers, who, in many states, are facing a twin blow from drought and low commodity prices. I know that in my home state of Ohio—where agriculture is the number one industry—many of our farmers are in serious financial trouble. When you're getting hit from both drought and low commodity prices, it really hurts.

I am pleased that the bill we will send to the President today will take an important step toward helping agriculture producers overcome some of the current problems resulting from this summer's drought and low commodity prices. For example, the conference report includes $5.54 billion in emergency assistance for Agricultural Market Transition Act payments (AMTA). This amount will double producers' AMTA payments for 1999 crops. Also, the bill enables farmers to receive AMTA payments at the beginning of the fiscal year rather than in two installments. This is very important for many of Ohio's farmers who are struggling right now to make ends meet. The Senate should get this bill to the President as quickly as possible. Our farmers need relief now—not later.

This summer has brought with it one of the most prolonged periods of drought in this century. I have talked to many farmers back home and have driven along the highways and back roads in Ohio—you can see how this summer's drought has severely stunted the growth of corn and other key crops. It's devastating. And this devastation is widespread. Secretary of Agriculture Dan Glickman has designated all but one of Ohio's eighty-eight (88) counties as natural disaster areas. Of those, Secretary Glickman designated sixty-six (66) counties as primary disaster areas.

According to the Governor of Ohio, our state's farmers are expected to lose

$600 million in income due to the drought. Let me repeat that, Mr. President. In Ohio, our farmers stand to lose $600 million. When combined with the current low commodity prices, it is no wonder that many farmers in Ohio are asking themselves—and us—how they and their families are going to make it.

In response, the bill we will send to the President today provides approximately $1.2 billion—to assist farmers plagued by the drought. It's a decent start. But, while this assistance will surely help lessen the immediate financial worries of many of our drought-stricken farmers, it doesn't address a fundamental issue here—and that is that our farmers aren't equipped to withstand cyclical economic downturns and natural disasters over which they have no control. As I see it, we have failed to give agriculture producers the tools they need, over the long-term, to manage risks—whether those risks come from the market or nature. There are things that we, in Congress, are trying to do to help get to the root of the challenges facing our farmers today. Let me explain.

The United States is the most open market in the world. While our farmers are the most productive in the world, market barriers against the free and fair trade of our agriculture products exist. Dismantling these barriers must be a top priority. Congress can help by giving the President fast track authority to negotiate trade agreements. Fast track authority would allow the Administration to enter into trade agreements with other countries, where we are the most competitive and to negotiate with specific regions of the globe.

Failure to pass fast track puts our farmers at a serious disadvantage with global competitors. For instance, the Latin America and Carribean region offers great opportunities for increased agriculture exports. It is one of the fastest growing markets for U.S. exports and will exceed the European Union as a destination for U.S. exports by next year. This market is expected to exceed both Japan and the European Union combined by the year 2010. Other nations already are working to break down barriers in this region. The United States cannot afford to sit on the sidelines—just watching—much longer. We need to get into the game. That would help our farmers.

When our foreign trading partners are not trading by international rules, and doing so to the detriment of our farmers, our trade authorities should use all the tools available to them. For example, I introduced bipartisan legislation, the ''Carousel Retaliation Act,'' which would increase pressure on our trading partners to comply with World Trade Organization rules by requiring the U.S. government to rotate targets every six months.

What's happening is that our nation—and especially our farmers—are being injured by the refusal of some foreign countries to comply with World Trading Organization (WTO) Dispute Settlement rulings. Noncompliance with Dispute Settlement rulings severely undermines open and fair trade. As many of our farmers, cattle ranchers, and large and small business owners know firsthand, this is having a devastating impact on their efforts to maintain or gain access to important international markets.

The ''Carousel Retaliation Act'' would help ensure the integrity of the WTO Dispute Settlement by rotating—or carouseling—the retaliation list of goods to affect other goods 120 days from the date the list is made and every 180 days, thereafter. Currently, the U.S. Trade Representative has the authority to carousel retaliation lists, but is not required to do so.

The Carousel bill requires the U.S. Trade Representative to rotate and revise the retaliation list so that countries violating WTO Dispute Settlements cannot merely subsidize the affected industries to recover from retaliation penalties. American farmers are the most efficient and competitive in the world. When given the opportunity to compete on equal footing, they will be the most successful, as well.

Besides opening new markets abroad, there are things we can do here at home to help our farmers prosper under the Freedom to Farm Act we passed three years ago. I cosponsored legislation that would allow farmers to open savings accounts into which they can place—tax free—a certain percentage of their profits during good economic times. These funds can remain in their accounts for up to five years. If hard times come along—as we know they do—farmers can withdraw funds from their accounts. The only time these funds would be taxed is when they are withdrawn from the account or after five years.

This bill, the Farm and Ranch Risk Management (FARRM) Act, was included in the $792 billion tax-relief package that I supported and Congress passed. That tax relief package had many other provisions helpful to farmers. Besides the FARRM provision, the bill included the elimination of estate taxes, broad-based tax relief, the elimination of the marriage penalty, and the full deductibility of health insurance for the self-employed. Unfortunately, President Clinton vetoed this reasonable tax relief package—that doesn't help our farmers.

Most important, we should get the federal government off the backs of our farmers so they can have the freedom to do what they do better than any other country—and that's produce. I have cosponsored the Regulatory Fairness and Openness Act, which would require the Environmental Protection Agency base pesticide use decisions on sound science rather than worst-case scenarios. Also, I have cosponsored legislation that would require the Occupational Safety and Health Administration (OSHA) to base any ergonomic standards on sound science.

Mr. President, our farmers need assistance—the kind that is provided through the agriculture appropriations bill and the kind of assistance that comes from pursuing trade and tax policies that would further the economic strength and freedom of American agriculture.

I urge the President to sign the appropriations bill immediately so that farmers in Ohio—and throughout the country—can receive short-term relief as quickly as possible. I also urge the President to take a long, hard look at how we can give our farmers the kind of lasting relief they need to stay in business not just this year, but for generations to come.

Mr. CHAFEE. Mr President, I rise today to bring to the attention of my colleagues the plight of our nation's farmers. Now, one might ask, what is a Senator from Rhode Island doing speaking about farming? Isn't that usually handled by Members from the Midwest? Well, Mr. President, that is not the case. Farming is alive at our nearly 700 farms in Rhode Island. However, these same family farmers in Rhode Island and those across the nation are looking to Congress for some much needed help in the wake of this summer's horrible weather conditions.

Today, the Senate will be asked to vote on final passage of the conference report on the Fiscal Year 2000 Department of Agriculture and related agencies appropriations bill. This bill is just one of the thirteen spending bills which Congress must approve and the President must sign before the beginning of the new fiscal year. This is a major bill which funds many important farming and environmental programs. However, I must reluctantly vote against final passage of this report for two reasons.

During the debate on the bill earlier this year, farmers in the Northeast and Mid-Atlantic were in the middle of what would become one of the worst droughts in the history of this region. In fact, the National Oceanic and Atmospheric Administration reported that Rhode Island experienced its driest growing season in 105 years of recordkeeping. As a result, crop damages were widespread. According to the Farm Service Agency in my state, crop losses ranged from 35 percent to an astounding 100 percent. These losses created a terrible financial burden on the farmers in Rhode Island, as well as the entire state economy.

In response to these problems, as well as those experienced by farmers across the country, the Senate approved a $7.4 billion emergency relief package, and I was glad to support it. In the House, no such funding existed. However, as the difficulties worsened and the need for additional funding was necessary, I was committed to making sure that our family farms in Rhode Island would not be left out of the pot. To that end, I pressed for direct assistance to specifically address drought damage in the Northeast and Mid-Atlantic. As everyone knows the 1999 drought knew no state barriers or boundaries. Senators from both sides of the aisle knew that

making this a partisan issue would not make federal assistance for our farmers come any quicker. We needed to help our farmers and farming families to start the process of rebuilding for new crops and a new season.

In the end, an additional $1.2 billion was allocated for assistance to farmers across the country who have incurred losses for crops harvested or intended to be planted or harvested in 1999. The key word in that sentence is ''across the country.'' In the Northeast and Mid-Atlantic alone, damage assessments range from $2 to $2.5 billion. However, this additional money will not go directly to those farmers in the Northeast and Mid-Atlantic that need it the most. Instead, the money will be available to all farmers who have suffered from flooding, Hurricane Floyd, and the drought. This certainly is not sufficient funding for our region's family farmers.

I also must vote against this conference report because of its failure to include language that extends the Northeast Interstate Dairy Compact. This is an issue that has the support of a majority of the Senators in this body. In fact, during debate on the agriculture spending bill, a majority of Senators—53 to be exact—voted to end a filibuster on the dairy compact issue.

As many of my colleagues know, the Compact was a state-generated response to the decline in the New England dairy industry over the last decade. In the early 1990s, all six New England states approved identical legislation to enter into the Compact. Congress approved the Compact as part of the 1996 Freedom to Farm bill.

Due to the unique nature of fluid milk, it must be worked quickly through the processing chain and get to store shelves within days of its production. Due to these conditions, dairy farmers are at a distinct disadvantage when bargaining for a price for their product. As a result, the minimum farm price fluctuated wildly over time. The Compact corrected this problem and leveled the playing field at no cost to the American taxpayer. How can one be against that?

I am heartened by the consistent efforts of my colleagues Senators JEFFORDS, SPECTER, and LEAHY among others to keep these dairy farmers in mind throughout the debate on the bill and in conference. Although we were not successful, the issue will not go away. The dairy compact issue will be revisited and the voice of the majority of Senators will be heard.

I thank the chair for this time, and I yield the floor.

Mr. LEAHY. Mr. President, I rise to join my colleagues today in opposition to the Fiscal Year 2000 Agriculture Appropriations Conference bill. Usually, it's a testimony to someone's power when they can ''kill two birds with one stone.'' Well, amazingly the managers of this bill were able to kill three birds with one stone - - the Northeast Dairy Compact, drought relief and agricultural sanctions.

Unfortunately, the impact felt by small farmers in the Northeast will be meteoric. I have heard from many of my colleagues about the price drops their farmers have experienced this year. Well, dairy farmers witnessed a 40 percent price drop in one month. If it was not for the Northeast Dairy Compact, this drop could have crushed Vermont dairy farmers.

They have also suffered through one of the worst droughts this century. And how does this Conference bill respond? It doesn't.

Instead, the Conference Committee blocked Senator SPECTER from even raising his amendment to extend the Northeast Dairy Compact and denied any targeted disaster relief for farmers in the Northeast and Mid-Atlantic who suffered through fifteen months of drought.

However, we are yet again sending disaster payments and price supports to the Midwest and Southeast. I guess the Conference committee decided to ignore the old adage that you should not hit someone when they are down. Why not continue to prop up grain prices so that when Vermont farmers have lost all their livestock feed to the drought they can pay even more for feed from other states?

When we passed the Freedom to Farm bill, one of the premises its success was based on was that farmers would also have the freedom to market. By expanding our markets overseas, our farmers would not have to depend on subsidies from the federal government. Yet, after the Senate overwhelmingly passed an amendment to update our sanctions policy and allow our farmers access to more markets, the Conference committee decided to continue with the old system of guaranteeing farmers the price they want through artificial means and expect taxpayers to go along with it.

Now, I am sure that many of these crops did suffer significant price or market losses and may deserve assistance. But, farmers in the Northeast and Mid-Atlantic are just as worthy. In Vermont alone, we have witnessed over $40 million in drought damage. Without some assistance many of our farmers are not going to make it through the winter. In the last two years they have suffered through an ice storm, flooding, and two summers of drought.

What is so galling to me is that although Congress authorized $10.6 billion in disaster payments in Fiscal Year 1999, the Northeast and Mid-Atlantic have only received 2.5 percent of that assistance. Today, we will likely pass $8.7 billion in disaster assistance and our farmers will probably only receive 2 cents out of every dollar.

Adding salt to our wounds, the Conference Committee also saw fit to block any extension of the Northeast Dairy Compact. Our region developed and implemented a system to help our dairy farmers at no cost to the federal government.

I cannot understand how it made sense to the Conferees to stop a program that is supported by farmers and consumers alike because it does not increase retail price and does not cost the taxpayers money while continuing programs that do cost the taxpayers money. In fact, retail milk prices within the Compact region are lower on average than in the rest of the nation.

I could go on for hours about the ironies contained in this Conference bill. Although I am tempted to run through the virtues of Vermont dairy products like my colleague from Wisconsin did last week, I will let the ''Best Cheddar'' award won by Vermont's Cabot Creamery at the U.S. Championship Cheese Contest in Green Bay, Wisconsin speak for itself.

However, I do want to take just a few more minutes to reiterate the importance of the Northeast Interstate Dairy Compact. Thanks to the Northeast Compact, the number of farmers going out of business has declined throughout New England—for the first time in many years.

If you are a proponent of states' rights, regional dairy compacts are the answer. Compacts are state-initiated, state-ratified and state-supported programs that assure a safe supply of milk for consumers. Half the Governors in the nation and half the state legislatures asked Congress to allow their states to set their own dairy policies—within federally mandated limits—through compacts.

When it was clear that federal policies were not working to keep dairy farmers in business, states took the matter into their own hands to insure that dairy farmers stay in business and to assure consumers fresh, local supplies of milk. It saddens me that Congress is now standing in their way.

The Northeast Compact has done exactly what it was established to do: stabilize fluctuating dairy prices, insure a fair price for dairy farmers, keep them in business, and protect consumers' supplies of fresh milk. Many of our friends in the South saw how the Compact provided a modest but crucial safety net for struggling farmers. They, too, want the same for their farmers, and their farmers deserve that same opportunity.

Unfortunately, opponents of dairy compacts—large and wealthy milk manufacturers, represented by groups such as the International Dairy Foods Association—have thrown millions of dollars into an all-out campaign to stop compacts. These processor groups are opposed to dairy compacts simply because they want milk as cheap as they can get it to boost their enormous profits to record levels, regardless of the impact on farmers.

Mr. President, it is time for Congress to go back to worrying about small farmers in this country. That is why this Conference bill is such a disappointment to so many of us. The triple whammy of blocking the Northeast Dairy Compact, providing no drought relief and closing the door to new markets will jeopardize the future of small farmers in my region.

These farmers do not usually come to Congress asking for help and they have rarely received it. Now, when they are facing one of their bleakest moments Congress has said ''no.'' I expected better.

Mr. SMITH of Oregon. Mr. President, I rise today to speak on the passage of this very important bill for American agriculture. I want to thank Senator COCHRAN and his staff for all of their hard work to produce this legislation under very difficult circumstances. Although I feel much more needs to be done to address the problems in the farm sector in my state, I will be supporting this conference report today in the hopes that it will provide immediate help to agriculture producers across the country still reeling from the combination of low prices and poor weather this year.

Although the underlying bill provides some $60 billion for domestic nutrition programs, food safety, agriculture research and extension, and other important programs administered by the Department of Agriculture, I would like to speak specifically to the farm relief package component of this conference report. This bill contains $8.7 billion in emergency farm assistance for producers hard hit by recent plunges in commodity prices and, in many parts of this country, weather disasters. Of this total, nearly $5.5 billion will go to program commodity producers in the form of increased AMTA payments to help compensate for lost markets. In Oregon, we produce a considerable amount of wheat for export to Asia, especially in the Pendleton area where I am from. For many Oregon wheat producers reeling from collapsed markets and prices, I know these increased AMTA payments may make the difference between keeping land in production and having to sell the farm. Since the beginning of this farm crisis, we have used this mechanism to deliver ad-hoc market loss payments to keep program commodity farmers afloat, and it may be the best and most efficient tool available to us in the short term. However, I believe the only long-term solution is to expand overseas market opportunities for our commodities. Although unilateral sanctions reform was taken out of this bill in conference, I hope we will have an opportunity to revisit this issue before the end of this session so that we may begin to address some of the root causes of our commodity price problems.

This farm aid package also provides $1.2 billion for weather-related disaster assistance. Severe droughts, both in the Mid-Atlantic States and in parts of my state, have caused tremendous agricultural losses this year. In addition, as we all know, flooding in the aftermath of Hurricane Floyd brought severe farm losses to the Carolinas this fall. Rising waters are also a problem for the second consecutive year in the Malheur-Harney Lakes Basin of Southeastern Oregon, an issue which the conferees have noted in this conference report. Certainly Mother Nature has not been kind to many of our farmers this year, and I am concerned that the $1.2 billion set aside in this conference report to address these weather-related losses may be inadequate. Should this turn out to be the case, I hope that my colleagues and the Administration will be willing to provide the resources to address these needs in a future supplemental appropriations vehicle.

Perhaps the biggest reservation I have with this farm assistance package is that it does not provide any funding to address the problems of the so-called minor crops. When the bill passed the Senate last August, it contained a $50 million earmark for fruit and vegetable producers. While these farmers have persevered with virtually no federal assistance in the past, they have not been immune to the Asian financial crisis and the historic downturn in the agriculture sector that we have seen in recent years. Nursery and potato producers are just as much a part of Oregon agriculture as wheat and cattle, yet they are not represented in this relief package. I am especially concerned about the future of Oregon's tree fruit industry. A number of producers in my state may be forced to tear out apple and pear orchards due to the deadly combination of international market collapse, frost and other weather problems, and mounting domestic regulatory and labor costs. I did note that the conferees made fruit and vegetable producers eligible for the $1.2 billion in weather-related disaster assistance money. However, I am afraid that none of this funding will reach Oregon tree fruit producers, considering that this same pot of money will be stretched to the limit to assist producers impacted by weather problems this year. I believe specialty crop farmers deserve a place at the table alongside our program commodity producers, and I hope we will better address their needs in future appropriations legislation.

Mr. President, despite the reservations I have about this conference agreement, I find that the few negatives are, in the end, outweighed by the many positive aspects of this bill for the Oregon farm sector. While I look forward to the opportunity to work with my colleagues on the pressing farm issues that have not been spoken to in this conference report, I will be casting a vote in favor of the bill. I hope that we will act affirmatively on this legislation today and not further delay the delivery of this needed relief to family farmers across the country.

Mrs. LINCOLN. Mr. President, I plan to vote for the Agriculture Appropriations Bill today, and I would like to thank those who have helped move the ball down the field. But I'd like to state for the record my opposition to the Conference Committee's decision to remove language previously approved by the Senate that would have removed barriers to trade for domestic producers.

I am extremely disappointed and disheartened that this year's Agriculture Appropriations bill will not take steps to open up additional trade markets to domestic producers, especially after this body voted 70–28 to pass legislation that would exempt agricultural products from unilateral economic sanctions.

In short, Mr. President, a small handful of people have overturned the will of the majority by strong-arming Congress with decisions made behind closed doors. The Members who removed sanctions language from the Conference Report are the very same members who promoted the Freedom to Farm Act. It's beyond me how they expect Freedom to Farm to work when they remove the best chance for our farmers to compete in a global economy.

For months our farmers have been left hanging when it comes to disaster relief payments, loan guarantees and crop insurance reform. Producers in Arkansas should not be let down by Congress again. They should be looking forward to sending 300,000 metric tons of rice to Cuba next year. Arkansas producers have been particularly affected by trade sanctions with countries such as Cuba, Iran and Iraq.

According to Riceland executive Richard Bell, who testified before the Senate Agriculture Committee in May, ''Probably no domestic commodity or product has suffered more from these trade sanctions than rice. The sanctions towards Cuba in particular were a major blow to our industry, especially to growers in the South who produce long-grain rice.''

There is bipartisan support for changes in the way this country considers economic and trade sanctions. So, in light of the conferees' decision to remove sanctions language, I hope my colleagues will take a serious look at cosponsoring S. 566, the Agricultural Trade Freedom Act, which would exempt exports of food and other agricultural products from any current or future U.S. unilateral sanctions imposed against a foreign government. I also encourage my colleagues to consider supporting S. 1523, The HOPE Act, which will require the President to justify how economic sanctions serve our national interests and to report to Congress on an annual basis the costs and benefits of food sanctions.

It's foolish to let our foreign policy objectives cloud common sense. Without access to foreign markets, we cannot expect the agricultural community to survive. Without a better long-term farm policy, it most certainly will not.

While this bill provides some relief, it doesn't go far enough. What we must do is give our farmers a consistent, workable agriculture policy. We must give them some idea of what they can count on from their government in terms of consistent farm policy. Repeatedly passing emergency disaster relief bills isn't the answer. And it is clear that Freedom to Farm has not

worked. According to today's Washington Post, ''Congress has now spent $19 billion more in the first four years of Freedom to Farm than it was supposed to spend during the bill's entire seven-year life-span.''

This relief package will hopefully get several of our nation's producers through this growing season, but it does nothing to ease the minds of our agriculture community for next year. We've taken care of the short term needs of our agriculture community, I hope that my colleagues will soon take care of the long term.

Ms. SNOWE. Mr. President, I would like to once again reiterate my support for the reauthorization of the very successful Northeast Interstate Dairy Compact, and I must vote against the FY2000 Agriculture appropriations conference report without its reauthorization. This past Thursday night, I came to the Senate floor to urge my colleagues to consider certain points that should prove that support of the Compact is justified and I would like to briefly reiterate them again today.

The Northeast Dairy Compact has addressed the needs of states in New England who compacted together within their region to determine fair prices for locally produced supplies of fresh milk. All of their legislatures and the governors approved the Compact and all that is required is the sanction of Congress to reauthorize it.

The Compact has proven to be an effective approach to address farm insecurity. The Compact has protected New England farmers against the loss of their small family dairy farms and the consumers against a decrease in the fresh local supply of milk. The Compact has stabilized the dairy industry in this entire region and protected farmers and consumers against volatile price swings.

Mr. President, over ninety seven percent of the fluid milk market in New England is self contained within the area, and fluid milk markets are local due to the demand for freshness and because of high transportation costs, so any complaints raised in other areas about unfair competition are quite disingenuous.

All we are asking, Mr. President, is the continuation of the Northeast Dairy Compact, the existence of which does not threaten or financially harm any other dairy farmer in the country.

Only the consumers and the processors in the New England region pay to support the minimum price to provide for a fairer return to the area's family dairy farmers and to protect a way of life important to the people of the Northeast.

Under the Compact, New England retail milk prices have been among the lowest and the most stable in the country. The opposition has tried to make the argument that interstate dairy compacts increase milk prices. This is just not so as milk prices around the U.S. have shown time and time again that prices elsewhere are higher and experience much wider price shifts than in the Northeast Compact states.

Also, where is the consumer outrage from the Compact states for spending a few extra pennies for fresh fluid milk so as to ensure a safety net for dairy farmers so that they can continue an important way of life? I have not heard any swell of outrage of consumer complaints over the last three years. Why, because the consumers also realize this initial pilot project has been a huge success.

Mr. President, there is almost $8 billion in the Agriculture Appropriations Conference Report for farm disasters partially created by competition in the global marketplace and because of a series of weather-related problems. The funding will be paid for by the federal government. Now, some of my colleagues want to create a disaster situation for Northeast dairy farmers by taking away a program that has not cost the federal government one cent. There has been no expense to the federal government—not one penny—for the Northeast Interstate Dairy Compact. The costs to operate the Dairy Compact are borne entirely by the farmers and processors of the Compact region. And, when there has been a rise in the federal milk marketing prices for Class I fluid milk, the Compact has automatically shut itself off from the pricing process.

In addition, the Compact requires the compact commission to take such action as necessary to ensure that a minimum price set by the commission for the region does not create an incentive for producers to generate additional supplies of milk. There has been no rush to increase milk production in the Northeast as has been stated here today. There are compensation procedures that are implemented by the New England Dairy Commission specifically to protect against increased production of fresh milk. No other region should feel threatened by our Northeast Dairy Compact for fluid milk produced and sold mainly at home.

There is no evidence that prices Northeast dairy farmers receive for their milk encourages overproduction of milk that spills over into other regions and affects dairy farmers in other areas. I ask unanimous consent to have printed in the RECORD, a table from the Daily Market News showing USDA Commodity Credit Corporation purchases of surplus dairy products with the total and percentage by regions for the last three fiscal years.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

USDA COMMODITY CREDIT CORPORATION PURCHASES OF SURPLUS DAIRY PRODUCTS TOTAL, AND PERCENTAGE BY REGIONS FY 1996/97, FY 1997/98 AND FY 1998/99 TO DATE

	1996/97	1997/98	1998/99 [1]
Total estimated milk volume (million)	390	1,412	2.090
Percentage:			
Midwest	56.8	9.6	9.5
West	43.2	90.2	90.5
East	0.0	0.2	0.0
U.S.	100.0	100.0	100.0

[1] October 1, 1998–September 3, 1999.

Notes: The eastern region from Maine to Florida has sold no surplus dairy products to USDA this fiscal year. All CCC purchases have been nonfat dry milk with 164 million pounds (90.5%) coming from the western states and 15 million pounds (9.5%) coming from the Midwest states for a total of more than 179 million pounds.

Sources: Dairy Market News, USDS–AMS: Vol. 65—Report 39 (Oct. 2, 1998) and Vol. 66—Report 35 (September 3, 1999).

Ms. SNOWE. An important point here, Mr. President, is that, despite what has been said on the Senate floor today, the Eastern region of the country from Maine to Florida—the very states that wish to compact—sold no surplus dairy products to the USDA this past fiscal year. All Commodity Credit Corporation purchases came from the Western and Midwest states.

And, despite what has been stated by the opposition, there are no added costs to the federal nutrition program. There has been no adverse price impact on the WIC program—the Women's Infants and Children's program—or the Federal school lunch and breakfast programs. In fact, the advocates of these programs support the Compact and serve on its commission.

So, I ask for the support of my colleagues today for my dairy farmers in Maine and to vote against the Agriculture Appropriations Conference Report because it does not include the reauthorization of the Northeast Interstate Dairy Compact as the State of Maine and every other New England state legislature, governor and its citizens have requested, and I thank the Chair.

Mr. TORRICELLI. Mr. President, I rise in strong opposition to this legislation. It does not provide adequate relief to farmers across this country. It fails to address issues which will decide the fate of tens of thousands of family farms. It fails to give relief to an entire region with a significant farming community. The drought afflicting farmers in the Northeast and Mid-Atlantic regions is as severe a threat to their existence as low crop prices are to others. The farmers of my state wish they had crops to receive low prices for. Yet this bill fails to remotely begin to address their concerns. The entire relief package of $8.7 billion is primarily focused on low crop prices in the South and to a much lesser degree the Midwest. Only $1.2 billion or slightly over 10% is for ''weather-related disaster relief''.

To put this in perspective, let me explain the extent of the drought damage. Despite recent rains, New Jersey is in the middle of its driest season in 33 years. From June to August the State received less than 2 inches of rain. Normally, we receive more than 8 inches during this period. Reservoir levels in Northern New Jersey dipped to 10% below normal—and despite the

recent ''rains'', farmers have not recovered. The impact of the drought on New Jersey agriculture is devastating. 400,000 acres on 7000 farms have sustained damage from 30%–100%. Damage estimates are $80 million, and expected to reach $100 million.

But let me be clear that New Jersey is not alone. Secretary Glickman estimates that the need for drought relief in the Mid-Atlantic and Northeast regions is over $2 billion. Governors of our States estimate the damage to be closer to $2.5 billion. But even the limited amount of funds offered in the Agriculture Conference report isn't designated for drought—the entire country including losses from Hurricane Floyd will compete for this funding.

Mr. President, my region of the country has a long tradition of helping out other regions in need. I recall my House colleagues referring to the Great Midwest Drought of 1988. Many considered this drought the worst in the Midwest since the Great Depression. That year, we passed an emergency relief bill which provided direct disaster payments to farmers in the amount of $3.4 billion. I voted for this bill because it was the right thing to do. I realized that farmers in these states needed drought relief, and I gave my vote of support, because it was needed.

In 1992, Hurricane Andrew, one of the most destructive storms of this century, ripped through Florida, inflicting $30 billion in damage. I voted for the Emergency Supplemental bill which brought $9 billion to Florida, to help the citizens of that state recover from the enormous damage to infrastructure, homes, businesses, and crops.

1993 was another horrible year for the Midwest, this time, hit by flooding. Many call it the Great Midwest Flood of 1993. Midwestern states were horribly damaged by the breaching waters of the Mississippi. I voted for this $2.5 billion supplemental for farm disaster payments. Mr. President, New Jersey was not hit with severe flooding in 1993. In fact, New Jersey only received $5.5 million in the bill. But I voted for this package nonetheless. Because farmers in the Midwest needed it, and it was right to provide them with adequate relief.

In January of 1994, the Northridge Earthquake rocked Southern California, causing in excess of $30 billion. I voted for H.R. 3759 which provided $4.7 billion in supplemental funding to assist Californians in their time of need. My point, Mr. President, is to illustrate that I have voted to assist the people of other regions of this country in their time of need, despite the fact that my state may not reap substantial benefit. I ask that my colleagues respect that New Jersey and other Northeast states have endured a prolonged drought that threatens our remaining agriculture.

Over the August recess, I visited farms and county fairs and spoke to New Jersey farmers about the effect of the drought on their livelihood. They understand weather and they accept the difficult life of a farmer but they cannot understand how Congress, which repeatedly sends billions to the South and Midwest, can ignore them in their time of need. I don't have an answer for them but I can only imagine it is because Members do not realize the extent of the agriculture community in my State and our region.

So I would like to educate this body to the significant agriculture community in New Jersey and the Northeast. There is a reason why they call New Jersey the Garden State. The $56 billion food and agriculture complex is New Jersey's third largest industry, behind only pharmaceutical and tourism in economic benefit. Last year, New Jersey's 9,400 farms generated over $777 million in sales. Nearly 20% of the entire state of New Jersey is productive farmland. That's one million acres of working farms in New Jersey. And in an era of increasing consolidation in the agriculture industry, virtually all of New Jersey's farms are family-owned. The average farm size in New Jersey is just over 100 acres. At $8,370 an acre, our farmland is the most valuable in the nation.

Farmers in the Garden State produce more than 100 different kinds of fruits and vegetables for consumption locally in New Jersey but also for export around the world. Nationally, New Jersey is one of the top ten producers of cranberries, blueberries, peaches, asparagus, bell peppers, spinach, lettuce, cucumbers, sweet corn, tomatoes, snap beans, cabbage, escarole and eggplant. Mr. President, in addition to the fruit and vegetable farmers of my state, a small number of individuals from Warren, Salem, Sussex, Burlington, and Hunterdon counties are the backbone of agriculture in New Jersey. These are New Jersey's dairy farmers. The dairy industry is an important segment of our agricultural economy, supplying almost one-fifth of the fluid milk and dairy products used by over 7.5 million residents in New Jersey. The industry is comprised of 180 dairy farmers. Farmers who get up early to milk 7 days a week, 365 days a year, starting out long before dawn, before most of us are up.

However, this pales in comparison to what the dairy industry used to be. New Jersey has lost 42% of its dairy farms in the past decade. New Jersey dairy farmers produced 300 million pounds of fresh, locally produced milk in 1997, with a value of $41.3 million.

If we do not re-authorize the New England Dairy Compact and allow for New Jersey's entrance the remaining 180 farmers will be gone in the next decade. New Jersey's state legislature has already approved entry into the compact. The loss of dairy farms—whether from inadequate relief from this summer's drought or from an inability to enter the Dairy Compact means more that just a loss of business in New Jersey. This is more than just a nostalgia about the decline of a time in America when agriculture was dominated by family farms, it is also about the practical reality of the loss of open space. It is about farms being sold to developers and turned into parking lots & strip malls. It is a story we know all too well in New Jersey. An average of 10,000 acres of rural/agricultural land is being developed piecemeal every year in New Jersey. In 1959, New Jersey had 1,460,000 acres of farmland; today we have but 800,000. In 1959, New Jersey had 15,800 farms. Today we have 9,400.

As I said earlier this horrible drought has crippled the fruit and vegetable farmers in my state. Unfortunately, it has also had a devastating impact on New Jersey's already very tenuous dairy industry. It has compounded the dire circumstances affecting dairy farmers from low prices. Erratic fluctuations in dairy prices is forcing many out of business. For example, in March dairy farmers across the country experienced a 37% drop in milk prices. When the price drops, the price family farms must pay to feed their cows, hire help, and pay utility costs stays the same. As prices decline and costs increase, farmers need a mechanism to ensure stable prices for milk or they will go out of business.

In addition to the erratic market, New Jersey's family farms face a threat from a pricing system introduced by the Department of Agriculture. This system, Option 1B, would almost surely be the death knell for New Jersey's dairy farmers. Option 1B, would reduce dairy farmer income in New Jersey by $9 million a year.

New Jersey's membership in the Compact would set a floor on dairy prices and reimburse farmers in times of financial trouble. It would provide protection in the event of another drastic price drop. Compacts would also help maintain environment efficiency and open space by preserving the more than 100,000 acres of New Jersey farmland for agricultural use and preventing development.

Unfortunately, the Dairy Compact and Option 1A pricing provisions are not included in this Conference Repot. This will force dairy farmers in my state out of business. Like real drought relief, the dairy provisions necessary to sustain farmers in our region are simply not present.

I urge my colleagues to vote against this conference report and send a message that we should implement farm policy for a nation of farmers, not to serve certain regions at the expense of others.

Mr. CRAIG. Mr. President, I rise in support of the FY2000 Agriculture appropriations bill. This important piece of legislation provides a total of $60.3 billion. While a large portion of this funding goes toward food stamps and nutrition programs, this bill also contains funding for agriculture research, conservation, rural development and direct assistance for our farmers to get through these tough times.

Farmers across the board are facing difficult times. Prices are the lowest

this decade and exports are decreasing while imports are increasing. For most commodities, the cost of production exceeds the revenue received. It doesn't take long to go out of business when your costs are more than what you can get for your end product.

The problem is price, not the farm bill or farmers. Because of the Asian flu and depression of other world markets, our farmers are suffering. Simple economics tells you when supply is above demand, prices will drop. Ag commodity prices will increase as our world markets come back, but we don't expect that to happen this year or next. If we want our farmers to stay in business, we must help them in the short term until commodities can be sold on a world market.

Something must be done to help the American farmer through these tough times, which is why I support this bill's $8.7 billion in farmer aid. The emergency aid includes $5.54 billion in additional agriculture market transition payments, which represent a 100 percent increase in a producer's 1999 payment. This is a direct payment that our farmers could receive before Thanksgiving if the President signs the bill into law. This is the immediate assistance our farmers and farm groups ask for in hearings in the Agriculture Committee and elsewhere.

The conference report includes assistance for crop insurance premium write-downs to maintain the 1999 level, which is essential if we want farmers to keep using the program. I am also pleased to see assistance to certain specialty crop producers. These are just a few of the provisions that I supported in this bill.

The conference report also contains mandatory livestock price reporting legislation. I supported this price reporting legislation when it was voted out of the Agriculture Committee and I am pleased to see it is moving forward. There needs to be greater transparency within the livestock industry. Our producers need information on which to base their marketing decisions, and this legislation will provide that.

As others have noted, this conference report does not include sanctions reform language that passed by wide margin on the floor of the Senate. However, I understand legislation to exempt agricultural commodities from unilateral economic sanctions will come before the Senate before we adjourn, and it is something we ought to pass this year. In order to insure the long term survival of the Agriculture industry in the United States we must work on trade and sanctions reform to enable U.S. producers to compete on a level playing field with the rest of the world.

Mr. President, I hope the Senate adopts the conference report today and the President signs it into law so that the hard working farmers across the country can get the assistance we have promised them and that they so deserve.

Mr. KERRY. Mr. President, I support the FY 2000 Agriculture Appropriations Conference Report because it provides important emergency assistance for America's farmers and will provide $15 million in disaster assistance for the commercial fisheries failure in the Gulf of Maine. I believe that this funding is crucial to the survival of fishing industry in New England. It will allow our fishermen to use their fishing vessels as research platforms to do, among other things, cooperative research activities in partnership with the New England Fisheries Management Council and the National Marine Fisheries Service.

I thank appropriations committee Chairman, Mr. STEVENS, and the Democratic ranking member, Mr. BYRD, for their support of New England fishermen and their assistance in obtaining the funding included in the Conference Report. I also thank Agriculture appropriations subcommittee chairman, Mr. COCHRAN, and Democratic ranking member, Mr. KOHL, and their staffs. Finally, I thank Mr. KENNEDY, Mr. GREGG, and Ms. SNOWE for their support in including this provision in the conference report.

Last year, we were able to secure $5 million in emergency assistance for cooperative activities to assist fishermen who were negatively affected by groundfish closures in the Gulf of Maine. These new funds will be used to help fishermen overcome drastically reduced trip limits. A trip limit of 30 pounds, about 2 cod, was imposed immediately after the fishery opened. This was raised to 100 pounds by Commerce Secretary Daley at the request of the New England Fisheries Management Council.

These trip limits have had a severely detrimental economic and social impact on many fishery-dependent communities in New England. Ongoing stock recovery requirements have required continued reductions in fishing and resulted in continuing hardship. The additional funding included in the Conference Report will be used to employ fishermen in cooperative research programs, fund on-vessel observer programs, and provide training and education for fishermen.

I thank my colleagues for recognizing that New England fishermen and their communities require disaster assistance until our fisheries have a chance to rebuild.

Mr. GORTON. Mr. President, during my service as a United States Senator representing the State of Washington, I have consistently reiterated one message to the growers and producers I represent. While I am not a farmer, and could not possibly pretend to understand the intricacies of the business, I will always do my best to understand farmers' needs and work on agriculture's behalf. But there is one message growers in the State of Washington have emphasized to me that I understand without question. When times are tough and the check book doesn't balance, families feel the pinch.

When times are tough, I have asked farmer after farmer, ''why do you do this?'' The job is terribly difficult, so much of what growers depend upon is unpredictable, and for two years in a row now, world markets have driven prices so low that fathers are telling their sons and daughters not to enter the family business.

But immediately after I question their dedication to their livelihood, I'm reminded of the golden, rolling wheat and barley fields of the Palouse. I remember my countless visits to Yakima and Wenatchee and seeing the lush, vibrant greens of the orchards, rising up out of the dust bowl that was once Central Washington. I think about the hearty breakfast I ate that morning and the apples and sandwiches packed away in my grandchildren's lunches. So much of what farmers do and what they produce is a part of our daily lives, that their existence in this country is paramount and deserves recognition.

Farmers are proud, tough, hard-working Americans. Apple growers in the State of Washington, for example, don't like to come to my office and ask for help. In the past few months, however, I have visited with many growers who are visibly despondent. Washington leads the nation in apple production, and over the past year, it's estimated that producers have lost at least $200 million in the fresh market. From Tonasket to Wapato, the message from orchardists was clear—we need help.

Over the past two months, I have communicated to my colleagues and others the significance of identifying a mechanism to assist fruit and vegetable growers in the disaster assistance package. During debate on the Senate floor in early August, I was able to assist in securing $50 million specifically for fruit and vegetable relief. In the conference report we're addressing today, potential relief for these very growers is incorporated in the $1.2 billion available for crop loss assistance. While I am frustrated that the specific designation for fruits and vegetables was removed, I am particularly pleased that apples were mentioned specifically.

Apples are not the only commodity produced in Washington that could stand to benefit from the crop loss section of the package. Asparagus growers, hard hit by weather and a lack of labor have lost thousands of dollars in fresh product. Potato growers who have also been impacted by poor growing conditions can approach the U.S. Department of Agriculture for assistance. Many are surprised to learn that the State of Washington produces more than 230 food, feed and seed crops, and I hope that many of these commodities will receive the assistance they require.

Wheat growers in Washington will also benefit from the $5.5 billion available for market loss in the disaster

package. The nearly $.60 cent per bushel payment to growers will most certainly ensure that the highly demanded soft white wheat our farmers produce will continue to flow to recovering Asian markets.

While the disaster package contained in the Fiscal Year 2000 Agriculture Appropriations bill is most certainly the highlight of the legislation, there are other important, annual funding priorities included. As a member of the Agriculture Appropriations Subcommittee, I have worked to ensure that the research demanded and deserved as a result of the passage of the Farm Bill is provided for the Pacific Northwest. From research for hops to disease eradication in cherries, this bill provides funding necessary to ensure the longevity of the essential public-private investment in our nation's food production.

Language and funding in this bill directed at the implementation of the Food Quality Protection Act are also essential. Programs related to export enhancement and market development received the favorable attention growers in my state demanded. And the land grant universities are secure in knowing that the formula funds necessary for continued excellence in education are available.

With all that said, there are many in this body who know I was not pleased with the removal of Senator ASHCROFT's sanctions relief amendment in the conference report. Sanction relief is essential for the long-term prosperity of agriculture in America. While I received a commitment that the Senate would take up this issue before the adjournment of this session, I cannot over-emphasize the absolute importance and sincere necessity in addressing this issue. Food and medicine sanctions do not cripple regimes or dismantle communist governments. Instead, they hurt our family farmers and keep food out of the mouths of those who cannot provide for themselves. I initially refused to sign the conference report over this issue, and sincerely hope the Senate will address this matter in the very near future.

I am also not pleased with the manner in which this bill was dealt with in the waning hours of conference. Conferees were literally locked out of decisions related to the sanctions issue, dairy, and items included in the disaster package. This ''top-down'' philosophy is not what should drive the passage of appropriations bills.

All in all, Mr. President, what we have before us today is a good bill. Its contents include year-long negotiations on a variety of issues related to the essential functions administered by the U.S. Department of Agriculture. While some issues have caused me to struggle with my support or opposition to the legislation, the benefits of its passage are overwhelming. It is my hope that the President will give his blessing to the bill so that our struggling farm economy can receive the charge it needs to rejuvenate our agriculture communities.

Mr. LAUTENBERG. Mr. President, I rise in opposition to this conference report. The East Coast suffered through months of drought this summer, causing enormous crop losses to our farmers. Then Hurricane Floyd arrived with severe rains, further affecting farmers with widespread floods. These two acts of nature are serious emergencies affecting millions of people, yet this conference report does not do nearly enough for farmers on the East Coast.

In my State of New Jersey, agriculture is a $1 billion a year business involving 830,000 acres on over 8,000 farms. This summer's drought caused losses on 406,000 acres affecting 7,000 of those farms. All 21 counties in my State were declared disaster areas. It has taken a truly devastating toll on our farm community. According to Secretary Glickman, the drought alone resulted in a total of $1.5 to $2 billion in damages throughout the Northeast and Mid-Atlantic regions. And now, we have the devastation of Hurricane Floyd on top of the drought disaster. If any State has suffered a true farm disaster this year—it's New Jersey as well as our neighbors in the Northeast.

Unfortunately, although this conference report contains $8.7 billion in emergency assistance for farmers, only $1.2 billion of that is for weather-related disasters. And this $1.2 billion is spread out over the 50 States. That will not leave a fair share for New Jersey and other northeastern States that actually suffered a disaster this year. Numerous New Jersey farmers have been left with no hay, no crops, and no livestock worth taking to market. Without our help, the result of these disasters may force some farmers to end decades of family farming and to give up the way of life that they love.

This Congress must do more. The situation facing East Coast farmers is a true emergency, in every sense of the word. At a time when we are watching entirely predictable activities like the census being declared emergencies, we are doing little to assist those who face true acts of God. I cannot support this conference report until the farmers in New Jersey and up and down the East Coast receive the help they need.

Mr. MCCAIN. Mr. President, I give due credit to the conferees for their hard work to complete action on the Agriculture Appropriations bill for fiscal year 2000 which supports the nation's farming economy and federal programs through the U.S. Department of Agriculture (USDA). This year's agriculture appropriations bill is also intended to provide needed government aid to farmers and their families who have suffered critical losses due to severe drought and difficult market conditions. However, with much regret, I must vote against this legislation.

I have several concerns with this final conference agreement.

First, it contains $253 million in earmarks and set-asides for towns, universities, research institutes, and a myriad of other entities that were included in this bill without consideration in the normal merit-based review process. This is $82 million more than was included in the Senate version of the bill. Clearly, the House had to get its turn at the trough.

For example, $1.75 million is provided for manure handling and distribution in five states, including Mississippi, Iowa, Nebraska, Texas and Arizona. Why these five states have a monopoly on manure problems in our nation is not adequately explained in this report, nor is a rationale provided as to why an earmark of $200,000 is provided for sunflower research in Fargo, North Dakota. Unless weather conditions are anticipated to change dramatically, it is difficult to fathom why spending thousands of dollars on sunflower research in a state known for severe weather conditions is more critical than other farming emergencies.

No other clear explanations are provided for earmarking $750,000 for the U.S. Plant Stress & Water Conservation Lab in Lubbock, Texas, as well as $1,000,000 for peanut quality research in Athens, GA; $500,000 for fish diseases in Auburn, AL; and, $64,000 for urban pests in Georgia. These may very well be meritorious projects, but I must question again why these specific projects and localities are singled out for direct earmarked funding rather than undergoing a competitive review.

In addition to direct earmarked funding, the conferees have included very blatant directive language which singles out specific projects in various states for special consideration for grant funding, loans or technical assistance from USDA. With these actions, even the limited funding made available to USDA for competitive grant and loan assistance is not fairly distributed since the conferees have included such directives to steer the agency away from considering many other meritorious projects that are equally in need around the country.

Another problem with this spending bill is the inclusion of language which provides for an exception for a single producer from the state of Nevada from pending federal milk marketing orders to be implemented by the USDA. This provision will exclude a single dairy producer in Clark County, Nevada from the proposed new Arizona/Las Vegas Marketing area when USDA's rules take effect, thereby preventing this single producer from competing fairly with the rest of the milk industry.

As many of my colleagues are aware, there are few issues which cause as much controversy and divisiveness as proposed milk marketing restructuring proposals. Yet, without any debate, language was included in the Senate bill, without notice or debate, to protect this single dairy producer while the rest of the nation will be forced to comply. Retaining this provision in the conference report is a serious infraction of out obligation to treat all interests fairly and to abide by the Senate's

rules which preclude legislation on appropriations bills except when approved by a super-majority.

Mr. President, finally, I am concerned that this legislation contains $1.2 billion more than the Senate bill in emergency aid for farmers. The House bill contained no such funding at all.

Late last year, the Congress provided $5.9 billion in emergency disaster assistance for farmers as part of the FY 1999 Omnibus Appropriations bill. Earlier this year, we provided another $574 million in the emergency supplemental appropriations bill. I opposed both of those bills, in part because the bills contained excessive amounts of pork-barrel spending but also because of the use of the ''emergency'' designation for large amounts of non-emergency purposes, some of which was included in the farmer aid package.

While I understand and sympathize with the plight of America's farmers who face economic hardship due to a wide variety of natural disasters, I cannot support the designation of the entire $8.7 billion in assistance to farmers as an emergency.

The Congress has certain rules that apply to its budget process. One of those rules states that, once a Senate-House conference convenes, negotiations are limited to only the funding and legislative provisions that exist in either bill. Adding funding that is outside the ''scope'' of the conference is not in order, nor is the inclusion of legislative provisions that were not in either the Senate- or House-passed bills.

Once again, the appropriators have deviated from the established process in agreeing on the provisions in this conference report by adding another $1.2 billion in emergency funding to the bill—funding that was considered by neither the House nor the Senate—just the appropriators. That $1.2 billion for crop disaster loss payments that was added to the emergency farm aid package may very well be needed by some of our nation's farmers. But its inclusion at the last minute defeats the entire concept of fiscal responsibility, which is premised on the full Congress debating budget priorities, not just the appropriators.

There were other last-minute add-ons in the conference which were not included in the Senate or House bill, including: $2 million for water and waste forgiveness loans; $15 million for Norton Sound Fisheries failure in Alaska; $56 million for administrative costs associated with managing emergency asssistance programs; and, an entirely new title to the bill, Title IX, which contains 25 pages of legislation to establish a new mandatory price reporting system for various livestock. While this legislation originated in the Senate, it was never called up for debate or a vote.

This last provision was never offered as an amendment on the Senate floor during consideration of the Agriculture Appropriations bill, probably because it would have been ruled out of order since it is legislation that is not supposed to be included on an appropriations bill. Instead, it was simply inserted into the appropriations bill, behind closed doors, without debate.

American taxpayers have to give up their hard-earned tax dollars to pay for these last-minute tactics by the Appropriations Committees. Clearly, Congress appears to favor spending that benefits the special interests of a few, rather than spend the taxpayers' dollars responsibly and enact laws and policies that reflect the best interests of all Americans.

Let me state again that I support federal assistance for farmers and others in need, but only when decisions to spend tax dollars for such aid are considered fairly and truly help those in need. But when we continue the shameful and provincial practice of padding appropriations bills with excessive amounts of dubious emergency spending and special-interest pork-barrel projects, we are short-changing the taxpayers as well as our agricultural industry. This bill may help some farmers and producers who are truly in dire need of federal assistance, but we are harming those in the agriculture industry who are trying to follow established guidelines to qualify for other types of non-emergency assistance.

This bill designates $8.7 billion as emergency spending for FY 2000—money that can only come from the non-Social Security surplus. The Defense Appropriations bill contains another $7.2 billion in emergency spending, which I will also oppose. Together, we are spending almost $16 billion in emergency spending, but, Mr. President, the non-Social Security surplus is only estimated to be $14 billion. That means, pure and simple, that if we approve these two bills with their emergency funding, we will once again be dipping into the Social Security surplus to pay for the continued operations of the federal government.

Already this year, the Senate has approved appropriations bills or conference agreements containing almost $10.5 billion in wasteful and unnecessary spending. Surely, among these billions of dollars, there are at least a few programs that we could all agree are lower priority than desperately needed aid for America's farmers. Surely, in the voluminous lists of billions of dollars of pork projects, there are a few that the Congress would be willing to give up to ensure that we not once again dip into the Social Security Trust Fund—a Fund financed by the payroll taxes of American workers who are counting on their money being available to help them through their retirement years.

This bill demonstrates that the Congress cares more about taking care of special interests than it does about American families. It is the taxpayers who have to shoulder the burden to pay for the pork-barrel spending in this appropriations conference report and the others that will follow, and I will not vote to place that burden on American families.

The full list I have compiled of the objectionable provisions in this final conference report will be available on my Senate webpage.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield such time as may be consumed to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

First, I would like to say that the senior Senator from Mississippi has one of the toughest jobs on Capitol Hill, along with the senior Senator from Indiana. Chairing the Appropriations Subcommittee on Agriculture and the Agriculture Committee in the Congress are just incredibly difficult tasks. The diversity of agriculture and the needs of agriculture are historic in this Chamber.

Trying to come up with a proper mix of how to solve the needs and the difficulties in farm country is complex. It is difficult.

I understand coalitions have to be put together to pass bills. In this case, a coalition was put together to pass a bill that, in my mind, did not represent the interests of my area of the country, particularly my State of Pennsylvania. I understand that. I appreciate the difficulty in doing it.

I understand that Pennsylvania has a very difficult time participating for one reason. We are a very diverse State agriculturally. We have a tremendous amount of richness in our agriculture. It is our No. 1 industry. Pennsylvania's No. 1 industry is agriculture. Most people don't know that. Most people don't know that the State of Pennsylvania, the Commonwealth of Pennsylvania, has the largest rural population of any State in the country. We take agriculture very seriously. Obviously, our rural population depends heavily upon agribusiness for survival.

We have been hit this year with an absolutely historic drought that has devastated our farm community. Throw on top of that, sort of adding insult to injury, a big chunk of our State was hit very hard by Hurricane Floyd. Not only did we have drought on top of drought and the crops burned up, but they had floods. We have a situation where in almost every county of our State crop losses are in the area of at least 30 percent, and in many areas and many counties it is 100 percent.

I looked at the bill we have before us in the Senate and the one that came out of conference. I was hoping we could focus more of the $8 billion that is in this bill on the area of the country that was affected most dramatically by weather this year. In my mind, it has not. I am not just speaking for Pennsylvania. I am talking about all of the Northeastern States

that were affected—the Mid-Atlantic States—by drought. The big chunk of this bill is for AMTA payments, which are payments to farmers who are program farmers.

Before we pass this bill, we are going to give $5.5 billion out to farmers who were previous to the Freedom to Farm bill in Government programs. The problem in Pennsylvania is we have a very small percentage of those farmers because of our diversity. We have very few program crops. We have a lot of specialty crops, livestock, and dairy. As a result, a very small percentage of our farmers participate in the AMTA payments. A very small percentage of, frankly, most of the Mid-Atlantic and Northeastern farmers participate in the AMTA program.

When you look at the $8 billion-plus that is in this bill and you see $5.5 billion of it going to AMTA, almost none of that is going to the area that is most affected by the drought. It is going to the area that is having bumper crops.

The reason we are providing ''disaster'' help, the disaster in most of the country is they have too much harvest-time. As a result, prices are low. So we are going to give them money because they have too many crops to sell at too low a price.

I can tell you my farmers in Pennsylvania wish they had something to sell. So I am a little frustrated when you look at where the bulk of the money is going. It is going to areas that are hardly hit by a disaster, and certainly no weather disaster. It is a disaster of richness, if you will, because of the tremendous amount of harvest that has occurred in that area, and, obviously, the world situation and the like. When you look at what is specifically targeted for my area of the country, the ''drought relief'' is $1.2 billion. Not all of it goes to drought relief. A lot of it is going to hurricane disaster relief.

I can tell you my Governor told us that just the preliminary numbers in Pennsylvania are approaching $1 billion in losses for drought. So $1.2 billion for drought and hurricane relief doesn't even begin to touch on what the problem is in Pennsylvania.

I know some have said we can do a supplemental appropriations bill in the spring to see what the problem is. My farmers can't wait until spring. They have to survive the winter. While some folks are getting double AMTA payments, $11.2 billion worth of money, my farmers are going to be told to wait until the spring.

Our area of the country has come to the table time after time after time after time as the Upper Midwest, the Southeast, and other areas of the country have suffered drought, pestilence, floods, hurricanes, tornadoes—I can go on and on—a disaster a year in those areas. We understand that. Our taxpayers and farmers have come to the table and been willing to put up money. We are a big country, and we will pitch in together to help.

When it comes to our farmers being hit with the worst drought in a century, the answer is: Wait until the spring. We may pass a supplemental if you need it.

That doesn't cut mustard. I understand we had a vote here yesterday on cloture and a group from the Northeast cast our votes on cloture. We were defeated. We will be defeated today. This bill will pass and will become law. I understand the need for getting assistance to farmers. I have to speak up and say what is in this bill is not enough to take care of the needs of the farmers in my State.

A couple of other things happened that were disconcerting. We had $134 million in specialty crop money that came out of this bill. We grow a lot of fruits and vegetables in Pennsylvania, specialty crops, important crops. We had $134 million for that. When it came from conference, the money was out and ''specialty crop'' was defined as only tobacco and peanuts. We don't grow a lot of tobacco and peanuts in Pennsylvania or New Jersey or a lot of other areas hit by the drought.

Again, that money was designated to help some of our farmers who are not the farmers who have been at the Government trough for years and years and years with program crops, but folks making it on their own, not coming to Washington asking for money. The one time we ask for money, the answer is no. I think that is a very sad commentary. We took the money for specialty crops, for fruits and vegetables—again, people who have never gotten Government subsidies—and we give them to two programs that are still getting Government support—tobacco and peanuts.

That is a misguided policy. I understand the dynamics of trying to pass a bill. I understand the power and the influence of the peanut lobby, the sugar lobby, and the tobacco lobby. I understand now we have the honey program back in place, and the mohair program is back. I understand all that.

I keep looking at what it does to those who have been paying the bills for a long time for agriculture in the northeastern part of the country. What I see is a neglect of a bunch of farmers who work just as hard as folks in other areas of the country who don't ask the Government to help very much. We hardly ever ask the Government to help in our agriculture. The one time we get hit with the drought of the century, the answer is: We will give you a little here, and wait until next year, and maybe we can give you some more. By the way, some of the other stuff we were going to give you, we will not.

I thank the chairman for the money for crop insurance. That is something I very much wanted. The $400 million to help try to get farmers into the crop insurance business is very important. We need more farmers covered with risk management tools. Crop insurance is important. I urge the chairman of the Agriculture Committee, Senator LUGAR, to take that up quickly and move forward on crop insurance to put the money to good use.

I have to oppose this bill, reluctantly. I understand the difficult job the Senator from Mississippi had in trying to craft this to pass the Senate and get it signed by the President, but for me it doesn't do enough for my area of the country.

I will have to vote ''no'' on the bill.

Mr. COCHRAN. Mr. President, I thank the Senator from Pennsylvania, Mr. SPECTER, for his comments about the work that went into crafting this bill and the challenges we faced along the way. We appreciate very much his assistance. He is a member of the legislative committee on agriculture and has provided valuable advice, counsel, and assistance in the crafting of this bill. We thank him for that.

As I understand the status of time, we have about 20 minutes remaining on the Republican side.

The PRESIDING OFFICER. There are 26 minutes remaining and 19½ minutes on the Democratic side.

Mr. COCHRAN. I yield such time as he may consume to the Senator from Minnesota, Mr. GRAMS.

Mr. GRAMS. Mr. President, I rise today to first commend my colleagues for their overwhelming cloture vote last night that permits the Senate to move closer to passing this very important Agriculture appropriations conference report. I especially commend my colleagues for stopping an intended filibuster that was designed to apply pressure to extend the life of the Northeast Dairy Compact. I look forward to the day when we can talk about the Northeast Dairy Compact in the past tense with its detrimental effects on Midwest dairy farmers; that time will be ended.

After hearing all the rhetoric about how compacts are necessary to save small family dairy farms, I think it is very important to highlight some information my office recently received. According to the USDA, NASS data regarding 1998 dairy herd size averages, Vermont dairy farm herd sizes averaged 85 head and New York farms averaged 81 head. In the Midwest, Minnesota dairy farms averaged 57 head and Wisconsin farms averaged 59 head. Again, Vermont dairy farms averaged in size almost 50 percent larger than Minnesota dairy farms. So much for the idea that the Northeast is competing against corporate farms in the Upper Midwest.

I cannot stress this point enough: The Northeast Dairy Compact is heavily subsidizing large-scale dairy operations while those small farmers in the region do not receive enough to seriously impact their bottom line.

We have always known that compacts are bad for consumers, especially low-income consumers. But now we have additional data from the USDA showing they help large-scale dairy farming operations rather than helping what we hear a lot about, the small farm proponents they claim to help.

Dairy compacts are an economic zero sum game in which there are many losers—most importantly, again, the consumer, and especially low-income consumers. Dairy farmers in the noncompact regions become losers. We hear the rhetoric that somehow the compact is only there for the Northeast and it doesn't have any effect on any other dairy farms across the country. That is completely false. It does have dramatic effects and impacts upon prices of farmers in other areas, especially in the Upper Midwest.

The real winners in this zero sum game, again, are the large dairy producers located in the Northeast that receive literally tens of thousands of dollars in subsidies for their already profitable businesses, not the small dairy farmer who supporters say were the focus of this idea to begin with.

The average 6-month subsidy for large Northeast dairy farms is projected to be $78,400—$78,400 in 6 months. Dairy farmers in Minnesota would relish that kind of an income if it were spread across the whole year. But Minnesota farmers wisely have rejected this effort that distorts the system and harms their fellow farmers in other States.

Compact supporters have chosen a strategy of pitting one region of the country against another, offering the cartel-like protection of a compact to other States to prod them into joining the economic warfare. They say: In order to strengthen our position, let's encourage others to set up compacts, let's try to expand these ''cartels,'' and then we can encourage more votes—and then, again, pitting one region of the country against another, encouraging economic warfare. Then they can carve up the market, they can receive fixed prices for the milk they produce, and they claim this policy does not discriminate against other regions of the country.

Higher prices promote higher production. It doesn't take a scientist to figure this out. That is, production is expanded beyond the compact region's fluid needs, the excess production then goes into nonfluid dairy products or nondrinkable milk products, and this depresses the nonfluid prices nationwide.

The overproduction in the Northeast generated by the compact —the cartel, the fixed prices, encouraging overproduction—then is spilt over into other regions of the country, which then depresses those prices. When they say it has no effect on other dairy farms around the country, that is completely false. It does. Where does the excess milk go? Again, the prices encourage overproduction, the overproduction then is spread out across the country, and that depresses the prices for dairy farmers in the Upper Midwest.

It is very disappointing to me that colleagues would describe themselves as free marketers, who understand the basic principles of economics would sign on to this protectionist economic power grab. For farmers who raise corn, soybeans, wheat, potatoes, and other commodities, it seems we are willing in this Congress to try to work for their best interests. There is no difference if you raise corn in Iowa or Illinois or Minnesota or Pennsylvania; the markets treat that corn the same. It is on a competitive basis. The farmers compete on their productivity. But when it comes to milk, it is completely different. If you are in one part of the country, you get more money for your milk than in other parts. Now in the Northeast we want to set up a cartel that has price fixing, that encourages overproduction, which then spills over to the rest of the country.

Why do we support one part of a national agricultural policy but then distort another part of that policy, and that is dealing with dairy? Why should dairy farmers be treated differently than any other farmer? Why should we take dairy markets from one region of the country and give them to another region of the country? That is exactly, again, what the cartel does. Because the milk produced in the Northeast that is not consumed in fluid form is spilled over into the Midwest as powdered milk, cheese, and butter. So they are now competing for those markets and we are then giving them those markets, or at least a share of them. Should large producers in the Northeast be able to thrive at the expense of small farm families in the Midwest?

Our farm families in the Midwest are among the most productive in the country. Yet their fate now depends not on their competitiveness, not on their ability to produce in a competitive manner but on the raw deal presented to them by subsidized dairy farmers in the Northeast.

I am always frustrated by the claim from our pro-compact spokespersons, and repeated again in a recent Christian Science Monitor article, that compacts are necessary to guarantee customers and consumers ''an ample supply of fresh, locally produced milk.'' I am satisfied this rhetoric is designed to scare consumers into believing if they do not support these compacts they will then go to the grocery store and encounter empty milk cases because they cannot get ''fresh, locally produced milk.''

The well-known truth is, with the modernization of refrigeration and transportation, we could basically eliminate the entire milk marketing orders in this country. That is why they were established to begin with, because there was not the refrigeration, there was not the transportation to ensure an adequate supply of milk in other parts of the country. So it has distorted the entire dairy process.

But now, with new types of refrigeration and transportation, milk can be shipped all over the country and can go to any consumer from anywhere, fresh, just as, say, oranges from Florida, lettuce from California, red meat from down in Texas. But our country's dairy supply is more than adequate to produce fluid milk; that is, the class I milk, as they call it. That milk can be supplied to any part of the continental United States. There is no shortage of fluid milk production in America. It should be built on a competitive basis, not protectionist, not a compact region, not guaranteeing some farmers protection at the expense of other farmers.

The country produces three times as much milk as it consumes as a beverage. ''The milk may not be locally produced,'' is what you have heard—some of the jargon now, ''fresh, locally produced''—but it will be fresh. To tell consumers they will not get fresh, locally-produced milk, again, is an intentional deception designed to lead people into thinking if there are no compacts, the grocers' milk supply will dry up or deliveries might be sporadic or frequently interrupted, which is simply not true. The perception that somehow Midwest milk is not as good as anything produced locally is also an affront to the hard-working dairy farmers in my State.

A compact spokesman in the Christian Science Monitor article also claims that locally produced milk will be cheaper to deliver than the milk bought and brought in from outside the area. Not if you live in a compact region, it will not be cheaper. Compacts are designed to protect inefficient producers in one region against the more efficient producers in another—specifically, the efficient farmers in the Upper Midwest. When people argue that when dairy products are no longer produced within a region prices to consumers go up within the area, do not believe it. If that were true, why would they need compacts at all?

If milk produced locally would be cheaper, why do they need a compact at all? The reason they need it is to drive up their prices. Dairy compacts create a minimum price for milk, and they are designed to keep cheaper milk out of the region, not in the region. Again, we don't do this with any other farm product. We do not set a floor or a minimum price for corn from one region to another. We don't pit the Northeast against the Midwest against the Southeast against the South; we do not do that. But in dairy we do.

Dairy compacts create a minimum price for milk, and they are designed to keep cheaper milk out of a region, not into the region. So, again, why do they need compacts at all if their arguments are true?

Upper Midwest producers can sell class I fluid milk in New England for less than the $16.94 per hundredweight floor price of the compact. But the floor price in New England effectively keeps the cheaper milk out of the market. Indeed, after the Northeast Compact was enacted in 1997, the price of milk rose—this is the price of milk in New England—from $2.54 all the way up to a high of $3.21 a gallon. Milk prices

there initially jumped about 20 cents a gallon. In fact, there were some grocers who put up signs along the dairy case that said: Don't blame me for the higher prices in milk. Blame the compact. That was because consumers were complaining about the jump in the price of milk in the New England area.

So it does drive up the price. They always quote a study that was done. They said the first 6 months the compact went into effect, it had basically no effect. I would like them to take the last 6 months because the compact had not even geared up in those first 6 months, so it had very little chance to distort the market. But now, take a poll, now take a survey, do the report now, and I will bet the 6 months in the last 6 months would be much different than what they are quoting today.

I believe compacts are clearly bad for America. I urge my colleagues to reject their extension and insist they not, again, be slipped into another appropriations bill in the dead of night.

To wrap up about the dairy bill—I also wanted to talk about the Agriculture appropriations conference we are considering. I am pleased again it contains the $8.7 billion in emergency appropriations. I urge the USDA to work to get the assistance to our Nation's farmers without delay.

I am also encouraged by conference report language urging the President to be more aggressive in strengthening trade negotiating authority to help American farmers and also in expressing Congress' goals for the upcoming negotiations. The conference report is not perfect but it will give our farmers the help to make it through another year. But it will be imperative that Congress continues to address reforms in our trade sanctions, EPA regulations, crop insurance, and also in the Tax Code for farmers to have an environment in which they can truly thrive. I am also glad conferees added additional assistance to farmers who suffered through these natural disasters.

I urge the USDA, when it is distributing the aid, to remember farmers in the northwestern part of my State of Minnesota have been prevented from planting due to flooding. In fact, some farmers in the northwestern part of Minnesota have not had crops now for 7 years because of varying disasters: Flood, drought, disease, et cetera. In northwestern Minnesota this year, crop agents and FSA crop acreage reports show that 70 to 75 percent of the entire area's tillable acres were prevented from being planted in 1999. Only 10 percent of the normal intended acreage of annual crops will be harvested this year at all. Rainfall amounted to over 200 percent of normal in the critical planting months of April, May, and June.

I know there have been many farmers across the Nation affected by drought this year, just the opposite of the problems we have had. But I do expect USDA to provide sufficient and equitable relief to farmers in northwestern Minnesota who have been shortchanged in the past by some of these relief bills. I now hope Congress will turn to enacting long-term solutions that will make such emergency packages as this one unnecessary.

Mr. President, I look forward to working with my colleagues to fulfill our responsibilities to the American farmer.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). Who yields time? The Senator from Florida.

Mr. GRAHAM. Mr. President, I rise to ask the manager of the bill a question relative to fiscal provisions within this bill. The context of these questions is when we commenced this session of Congress, the Congressional Budget Office estimated the non-Social Security surplus for fiscal year 2000 would be approximately $21 billion. Thus far, we have committed $7 billion of that to the 1999 supplemental appropriations bills through the designation of various items as emergencies.

This bill has additional items designated as emergencies totaling $8.7 billion. The effect of this, plus prior action, would be to reduce the estimated non-Social Security surplus to $5.3 billion.

We also have in the offing other emergency provisions which will total approximately $15 billion and thus eliminate the non-Social Security surplus and place us in a position of having to do what we have all committed not to do, which is to dip into the Social Security surplus by in excess of $10 billion.

In that context, I want to ask the manager a short list of questions, and I say to my good friend, the Senator from Mississippi, I commend him for the work he has done this year and in previous years on behalf of American agriculture. I know the frugality with which he approaches his task. He has been faced, as has happened in the past, with an unusual set of circumstances affecting American agriculture and thus the necessity for emergency spending.

What is the level of emergency spending included in this conference committee report?

Mr. COCHRAN. Mr. President, if the Senator will yield, the amount included in the conference committee report that is attributable to emergencies is $8.7 billion which is for disaster assistance and economic assistance for farmers.

Mr. GRAHAM. How much has been designated for emergency spending in the Senate bill which this body passed?

Mr. COCHRAN. Mr. President, when we passed the bill in the Senate, there was $7.6 billion approved by the Senate as emergency spending for agriculture.

Mr. GRAHAM. And how much had been approved by the House in its original version of the Agriculture appropriations bill?

Mr. COCHRAN. Mr. President, the House bill contained no funds for disaster assistance or economic assistance designated as emergencies.

Mr. GRAHAM. I thank the Senator. The emergency spending items which were included in the fiscal year 2000 conference report, what is their degree of adherence to the statutory criteria for emergency spending, which are that spending must be necessary, sudden, urgent, unforeseen, and not permanent in character?

Mr. COCHRAN. Mr. President, it is my understanding there is no statutory test for defining or deciding what is and is not an emergency. Even for OMB, it is a matter of policy, as we understand it, and that is an executive branch agency under the jurisdiction of the President of the United States.

In the Senate, an emergency is whatever the Senate decides is an emergency. A majority of the Senate can designate an event or an appropriation as being for an emergency purpose, and that is how we judge whether it is an emergency—whether a majority of the Senate approves it as such.

Mr. GRAHAM. To the extent those criteria of emergency being necessary—sudden, urgent, unforeseen, and not permanent—if those were the criteria, what proportion of the $8.7 billion of emergency spending would meet those standards?

Mr. COCHRAN. Mr. President, I say again, we have no set of criteria. There is no statute that provides any criteria or test against which a finding of emergency need be made. So it would be presumptuous on my part to try to answer what part or if all of the emergency spending in the bill would stand the test of the criteria the Senator has identified. All five of the ones you have listed are subjected to—there is no analytical test, in other words, with which one can do this. I do not think there is any substitute for good judgment and common sense myself, and I think that is what the Senate relies upon.

Mr. GRAHAM. In the fiscal year 2000 budget, how much is budgeted for emergencies that potentially will occur in the fiscal year that began on October 1?

Mr. COCHRAN. The Appropriations Committee allocations that were made to each subcommittee do not contain a designation for emergencies as such. And as far as I know, the budget resolution did not contain any specific section with an authorization or a designation of funds in the budget for emergencies.

Mr. GRAHAM. If I can editorialize a moment on that question, it seems to me this would be analogous to a family which, for instance, in its budget had said: We will estimate the cost of medical care for our family will be $250. At the end of the year, they found, in fact, it was $1,000. They had to make certain end-of-the-year adjustments in order to fill that $750 missing element in their budget. When they began to write the budget for the next year, one would think prudence would say: Let's include $1,000 as our medical expenses,

not a number which has been proven to be inadequate.

I suggest somewhat the same analogy would be applicable here. If we have shown there is $8.7 billion of emergency spending and we have appropriated zero for those emergencies, for the future it would be prudent to begin to incorporate into our ongoing budget some funds to respond to these emergencies. We do not know the characteristics, we do not know the geographic location, we do not know when the emergency will occur, but we are pretty sure there is going to be some kind of emergency somewhere in American agriculture that will warrant a response.

Prudence would indicate we ought to have a fund from which to meet those needs so that every year we are not in the position of having passed an emergency appropriation which, as we know, has the effect of vitiating all of the normal budgetary rules, including budgetary rules that require we offset spending with either reductions in spending elsewhere or with additional revenue. The effect of this is to go directly to the budget surplus.

Mr. COCHRAN. Mr. President, if the Senator will yield, I think his point is illustrated by the fact we have seen legislation introduced to reform and improve the Crop Insurance Program to get at that kind of problem. If farmers find crop insurance both affordable and effective to compensate them for losses of this kind, they would buy crop insurance. We have a flawed program now. We are trying to get the legislative committee to act on legislation on that subject.

Senator LINCOLN from Arkansas and I have cosponsored a bill that we think is needed in order to make that kind of program effective and more attractive in the South. We think the current program does not represent a reasonable or thoughtful investment of a farmer's funds—at least that is the attitude of most southern farmers with whom we have talked on this subject.

One other point on this and that is, there is a Federal Emergency Management Agency appropriation that is made every year. That is a subject in the budget resolution, and we have in the VA-HUD appropriations bill funds to appropriate to that agency to respond to the needs of people confronted with disaster. It is not that the budget is silent on the subject of disasters. There is the Crop Insurance Program that is subsidized by the Government, and there is the FEMA program that is funded in the budget each year.

Mr. GRAHAM. The other two questions relative to the budget relate to advance funding. Is there any advance funding in this conference report, i.e., funds that were normal fiscal year 2000 expenditures which are delayed to a future fiscal year?

Mr. COCHRAN. Mr. President, as far as the regular appropriations bill for fiscal year 2000 funds are concerned, there is no advance funding. In the disaster assistance package, there is $30 million for advance funding of fisheries disaster assistance.

Mr. GRAHAM. Finally, relative to the payment adjustments, is there any change in this conference report relative to the timing of payments made to vendors that are beneficiaries which will have the effect of moving fiscal year 2000 costs into future years?

Mr. COCHRAN. Mr. President, there is none that this Senator knows about.

Mr. GRAHAM. Thank you very much.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time is left on our side?

The PRESIDING OFFICER. Nine minutes 22 seconds.

Mr. HARKIN. How much? Nine minutes and how much?

The PRESIDING OFFICER. Nine minutes 15 seconds.

Mr. HARKIN. I will yield myself 4 minutes and hurry.

I want to say a few words about both parts of the bill before us. The first part is the regular fiscal year 2000 Ag appropriations bill. I commend and thank the chairman, Senator COCHRAN, and thank our ranking member, Senator KOHL, for their hard work and conscientious effort to craft this bill under difficult spending constraints.

There are important provisions in the bill providing funding for agriculture programs, agricultural research, food safety, nutrition, conservation, rural economic development, and in other areas. There are a number of items in this bill that are especially important to my State of Iowa, which I will not list here. I just want to say the regular fiscal year 2000 bill is basically a good bill under the circumstances.

There is a matter that deserves special mention; and that is, in the Senate we had an overwhelming vote of 70–28 to remove sanctions on food and medicine. The Senate conferees also voted in the conference to hold the Senate position, but the House conferees adjourned before we could even vote on sanctions reform. So after all these years of hearing all the talk about removing embargoes on food and medicine, the Republican leadership in the House walked away before we had a chance to reform it. So we still have embargoes on food, embargoes to keep our farmers from selling food to foreign customers.

I also want to mention a provision that was stuck in this bill on the H2A program. That program allows bringing in foreign agricultural workers if the employer cannot find domestic workers. The provision in this bill will significantly shorten the time during which an employer has to look for U.S. workers before bringing in foreign workers.

I recognize that it can be hard to find U.S. workers for agricultural jobs in some instances, but I do not think that Congress ought to be changing the law to make it easier to cut U.S. workers out of those jobs and give them to foreign workers.

I now will turn to the emergency assistance package, which totals about $8.7 billion. My colleagues and I have been working since last May to get this Congress to pass a farm assistance package. We had to fight for too long this summer even to get a recognition here in Congress that there is a farm crisis. Then we had to fight to get this Congress to take any action. And finally, we had to fight for a package that would be adequate to deal with the severe economic hardship in rural America.

So, we have come a long way since last spring. This emergency package will provide a good deal of assistance to help farm families survive this crisis. I am disappointed, however, that the bill uses the same payment mechanism as the failed Freedom to Farm bill and that it does not contain an adequate amount of assistance to respond to the droughts and other natural disasters around the country.

The emergency package has far too little in it for livestock producers—particularly for pork producers who have lost $4 billion in equity over the past 22 months. And it contains no money for emergency conservation work and repairing flood damage. Nor is there any economic development assistance for rural communities that are suffering because of the downturn in agriculture.

On balance, I am supporting the emergency package because it will get some money out to farm families who are struggling to remain in business.

As I have said, it is like throwing a leaking liferaft to a drowning person. That is how I feel. I am standing on the shore. Someone is drowning. All I have is a leaking liferaft. Do I throw it to them or not? Of course, I do, in the hopes that shortly we will get something better. But right now our farmers are drowning. They are sinking. So this emergency bill will help for a little bit, but it is not a long-term solution to the problem.

The fact that Congress is passing a stopgap emergency package for the second year in a row demonstrates that our current farm policy is not working. We must reform the failed Freedom to Farm bill before next year.

Unless we reform Freedom to Farm, all the signs indicate farmers are going to need another emergency package next year, too. Frankly, you can only go to the well so many times.

We cannot continue to have a farm policy in this country that lurches from one crisis to the next. It is time to address the root problem: the lack of a farm income safety net in the Freedom to Farm bill. The Freedom to Farm bill has to be changed to restore farm income protections that were eliminated when the bill was enacted.

Freedom to Farm is a bankrupt farm policy and it is bankrupting America's farm families.

As we have said repeatedly, this bill uses a payment mechanism that has

nothing to do with what farmers planted this year. The Freedom to Fail bill is already a proven failure. So why on Earth would we want to go right back to the Freedom to Fail bill to try to remedy its shortcomings? This bill includes $5.5 billion in Freedom to Farm type payments. They would be paid out based on base acres and yields set some 20 years ago. The payments would have nothing to do with this year's planting. In fact, they can go to people who planted nothing.

Using the so-called ''three-entity rule,'' an individual could get $80,000 of these payments and not have planted anything. Add that to the $80,000 in regular AMTA payments, which they also could get without planting anything. This bill then also doubles the payment limit for marketing loan gains and loan deficiency payments to $150,000. Now in practice, that is $300,000 through the use of the three-entity rule. The total that potentially could be paid to one individual then is $460,000.

This bill does not treat oilseeds fairly. There is a very complicated and confusing program for providing direct payments to oilseed producers. It is going to take a long time to get this program sorted out and to get the payments out to producers of soybeans and other oilseeds—and the payments are not going to be fairly distributed among producers. Here is the real irony of this emergency assistance package. With the AMTA type payments, if you did not plant anything this year you can still get as much as an extra $80,000 under this package.

I have some examples under the payment scheme we have in this emergency package. All of these farmers have 500 acres of land, half planted to corn and half planted to soybeans. Yet the payments range anywhere from $19,941 down to $2,040—three neighbors right in a row, farming 500 acres—half in corn and half in soybeans. Or you can have a farmer who decides to go to Palm Beach. He has 500 acres. He did not plant anything. He is going to get $17,901 even though he never did anything. Yet for farmers in the State represented by my friend from North Carolina, who have had disaster losses—or farmers in Iowa, the Dakotas, Minnesota, the Northeast and East who have had drought or other disaster losses—they are going to get pennies on the dollar. Farmers who worked hard, planted a crop, have hardly anything to show for it. But here is a hypothetical example of a farmer who planted nothing, who has 500 acres, and he is going to get $17,900. That is not right.

Let me run through these examples in a little more detail. I ask unanimous consent that a table summarizing the examples be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Farmer	Smith	Jones	Brown	Palm Beach
Total acres	500	500	500	500
Corn base acres	500	250	0	500
Corn planted	250	250	250	0
Soybeans planted	250	250	250	0
Payment	19,941	10,990	2,040	17,901

Mr. HARKIN. For the first farmer, Smith, all 500 acres are corn base. Those are the acres on which the direct AMTA-type payments are made. Again, 250 acres planted to corn and 250 acres planted to soybeans. That farmer will receive an additional AMTA type corn payment of $17,901 and a soybean payment of $2040, for a total of $19,941. Keep in mind this farmer is receiving both a corn payment and a soybean payment on the very same acre on some of the land.

The second farmer, Jones, has 500 acres, but this farmer has only 250 acres of corn base. Again, 250 acres in corn and 250 acres in soybeans. This farmer will receive $8950 in AMTA type corn payments and $2040 in soybean payments, for a total of $10,990.

Another farmer, Brown, has 500 acres, but no corn base, with half the land in soybeans and half in corn. This farmer will receive $2040, because that is all that would be paid on the soybeans.

In summary, 500 acres of land, half planted to corn, half planted to soybeans, and you have a range of payments from $2040 all the way up to $19,941. All because the AMTA payments are based on what was planted 20 years ago or more, not on what farmers are planting now.

And here is the real kicker, a landowner who chooses to plant nothing can receive a payment. So the owner of that 500 acres could still receive the $17,901 without planting a seed. I call this the Palm Beach Farmer example.

Mr. President, there is a lot wrong with this bill, but there is an overriding need to get assistance out to farmers. Frankly, I have little confidence that we would get anything better if this bill were sent back to conference. I have amendments that I am still prepared to offer. But we couldn't even get the House conferees to come back to the table. They were forbidden by their leadership to do so.

This bill could have been much better, and I deeply regret that we were foreclosed from improving it. So I will vote for this conference report,with some reluctance, simply because so much is at stake for farm families and rural communities in my state of Iowa and across our Nation.

As I said, it amounts to throwing a leaking liferaft to a drowning person. Let's throw the liferaft out; but let us change the bill next year so we are not back once again trying to pass emergency farm assistance.

I yield the floor.

Mr. EDWARDS. Mr. President, first, I thank my friend, the Senator from Mississippi, and the Senator from Wisconsin for all their hard work on this very difficult bill. I intend to support this bill.

Let me talk briefly about what this Agriculture Appropriations bill does for North Carolina and what it will not be able to do for North Carolina. In North Carolina, we talk about things in terms of before and after Hurricane Floyd, unfortunately.

Before Hurricane Floyd, our farmers were struggling, having very difficult times, financially and otherwise. Their crop prices were at the lowest levels they have been in many years. And they needed help; they desperately needed help. One of the things this bill does is provide some of that help in the way of direct market assistance for some of the problems they had before Hurricane Floyd.

We have about $328 million in this conference report for North Carolina's tobacco farmers. I have to say, for those around the country who are not familiar with North Carolina's farming operations, an awful lot of our farmers are tobacco farmers. They may farm a lot of other crops, but tobacco is often the staple that allows them to farm those other crops. This money was desperately needed. And they needed it now. They needed it even before Hurricane Floyd hit. Having visited with our farmers, including our tobacco farmers, all over the State of North Carolina, we are very pleased and very proud that we were able to get them the assistance which they deserved and which they needed.

Sadly, though, I have to also talk about the situation after Floyd. This bill provides $1.2 billion for disaster relief. I have to say, I think this is way short of what we are going to need in North Carolina. We have a real emergency, I think by anybody's standards, in the agricultural farming community in North Carolina as a result of Hurricane Floyd.

I have been all over North Carolina and have spent a lot of time in eastern North Carolina, visiting our farms that have been devastated by Hurricane Floyd. The reality is, this is a loss from which it is going to take many years to recover.

Of this $1.2 billion, some reasonably sized chunk of that money will go to farmers in North Carolina. It will not ultimately be enough. But it is critically important that we get some of that money to them, and get it to them quickly. I urge the Secretary of Agriculture to do as much as he can to get as much of this money as is possible disbursed in the immediate future because these farmers need help. They already needed help before Hurricane Floyd. And they need help now more than ever. They need it immediately.

What this photograph I have represents is what I saw all over eastern North Carolina as a result of Hurricane Floyd and in the wake of Hurricane Floyd. We can see almost the entire farm—except for the farmhouse—is under water. This property, which has been involved in farming for many years, is now under water. And the crop losses have been completely devastating.

This scene is repeated over and over and over, all over eastern North Carolina. We are told the best estimates are, at this point, that there is somewhere between $800 million and $1 billion in agricultural losses in North Carolina. Obviously, the money in this bill is not going to be adequate since it is for the entire country. It is not going to be adequate to deal with the loss in North Carolina alone which approaches $1 billion. We are going to have to do more.

I want the people of North Carolina, and particularly our farmers in North Carolina, to know that we fully recognize they need help. They need help quickly. They do not need loans. They were already up to their necks in debt and up to their necks in loans before the hurricane hit. They need help. They need direct disaster relief, and they need it immediately.

I point out, both for my farmers in North Carolina and to my colleagues, that the money that was recently put in the VA–HUD conference report, the approximately $2.48 billion for FEMA, will not help with the farming problem in North Carolina because that money is not designated and indeed cannot be used specifically for agriculture.

We are going to have to have some direct appropriation through some vehicle in this Congress—this session—to help our farmers because if we do not they are going out of business. They are the heart and soul of North Carolina and to our economy in North Carolina, and particularly to our rural economy in North Carolina. We have to be there for them. They have been there for us. We have to step to the plate and provide them with the support they need.

Finally, I express my disappointment with the lack of any dairy legislation in this conference report.

I supported dairy legislation. I continue to support it. We recognize the plight of dairy farmers in North Carolina. We understand the difficulties and problems they have. We will continue to search and aggressively pursue ways to solve the problems with which they are confronted.

Again, I thank the distinguished managers of this measure.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, may I inquire how much time remains for debate on the conference report under the order.

The PRESIDING OFFICER. Ten minutes 53 seconds remain. All time is majority time.

Mr. COCHRAN. The Democrats have used all time allocated to them.

The PRESIDING OFFICER. All time has expired on their side.

Mr. COCHRAN. Mr. President, I will yield back time if no other Senator seeks recognition because I don't need to talk anymore.

I have talked enough about the bill, trying to explain that we have attempted to identify not only the emergency needs that exist by reason of the collapse of prices for commodities for agricultural producers but also the disaster assistance that is needed now to compensate those who have suffered drought-related and other weather-related disasters on the farm.

We have in the conference report a statement by managers indicating that we realize it may be difficult or impossible to ascertain the exact dollar amount of losses attributable to disaster during this crop year. For that reason, we call upon the Department of Agriculture, the Secretary, to monitor the situation and submit to the Congress, if it is justified, a supplemental budget request for any additional funds.

We are confident the Senate and the House, as well, will carefully consider any supplemental request for such funds. We think this is a generous response to the needs in agriculture, but we know it is not enough to satisfy every single need of every individual in agriculture. I don't know that anybody could design a program that would do that. I don't recall there ever being a more generous disaster assistance program approved by this Congress than this one—$8.7 billion in emergency assistance. We hope that will be helpful. That is only a part of this legislation, however.

There is $60 billion of funding for all the fiscal year 2000 programs that will be administered by the Department of Agriculture and also funds for the operation of the Food and Drug Administration and the Commodity Futures Trading Commission. This bill is within its allocation under the Budget Act. It is consistent with the budget resolution adopted by this Congress. We are hopeful the Senate will express its support by voting overwhelmingly for the conference report.

I am aware of no other Senator who has requested time to speak on the bill. I know we have 5 minutes remaining on the bill. To await the arrival of any Senator who does want to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. COCHRAN. Mr. President, all time has been used on the conference report on the Agriculture appropriations bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

The result was announced—yeas 74, nays 26, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—74

Abraham	Domenici	Kohl
Akaka	Dorgan	Landrieu
Allard	Durbin	Levin
Ashcroft	Edwards	Lincoln
Baucus	Enzi	Lott
Bayh	Feinstein	Lugar
Bennett	Fitzgerald	Mack
Bingaman	Frist	McConnell
Bond	Gorton	Murkowski
Boxer	Gramm	Murray
Breaux	Grams	Reid
Brownback	Grassley	Robb
Bryan	Hagel	Roberts
Bunning	Harkin	Rockefeller
Burns	Hatch	Sessions
Byrd	Helms	Shelby
Campbell	Hollings	Smith (OR)
Cleland	Hutchinson	Stevens
Cochran	Hutchison	Thomas
Conrad	Inhofe	Thompson
Coverdell	Inouye	Thurmond
Craig	Johnson	Warner
Crapo	Kennedy	Wellstone
Daschle	Kerrey	Wyden
DeWine	Kerry	

NAYS—26

Biden	Lautenberg	Santorum
Chafee	Leahy	Sarbanes
Collins	Lieberman	Schumer
Dodd	McCain	Smith (NH)
Feingold	Mikulski	Snowe
Graham	Moynihan	Specter
Gregg	Nickles	Torricelli
Jeffords	Reed	Voinovich
Kyl	Roth	

The conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

COMPREHENSIVE NUCLEAR TEST-BAN TREATY

MOTION TO RESUME EXECUTIVE SESSION

Mr. LOTT. Mr. President, I now move that the Senate resume executive session in order to resume consideration of the Comprehensive Nuclear Test-Ban Treaty as provided in the previous unanimous consent, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, the Senate is not in order.

Mr. DASCHLE. Mr. President, I ask unanimous consent both leaders be allowed to use leader time prior to the time we have this vote.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to speak for 15 minutes prior to the vote.

Mr. LOTT. Reserving the right to object, Mr. President, I note we do have some approximately 3 hours of time remaining on the treaty itself. We intend to yield back 54 minutes of our time so there will be an exact equal amount of time available to both sides. I believe that would be the appropriate time to have debate on this treaty, on its merits or on how to proceed.

Therefore, with great respect, I would object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

COMPREHENSIVE NUCLEAR TEST-BAN TREATY—Resumed

Mr. LOTT. Mr. President, I yield back all time under our control with the exception of 54 minutes, which would then put both sides with an equal amount of time.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from West Virginia.

Mr. BYRD. Mr. President, may I have the attention of the majority leader.

Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I say what I am about to say without rancor. I hope I can.

I have been in this body now 41 years at the end of this year. I was majority leader for 4 years, then minority leader for 6 years, and then majority leader for 2 more years.

Mr. President, as majority leader, and as minority leader, I never once objected to a Senator's request to speak for a few minutes—15 minutes in my case today—nor do I ever expect to object to another Senator's request to speak. My request was for only a short amount of time. The distinguished majority leader objected. He has a perfect right to object. I don't question his right to object. But, Mr. President, I think we have come to a very poor pass in this Senate when Senators can't stand to hear a Senator speak for 15 minutes. Our forefathers died for the right of freedom of speech. I may not agree with what another Senator says, but, as someone else has said, I will defend to the death his right to say it.

Mr. Leader, I very much regret that you objected to my request to speak for 15 minutes. I don't get in your way in the Senate often.

Mr. President, I want to adhere to the rules. I don't get in the distinguished majority leader's way very often. He doesn't find me objecting to his requests. I know he has great responsibilities as the majority leader of the Senate. He has a heavy burden. Having borne that burden, having borne those responsibilities, I try to act as I should act in my place and let the two leaders run the Senate. I don't cause the majority leader much trouble here. He will have to say that. He will have to admit that. I don't get in his hair. I don't cause him problems. But, Mr. President, when a Senator, the senior Senator of the minority asks to speak for 15 minutes, I think it has to be offensive, not only to this Senator but to other Senators.

I would never object, Mr. Majority Leader, to a request from your side. Suppose STROM THURMOND had stood to his feet. He is the senior Member of this body. I think there has to be some comity. I think it comes with poor grace to object to a senior Member of the Senate who wishes to speak before a critical vote.

Now, the majority leader said in his opinion, or something to that effect, that I could speak after the motion had been decided upon, and there would be time allowed under the order, and there would be time then to make a speech. That was his opinion.

In this Senator's opinion, this Senator felt that it was important for this Senator to speak at that time. Not that I would have changed any votes, but I think I had the right to speak. What is the majority leader afraid of? What is the majority leader afraid of?

Mr. LOTT. Will the Senator yield?

Mr. BYRD. I will yield in a moment. I will accord the Senator that courtesy.

Mr. President, what is the majority leader afraid of? Is he afraid to hear an expression of opinion that may differ from his? As majority leader, I never did that. When I was majority leader, I sought to protect the rights of the minority. That is one of the great functions of this Senate, one of its reasons for being. I would defend to the death the right of any Senator in this body to speak. Fifteen minutes? Consider the time we have spent. We haven't spent a great deal of time on this treaty. I regret very much the majority leader saw fit to object to my request to speak.

Now, I am glad to yield to the distinguished majority leader. Mr. President, I ask that my rights to the floor be protected. I am not yielding the floor now.

Mr. LOTT. Mr. President, will the Senator yield to me to respond?

Mr. BYRD. Yes.

Mr. LOTT. Let me begin by saying the same thing Senator BYRD said at the beginning of his remarks. I respond without any sense of rancor. I know that sometimes in the Senate we get very intent and very passionate about issues. I know this issue is one we all are very concerned about, and passions do run high, as they should, because we have very strongly held opinions. Thank goodness, though, we still are able to do as we did last night, retire to another building and enjoy each other's friendship and company, and then we return to the issues at hand. We debate them mightily, with due respect and without rancor.

As far as the amount of time that has been spent on debate on this treaty, I went back and checked recent treaties. In fact, the only one that took as much time on the floor of the Senate as this treaty in recent history was the chemical weapons treaty, in which, I remind the Senator, I was also involved. Usually treaties are debated a day or two, 6 hours or 12 hours. I think this one is going to wind up being about 15 or 16 hours. I think we have had time to have the debate that was necessary on this issue. After all, it has been pending in various ways for at least 2 years, and the treaty was actually signed, I think, way back in 1995, if I recall correctly.

I understand what Senator BYRD is saying. I, too, have been around awhile. I know only Senator THURMOND can match your record. But I have been in Congress 27 years myself. I served in the House 16 years, where I was chairman of the Research Committee. I served 8 years as the whip of my party in the House. I have been in the Senate since 1989, where I served as secretary

of the conference, the whip, and leader. I understand the importance of the differences between the two bodies and the precedents and the tradition and the comity and the respect for each other. I have a great deal of respect and love for this institution and, in fact, for the Senator from West Virginia.

Having said all of that, this was a motion, a request. I made a motion to go back to the Executive Calendar, a nondebatable motion. Then there was a request in effect to have debate. It wasn't as if there wouldn't be debate on the substance of the treaty. There are almost 3 hours of time remaining on the treaty. But in that extra effort to be fair, so the closing debate would be equal, we have already yielded back 54 minutes so there would be 2 hours approximately on each side.

I want to make sure Senators have a chance to be heard and that their voices are not muted. Yours will not be, under the time we have left. But in that case, I thought the time would have delayed getting to a conclusion on this very important matter. It was a nondebatable motion, and we had time left for debate. I believed it was the correct thing to do. I regret the Senator feels strongly to the contrary.

I recognize that he has been not only not an impediment to my trying to do my job but quite often has been helpful. I appreciate that. I am sorry he feels that way.

I knew he was going to make the motion. I knew there was going to be an effort to have extended debate on a nondebatable motion to go back to a treaty, which I had, frankly, made a mistake, probably, in interrupting it to go to the Agriculture appropriations conference report. I did it because we need to get to these appropriations bills, as the Senator knows.

Majority leaders have to balance time schedules and views of Senators and different bills, appropriations bills, the desire to get to campaign finance reform. I gave my word to more than one Senator that we would begin today on campaign finance reform. I am still determined to keep that commitment. But if it is 8 or 9, they will say: Well, you didn't keep your word. It is too late. All of that came into play.

I assure you, I would want Senator BYRD's voice to be heard, Senator DASCHLE's, on any nondebatable motion and on this treaty. I am sure the time will come when I will stand up. In fact, I remember one occasion—Senator DODD will remember this because he came to me and said: I appreciate your doing that—when there was an effort to cut you off. I stood up and said no. I asked unanimous consent that the Senator have that time. I stood up when I thought it was unfair. This time, on a nondebatable motion to go back to the Executive Calendar, I thought it was unfair, in fact, to have an extended debate on that.

I appreciate your giving me a chance to respond. I hope we can work through this. We will get to a final vote. Sometimes we come up with agreements that allow things to go to another day. Sometimes we strive mightily and we can't reach that. And sometimes you just have to fulfill your constitutional responsibility and you just vote.

Mr. DASCHLE. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. LOTT. Mr. President, I ask unanimous consent that my time be taken out of our side and not yours.

Mr. DASCHLE. Mr. President, reserving the right to object. I ask unanimous consent that, since neither of the statements made by the Senators relates directly to the treaty, none of the time be taken out of the limited time remaining for debate on the treaty.

Mr. LOTT. Mr. President, I will not object.

I reiterate that we need to get to a conclusion on the debate and have the vote on this issue, so we can move to campaign finance reform, as I committed to Senator MCCAIN, within a reasonable hour tonight. But I will not object.

Also, I yield the floor because I don't want to eat up any more time in the late afternoon.

Mr. BYRD. The Senator doesn't have the floor to yield.

Mr. LOTT. I yield as far as my comments are concerned back to the Senator who has the time.

The PRESIDING OFFICER. Without objection, the time will be reasserted to its original agreed period for each side.

Mr. BYRD. If the distinguished majority leader will listen, I want his attention. I don't want to say anything behind his back. He might be offended. I want him to hear what I say and be able to respond to it.

Mr. President, the distinguished majority leader spoke about how long he served in the House. That had nothing to do with my request for 15 minutes. I served in the Senate 30 years before the distinguished majority leader ever got to the Senate. Two-thirds of the Members of this Senate have never served with me when I was majority leader in this Senate. Two-thirds. I am not interested in what the rules of the House are. I served over there.

I am interested in free speech, freedom of speech. May I say, in response to the distinguished majority leader, I know what the rules are. I know that the motion to return to executive session is not debatable. I know that very well. Mr. President, the distinguished majority leader alluded to an extension of debate on this treaty—something to the effect that he had heard there were going to be efforts to extend that debate. I am not one of those. I wasn't part of that, and I never heard of it. So help me God, I had no desire to extend the debate. I wanted to say something about that motion, not just about the treaty. I wanted to speak before the motion. I was denied that right—not that I would have changed any votes, but it is my right as a Senator.

There is too much of what the House does that we don't need to do in this Senate. I am afraid that too many Senators feel that we need to be like the House. This Senate exists for the protection of the minority, for one thing. It also exists to allow Members to speak freely and to their heart's content. I understand unanimous consent agreements. I have probably gotten more unanimous consent agreements than any other majority leader that ever was a part of this Senate. I walked in the Senator's shoes. I walked in the majority leader's shoes. But never—never—would I object to a Senator asking for 15 minutes to speak on a motion, notwithstanding the fact that the rules preclude debate. That is why unanimous consents have to be made. You have to get unanimous consent to speak in a situation like that. I was denied that.

Mr. President, this Senate needs to remember that we operate here by courtesy. We have to be courteous to one another. We have to remember that we work together for the country, we work for the Senate; and it is going to take cooperation and understanding. I try to be a gentleman to every Senator in this body. I don't think there is any Senator who can say I have not been a gentleman to him in my dealings with him or her. The Senate is for two main purposes; there are two things that make the Senate different from any other upper body in the world—the right to amend, which this side is often denied, and which I never denied. If there were 50, 60, or 70 amendments, I said find out from both sides how many Senators wanted to offer amendments and then we will try to get consent that there be no other amendments, and vote. So there is the right to amend and the right to speak—freedom of speech. As long as Senators may stand on their feet and speak as long as they wish, the liberties of the American people will be assured.

Mr. Leader, I will not carry this. I have said my piece today. I am offended by what the majority leader did, but I am going to forgive him. I am. I don't live with yesterday regarding relations in this Senate. I think too much of the Senate. That is why I am running again; I think too much of the Senate. I could retire and receive $21,500 more annually in my retirement than I will earn as a Senator. Besides, I could be free to take another job. But it isn't money that I seek; it isn't wealth that I seek. I love this Senate. I am a traditionalist. I live by the traditions of the Senate. I try to live by the rules of the Senate. I try to remember that if I offend a Senator today, he may be the very Senator who will help me tomorrow. I try to remember that. I try to make that a practice.

The majority leader made a mistake, if I may respectfully say so. But I will not hold that against him. I will shake

his hand when this is over, because first, last, and always I try to be a man, one who can look in the eye of my fellow man and, if I have done him wrong, I want to apologize to him before the Sun sets. That is my creed. We need to have better comity than we are having in the Senate—not that I will be a problem. But the American people are watching. They see this. And the majority leader has the votes. He doesn't have to be afraid of a motion the minority might make. He doesn't have to care what the minority may say. Nobody needs to be afraid of an opinion I might express before a vote. And no time is saved by it, as we now see. No time is saved. (Laughter)

If I had any real ill will in my heart, I would take the rest of the afternoon to speak, and maybe more. But I thank the majority leader for his kindness to me in the past. I understand his problems. I don't want to get in his way. I have said things behind his back that were good. I have talked about the attributes of this leader behind his back. And anything I say today, that is all; I am getting it off of my heart. The majority leader, I think, will contemplate what has been done here today and, in the long run—if I may offer a little bit of wisdom that I possess from my 41 years of experience in this body—he will be just a little less relentless in his drive to have the majority's will uncontested.

Remember, there will come a day when he will need the help of the minority. The minority has been right in history on a few occasions and may be right again. The day may come when the minority in the Senate of today will be the majority of tomorrow. If I am still living and in this Senate at that time, I will stand up for the rights of the minority because that is one of the main functions of the Senate.

Mr. President, I yield to the distinguished majority leader if he wishes to respond to anything I said.

Mr. LOTT. Mr. President, I thank the Senator for the offer to yield. I think I have said enough. I appreciate what he has had to say. I appreciate the fact that he has said his piece and we will move on about our business. That is my attitude, too.

Mr. DASCHLE. Mr. President, could the Chair clarify as to the amount of time remaining on both sides?

The PRESIDING OFFICER. There are 45 minutes 41 seconds on the Senator's side, and 54 minutes on the Republican side.

Mr. DASCHLE. The Democratic side has 45 minutes remaining?

The PRESIDING OFFICER. Forty-five minutes 41 seconds.

Mr. BIDEN. Mr. President, parliamentary inquiry: Was that what we had prior to the motion to go back into executive session?

The PRESIDING OFFICER. No. The clock was reset. It was timed according to the original agreement, the original time the Democratic leader had been allotted.

Mr. BIDEN. Parliamentary inquiry: I thought it was 54 minutes.

The PRESIDING OFFICER. Fifty-four minutes, and then the Senator from West Virginia spoke again, and that time was deducted.

Mr. BIDEN. I ask unanimous consent that the whole colloquy —all of what took place—not go against the time of either side because I thought that was the request the minority leader made. I hope we can do that. We have a number of Senators wishing to speak. It is only 54 minutes on each side. I would appreciate it if there would not be an objection to that unanimous consent request. The clock started, 54 minutes per side; ready, get set, go.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. I object.

Mr. BIDEN. I thank my friend. I thank him for the courtesy.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. DASCHLE. Mr. President, I am going to use my leader time. I understand I don't have to use a unanimous consent request to obtain the 20 minutes available to me. I will not use the full 20 minutes.

My colleagues are going to rise to speak to the treaty itself. Up until now, I have refrained from talking about the deliberations themselves, but I think for the RECORD it is important for us to state how it is we got here.

We just cast a vote of profound consequence. The choice that vote presented the Senate this afternoon was quite simple. It was a choice between statesmanship or partisanship.

This was not just a procedural motion. Let's begin with that understanding. The motion that just passed on a party line vote was a vote to kill the test ban treaty. What is all the more important—and people should understand—was that there was no requirement that we cast this vote. This vote was not necessary. We did not have to go to executive session. We could have precluded that vote. Nothing on the Executive Calendar would have been affected adversely by allowing the treaty to stay on the Executive Calendar.

So everyone ought to understand that. This was a voluntary choice made by the majority leader.

That is the first point.

The second point relates to how it is we got here.

This treaty was submitted, as has been repeatedly stated in the RECORD, on September 22, 1997. Ever since that time, my colleagues on this side of the aisle have requested that there be hearings, that there be some thorough consideration of this very important matter.

A number of other countries have already made the decision we were asking this body to make. One-hundred and fifty have signed it. Fifty-one countries have voted already to ratify it.

We were asking that there be hearings.

I don't know where the majority leader got his information about the length of time this treaty has been debated versus all the other treaties. It is interesting. I will submit for the RECORD all of the treaties and the consideration given them since 1972.

But just quickly to summarize, it is important to note that the Intermediate Nuclear Force Treaty took 23 days of committee hearings and 9 days of floor consideration.

The START I treaty took 19 days of hearings and 5 days of floor consideration.

The Antiballistic Missile Treaty, approved in 1972, took 8 days of hearings and 18 days—more than half a month—of consideration on the Senate floor.

Mr. President, we have had a couple of days on this particular issue. I ask unanimous consent that the entire list of treaties and the amount of time given them on the floor and in committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE CONSIDERATION OF MAJOR ARMS CONTROL AND SECURITY TREATIES—1972–1999

Anti-Ballistic Missile Treaty/SALT I (approved 1972):

Eight days of Foreign Relations Committee hearings;

Eighteen days of Senate floor consideration.

Intermediate Nuclear Forces (INF) Treaty (1988):

Twenty-three days of Foreign Relations Committee hearings;

Nine days of Senate floor consideration.

Conventional Forces in Europe (CFE) Treaty (1991):

Five days of Foreign Relations Committee hearings;

Two days of Senate floor consideration.

START I Treaty (1992):

Nineteen days of Foreign Relations Committee hearings;

Five days of Senate floor consideration.

START II Treaty (1996):

Eight days of Foreign Relations Committee hearings;

Three days of Senate floor consideration.

Chemical Weapons Convention (1997):

Fourteen days of Foreign Relations Committee hearings;

Three days of floor consideration.

NATO Enlargement (1998):

Seven days of Foreign Relations Committee hearings;

Eight days of floor consideration.

Comprehensive Test Ban Treaty (submitted 1997):

One day of Foreign Relations Committee hearings (scheduled).

Mr. DASCHLE. Mr. President, what Democrats sought, very simply, was complete consideration in all the committees for whatever time it may have taken to ensure we have established the kind of record we established on all the other treaties before we voted on them. That is what we asked. That is what we sought in our letter to the Majority Leader.

The Republicans' response was cynical. They proposed we limit debate to 14 hours, that there be one amendment on a side, and that no time be given to

proper hearings. They left us as Democrats the choice: Filibuster the treaty on which we have called for consideration, or accept a unanimous consent agreement.

There was one reason that Republicans forced this choice—one reason, and one reason only. It was a partisan attempt to embarrass the President and embarrass Democrats. That was the reason.

So it is now clear, based upon a letter being circulated by Senator WARNER and others, that the President should delay consideration of this treaty. Over 51 Senators have now signed a letter circulated by Senators MOYNIHAN and WARNER. Nearly 60 Senators—a majority—have now said we ought to postpone consideration of this treaty.

In fact, based upon this clear belief on the part of a majority of my colleagues on both sides of the aisle, I encouraged the President to submit a statement asking the Senate to delay the vote. He did. A couple of days ago, he made a formal request that the Senate delay consideration of this treaty until a later date to allow ample consideration of all the questions raised and the tremendous opportunities presented by this treaty.

The Joint Chiefs of Staff have made similar requests. The Secretary of Defense, the Secretary of State, former Secretaries of Defense, former Chairs of the Joint Chiefs of Staff have all recommended publicly and privately that this treaty consideration be delayed.

I added to the voice yesterday. I submitted a letter to the majority leader wherein I was willing personally to commit to hold over on a final vote for the rest of this Congress, barring any unforeseen and extraordinary circumstances as defined by myself and the Majority Leader. We may have seen an example just yesterday of just such a circumstance. What happens in Pakistan, what happens in India, what happens in North Korea, what happens in the Middle East, what happens in Iraq and Iran, what happens in an awful lot of those countries could have a profound effect on the decisions made in the Senate over the course of the next 14 months.

Yet it was the view expressed by some in the majority, and now apparently all in the majority, that even in the most extraordinary circumstances, the Senate will not take up this treaty. Now we are left with nothing more than an up-or-down vote on the treaty itself.

Now I have heard the latest rumor. In the last couple of hours, we are told that it is article 18 of the Vienna Convention that requires us to act. Mr. President, nothing could be farther from the truth—nothing. Nothing in article 18 requires us to vote. The obligations of a signatory have already attached to the United States and will continue to do so until the President, only the President, makes clear the United States' intent not to become a party.

The Senate will not change this by voting the treaty down or suspending its consideration today. So don't let anyone mislead this body about the ramifications of article 18.

We find ourselves now at the end of this debate with the recognition on the part of Members in our caucus that, of all of our solemn constitutional responsibilities, there cannot be one of greater import than the consideration of a treaty. And, remarkably, incredibly, no constitutional obligation has been treated so cavalierly, so casually, as this treaty on this day. This is a terrible, terrible mistake. If it's true that politics should stop at the water's edge, it is also true that politics should stop at the door to this chamber when we are considering matters of such grave import.

I urge those colleagues who have yet to make up their minds about this treaty to do the right thing; to support it, to recognize the profound ramifications of failure, to pass it today.

I yield the floor.

Mr. DORGAN. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. DORGAN. Mr. President, I think there was a misunderstanding regarding the previous unanimous consent request.

My understanding is the Senator from South Dakota asked unanimous consent that the presentation by Senator BYRD and the discussion between Senator BYRD and the majority leader not come out of the allocated time. I think each side had 54 minutes remaining. The Chair indicated Senator BYRD spoke twice. Senator BYRD was recognized once and did not relinquish the floor. I am not suggesting there was anything deliberate, but I think there was a misunderstanding with respect to the time that should exist. I think this side should have had 54 minutes based on the unanimous consent request made by the Senator from South Dakota.

Mr. DASCHLE. Mr. President, I also thought we had reached a unanimous consent understanding that there would not be time taken off either side for the colloquy that Senators BYRD and LOTT encountered.

As I understand it, the Chair ruled that the time up until the point that I made the unanimous consent request was not going to be taken from either side, but the remaining time was counted against us. I was making the assumption that the entire colloquy would be left outside our timeframe, and I again make that unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, I don't object, but I ask the Senator to withhold because I think we have a solution to it that will be satisfactory to both sides.

Mr. DASCHLE. I will withhold the unanimous consent request and look forward to that discussion.

I yield the floor.

Mr. HELMS. Mr. President, what is the existing time now—post the minority leader's request?

The PRESIDING OFFICER. The Senator from North Carolina has 54 minutes and there are 48 minutes 41 seconds on the other side.

Mr. HELMS. The proposal I make is that I yield back all time under our control with the exception of 45 minutes. This action again makes the time remaining exactly equal on both sides, or at least I hope it does.

The PRESIDING OFFICER. The Senator has that right. Is there objection?

Mr. DORGAN. Reserving the right to object.

Mr. DASCHLE. Reserving the right to object, if that is the Senator's solution, I am disappointed. We have a number of Senators who have not yet had the opportunity to speak. As it is, it is going to be very difficult to divide what remaining time there is.

I renew the unanimous consent request that we be given the 54 minutes that we understood we were entitled to when I made the first unanimous consent request.

Mr. HELMS. Reserving the right to object.

Mr. INHOFE. Reserving the right to object.

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, what is the time the minority leader has under his proposal?

The PRESIDING OFFICER. The minority has 48 minutes.

Mr. HELMS. We have a 3-minute difference; is that correct?

Mr. DASCHLE. Six minutes.

Mr. HELMS. The Chair says 48 minutes.

Mr. DASCHLE. I am asking for the 54 minutes the Senate was originally allotting either side when this debate began.

Mr. HELMS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HELMS. I yield back all time under the control with the exception of 45 minutes. This action, again, makes the time remaining equal on both sides.

The PRESIDING OFFICER. The Senator has that right.

Mr. HELMS. If they want to object to that, let them try.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I am going to ask speakers on both sides to have no conversation because we have very little time. I say to the Senators on my side, we are limiting ourselves as far as it will go to 5 minutes per Senator.

I ask unanimous consent to have printed in the RECORD a letter from the distinguished former Secretary of State, Henry Kissinger.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 13, 1999.

Hon. JESSE HELMS,
Chairman, Foreign Relations Committee,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, I—together with former National Security Adviser Brent Scowcroft and former CIA Director and Deputy Secretary of Defense John Deutch—had recommended in a letter dated October 5th to Senators Lott and Daschle and in an op-ed in the October 6th Washington Post that a vote on ratification of the Comprehensive Nuclear Test Ban Treaty be postponed to permit a further discussion and clarification of the issues now too controversial. This having proved unachievable, I am obliged to state my position.

As a former Secretary of State, I find the prospect that a major treaty might fail to be ratified extremely painful. But the subject of this treaty concerns the future security of the United States and involves risks that make it impossible for me to recommend voting for the treaty as it now stands.

My concerns are as follows:

IMPORTANCE OF NUCLEAR WEAPONS

For the entire postwar period, the American nuclear arsenal has been America's ultimate shield and that of our allies. Though we no longer face the same massive threat that we did during the Cold War, new dangers have arisen. Our nuclear arsenal is our principal deterrent to the possible use of biological and chemical warfare against America, our military, and our allies.

VERIFICATION

Almost all experts agree that nuclear tests below some yield threshold remain unverifiable and that this threshold can be raised by technical means. It seems to me highly dangerous to leave such a vacuum regarding a matter fundamentally affecting the security of the United States. And the fact that this treaty is of indefinite duration compounds the problem. The CIA's concerns about recent ambiguous activities by Russia, as reported in the media, illustrate difficulties that will only be compounded by the passage of time.

Supporters of the treaty argue that, because of their small yield, these tests cannot be significant and that the treaty would therefore ''lock in'' our advantages vis-a-vis other nuclear powers and aspirants. I do not know how they can be so sure of this in an age of rapidly exploding technology and whether, on the contrary, this may not work to the advantage of nations seeking to close this gap. After all, victory in the Cold War was achieved in part because we kept increasing, and not freezing, our technological edge.

NUCLEAR STOCKPILE

I am not a technical expert on such issues as proof testing, aging of nuclear material, and reworking existing warheads. But I find it impossible to ignore the concern about the treaty expressed by six former Secretaries of Defense and several former CIA Directors and National Security Advisers. I am aware that experts from the weapons laboratories have argued that there are ingenious ways to mitigate these concerns. On the other hand, there is a difference between the opinion of experts from laboratories and policymakers' confidence in the reliability of these weapons as our existing stockpile ages. When national security is involved, one should not proceed in the face of such doubts.

SANCTIONS

Another fundamental problem is the weakness of the enforcement mechanism. In theory, we have a right to abrogate the treaty when the ''supreme national survival'' is involved. But this option is more theoretical than practical. In a bilateral treaty, the reluctance to resort to abrogation is powerful enough; in a multilateral treaty of indefinite duration, this reluctance would be even more acute. It is not clear how we would respond to a set of violations by an individual country or, indeed, what response would be meaningful or whether, say, an Iranian test could be said to threaten the supreme national survival.

NON-PROLIFERATION

I am not persuaded that the proposed treaty would inhibit nuclear proliferation. Restraint by the major powers has never been a significant factor in the decisions of other nuclear aspirants, which are driven by local rivalries and security needs. Nor is the behavior of rogue states such as Iraq, Iran, or North Korea likely to be affected by this treaty. They either will not sign or, if they sign, will cheat. And countries relying on our nuclear umbrella might be induced by declining confidence in our arsenal—and the general impression of denuclearization—to accelerate their own efforts.

For all these reasons, I cannot recommend a vote for a comprehensive test ban of unlimited duration.

I hope this is helpful.

Sincerely,

HENRY A. KISSINGER.

Mr. HELMS. Mr. President, the Senate is moving toward the end of an historic confrontation against the most egregious arms control treaty ever presented to this body for its advice and consent.

The CTBT is a dangerous treaty which, if ratified, would do enormous harm to our national security. It will not and cannot accomplish its highly exaggerated stated goal of halting the spread of nuclear weapons, because as the CIA has repeatedly made clear the CTBT cannot be verified. Moreover, at the same time, it would undermine America's security by undermining confidence in the safety and reliability of our nuclear arsenal.

It is for these reasons that the Senate is prepared to vote down this treaty.

Unable—indeed unwilling even to try to respond to these facts, the White House has spitefully argued that Republicans are ''playing politics'' with the national security of the United States—a spurious charge, which is one of many reasons why the administration has failed to convince Senators who have raised substantive concerns.

Mr. President, the Senate Republicans' purpose in opposing this treaty is not because we seek to score political points against a lame-duck administration.

We are opposed because the CTBT is unverifiable, and because it will endanger the safety and reliability of the U.S. nuclear arsenal. Those who support the CTBT have failed to make a compelling case, and that, Mr. President, is precisely why the CTBT is headed for defeat.

The President and his Senate allies have mouthed the charge that the process has been ''unfair''—that Republicans are ramming this vote through the Senate in what the White House has falsely asserted as a ''blind rush to judgment.''

Let's examine the record: The Senate has held seven separate hearings exclusively on the CTBT—three in the Government Affairs Committee, three in the Armed Services Committee and one final, day-long marathon hearing in the Foreign Relations Committee with 11 different witnesses. It is instructive that, after demanding for months that the Foreign Relations Committee hold hearings, only a handful of Democrat Senators even bothered to show up.

As for floor debate, we scheduled 22 hours of debate on the CTBT—more than any other arms control treaty in recent history. By contrast, the Senate held just 6 hours of debate on Conventional Forces in Europe Treaty; 9½ hours on the START Treaty; 6 hours on the START II treaty; 18 hours on the Chemical Weapons Convention; and just 2 hours on the Conventional Forces in Europe Flank Agreement.

Well, then, some of them have falsely charged, Republicans pushed their unanimous-consent request through an unsuspecting Senate, on a Friday when few Senators were in town to discuss and consider it—a demonstrably false allegation.

The majority leader shared our draft unanimous-consent request with the minority leader on Wednesday, September 29. He offered it on the Senate floor the next day, Thursday, September 30. The minority objected, and asked for more time to consider it. After consulting with the White House, with the State Department, and with the Democrat Caucus, they came back with a request for more time for the debate.

We agreed to give them an additional week before the vote, and 12 additional hours of floor debate. Then on Friday October 1—after 3 days of internal discussion—they finally agreed to a unanimous consent for a vote they had vociferously demanded for two full years. And they are complaining that we are rushing to judgment? As my friend, Senator BIDEN has often pleaded during this debate; Give me a break!

So the ''politics'' argument failed, and the ''process'' argument failed. Now they are turning in desperation to the ''Chicken Little'' argument, warning us of the ''disastrous'' consequences should the Senate reject the CTBT.

If we vote the CTBT down, they warn, India and Pakistan may well proceed with nuclear test. Well, as Senator BIDEN may plead: Give me a break! That horse has already left the barn. India and Pakistan have already tested. Why did they test in the first place? Because of the Clinton administration's failed nuclear nonproliferation policies.

For years, India watched as Red China transferred M–11 missiles to their adversary, Pakistan. They watched as this administration stood by—despite incontrovertible evidence from our intelligence community that such transfers were taking place—and refused to impose sanctions on China that are required by law. As a result,

they made an unfortunate but understandable calculation that the President of the United States is not serious about non-proliferation, and that this White House is unwilling to impose a real cost on proliferating nations.

The fact of the matter is that no matter how the Senate votes on the CTBT, nations with nuclear ambitions will continue to develop those weapons. Russia and China will continue their clandestine nuclear testing programs.

North Korea will not sign or ratify the CTBT, and will continue to blackmail the West with its nuclear program. And India and Pakistan will probably test again—no matter what we do today. Because these nations know that this administration is unwilling to impose any real costs on such violations.

By defeating this treaty, the Senate will not change this calculus one iota. We will not be giving a ''green light'' for nuclear testing. Such tests by non-nuclear states are already a violation of the international norm established by the Nuclear Nonproliferation Treaty. The proliferation we have witnessed in recent years has been a result of the administration's failure to enforce that existing norm, and place a real costs on violations of that norm.

Mr. President, only a willingness to impose real penalties on such violations will prevent the expansion of the nuclear club. Papering over the problem with a worthless piece of paper like the CTBT will accomplish nothing.

Let me suggest something that will happen when we defeat this treaty. This administration, and future administrations, will henceforth think twice before signing more bad treaties which cannot pass muster in the United States Senate.

This administration clearly wants the Senate's ''consent'' on treaties, but they are not interested in the Senate's ''advice.'' If they had asked our ''advice'' on the CTBT before they signed it, they would have known well in advance that an unvertifiable, permanent, zero-yield ban on all nuclear tests would be defeated. They would have negotiated a treaty that could be ratified.

Mr. President, when the debate ends today, there must be no ambiguity about the status of the CTBT. The Senate must make clear that this treaty is dead. Unless we vote today to explicitly reject the CTBT, under customary international law the U.S. will be bound by the terms of this treaty. The CTBT will be effectively in force. That is an unacceptable outcome.

Why must the Senate defeat the CTBT? The answer is clear: Because the next administration must be left free to establish its own nuclear testing and nuclear nonproliferation policies, unencumbered by the failed policies of the current, outgoing administration. We must have a clean break, so that the new President can re-establish American credibility in the world on non-proliferation. A credibility not based on scraps of paper, but on clear American resolve.

Mr. President, we must vote on this treaty and we must reject it. It is our duty and solemn responsibility under the Constitution.

I yield the floor and reserve the remainder of our time.

Mr. BIDEN. I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, as a Member of the Foreign Relations Committee I sat through the day of hearings. And even in that short time—and I know you and I were there together—I was thoroughly convinced that our country will be more secure if we sign on and we ratify this treaty than if we do not.

I think we have a very stark choice. We can continue to lead the world in stopping the spread of nuclear weapons by supporting this treaty or we can start a nuclear chain reaction by opposing it. I pray that we will support this treaty.

As I said in the committee, when I was a child in grammar school—and I think a lot of you might remember this—America faced a real threat of nuclear war. In my public school we had emergency drills. We were taught that if we hid underneath our desks and we covered our eyes and we turned away from the windows, we would survive a nuclear strike. We were taught that the wood from our desks would save us from the massive destruction caused by a nuclear weapon. We also were made to wear dog tags around our necks. We were so proud of that. We thought we were being just like the people in the Army. We didn't realize the true purpose of the dog tag was so that someone could identify our body after a nuclear strike.

The kids in my generation really didn't know that much. But the kids in later generations certainly did. When I was in the House, Congressman George Miller set up a Select Committee on Children, Youth, and Families. One of our first hearings was on the impact of the nuclear disaster that was looming ahead of our children. So we had testimony from children that they feared for their lives. I do not want to go back to those days when the children of the 1980s feared a nuclear strike, or my days, when we feared a nuclear strike.

I have heard the concerns raised about the treaty. And, as I see it, the two main arguments against the treaty are verifiability and the condition of our stockpile stewardship program.

So like most Members of the Senate, I look at what the experts say on these two issues. Last week, the Secretary of Defense testified on the verification issue. He said, ''I am confident that the United States will be able to detect a level of testing and the yield and the number of tests by which a state could undermine our U.S. nuclear deterrent.''

The Chairman of the Joint Chiefs, General Henry Shelton testified, ''The CTBT will help limit the development of more advanced and destructive weapons and inhibit the ability of more countries to acquire nuclear weapons. In short, the world would be a safer place with the treaty than without it, and it is in our national security interests to ratify the CTBT treaty.'' In fact, four former Chairmen of the Joint Chiefs who served under the Carter, Reagan, Bush, and Clinton administrations have come out in favor of the treaty.

On the condition of our nuclear stockpile, I turned to the directors of our three national laboratories. They all support ratification of the CTBT saying ''we are confident that the Stockpile Stewardship program will enable us to maintain America's nuclear deterrent without nuclear testing.''

I've also received a letter from 32 physics Nobel Laureates in support of the CTBT. In discussing the stockpile issue, they write,

> Fully informed technical studies have concluded that continued nuclear testing is not required to retain confidence in the safety, reliability and performance of nuclear weapons in the United States' stockpile, provided science and technology programs necessary for stockpile stewardship are maintained.

Let me also point out that the Senate has passed an amendment to the resolution of ratification stating that if ''the President determines that nuclear testing is necessary to assure, with a high degree of confidence, the safety and reliability of the United States nuclear weapons stockpile, the President shall consult promptly with the Senate and withdraw from the Treaty . . . in order to conduct whatever testing might be required.''

If our stockpile is not safe and reliable, the President will withdraw from the treaty. There doesn't have to be a Senate vote. It's not going to get bogged down in rules of the Senate. If there is a supreme national interest in withdrawing from the treaty, we will withdraw.

I also think it is important to look at the risks of not going forward with this treaty. How can the United States tell Pakistan, India, and China not to test their nuclear weapons if we don't ratify this treaty? How can we go to our friends and say, don't give Iran the technology to produce weapons of mass destruction? I fear that our failure to ratify this treaty will set off a nuclear ''chain reaction'' throughout the world that the United States will long regret.

An editorial in the San Francisco Chronicle puts it best in saying ''A global treaty that invites every country to step forward or face condemnation is the only way to corral nuclear danger. If the world feels hostile and uncertain now, wait five years without the ban.''

We can turn it around today if we vote for this treaty. I think there are many protections in it which allow the President, any President, to say: We should go back to testing.

I yield the floor.

(Disturbance in the Visitors' Galleries)

Mr. HELMS. May we have order in the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, in these brief moments, 5 minutes for each Senator—I think it is probably not a bad idea because we have had so many hours and hours and hours of debate on this it is becoming redundant now—I would like to use this brief period of time only to bring out a couple of things that need to be reemphasized.

First of all, mistakenly—certainly not intentionally—some of the Members have stood on this floor and have implied that the Directors of our labs are in support of this treaty. I think it is very important to hear a quote from one of the Directors, C. Paul Robinson, Dr. Robinson, from Sandia National Lab, speaking in behalf of all three of the Directors.

He said:

> I and others [that's the other three] who are or have been responsible for the safety and reliability of the U.S. stockpile of nuclear weapons have testified to this obvious conclusion many times in the past. To forgo that validation through testing is, in short, to live with uncertainty.

He goes on to say:

> If the United States scrupulously restricts itself to zero yield while other nations may conduct experiments up to the threshold of international detectability, we will be at an intolerable disadvantage.

I can't think of anything worse than to be at an intolerable disadvantage.

Second, it has been implied that all these Presidents have been for it in the past, Eisenhower and Bush, and everyone has been for this treaty. In fact, this is not true. I am sure those who stated it thought it was true, but it is not true. Only President Clinton has come forth with a treaty that is a zero-yield treaty—that is no testing at all—that is unlimited in duration—not 10 years as it was in the case of Eisenhower—and unverifiable. So this is the first time. It would be unprecedented if this were to happen.

Third, I hear so many objections as to the unfairness. It doesn't really matter how much time there has been devoted for the debate on this. Everyone out there, Democrats or Republicans, any one person could have stopped this. This was a unanimous consent. It is true we had three times the time that was allocated for debate on the CFE treaty, twice the time on the START I, three times the time that was allocated on START II. That is important, of course. It shows that we did give adequate time. But the point is, any Senator could have objected. That means every Senator endorsed this schedule by which this was going to be handled.

With the remaining minute that I have, let me just say, as chairman of the readiness committee, I have a very serious concern. We have stood on the floor of this Senate and have tried to stop the President of the United States, this President, Bill Clinton, from vetoing our defense authorization bills going back to and including 1993, stating in his veto message that he doesn't want any money for a National Missile Defense System. He has fought us all the way. We would have had one deployed by fiscal year 1998 except for his vetoes. But he has vetoed it. That means that there is no deterrent left except a nuclear deterrent. That means if a missile comes over, we can't knock the missile down so we have to rely on our ability to have a nuclear deterrent in our stockpile that works. And all the experts have said they don't work now. We can't tell for sure whether they work now.

We have stood on the floor of this Senate with a chart that shows, on all nine of the nuclear weapons, as to whether or not they are working today. We do not really know because we haven't tested in 7 years. Testing is necessary. We would be putting ourselves in a position where we have no missile defense so we have to rely on a nuclear deterrent. We don't know whether or not that nuclear deterrent works.

Last, I would say I wasn't real sure what the minority leader was talking about when he talked about article 18 of the Vienna Convention. I will just read it one more time so we know if we do not kill this and kill it now, we are going to have to live under it. It states:

> A State is obliged to refrain from arguments which would defeat the object and purpose of a treaty when it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intentions clear not to become a party to the treaty.

That is what this is all about. We are the Senate that is going to reject this treaty.

Mr. KOHL. Mr. President, I rise to urge my colleagues to ratify the Comprehensive Test Ban Treaty. If two-thirds of this body fails to ratify the treaty, we are squandering a unique opportunity to make the world a safer place for our children.

The Comprehensive Test Ban Treaty is really quite simple: It bans all nuclear explosives testing for weapons or any other purposes. This treaty does not ban nuclear weapons. We currently have some 6,000 nuclear weapons in our arsenal. Nothing in this treaty requires us to give up these weapons. Nor does the Comprehensive Test Ban Treaty require us to limit our own nuclear testing in a way that we have not already chosen to do unilaterally. Yet, opponents of the treaty have painted a picture of dire consequences and doom that requires a response.

The history of the 20th century is replete with lessons about the danger posed to us by nuclear weapons. Those of us who remember when the United States dropped atomic bombs on Hiroshima and Nagasaki towards the end of World War II are vividly aware of the consequences of the use of nuclear weapons. Nuclear arms are not a dry topic for policy debate. They are devastating weapons that have been used and could be used again by any nation that currently possesses nuclear weapons or the capability to develop them.

It was not so long ago that we were in the midst of a nuclear arms race during the Cold War. Those of us who remember the Cuban missile crisis and the palpable fear that swept across the country at that time are well aware of the dangerous potential for a crisis to escalate between nations with nuclear capabilities. Yet in the midst of the Cold War, we were able to negotiate the 1963 Limited Test Ban Treaty which prohibits nuclear explosions for weapons testing in the atmosphere, outer space and under water.

Must we be on the brink of crisis or engaged in another arms race to recognize the value of a nuclear test ban treaty? The Berlin Wall may have fallen and the Cold War may be over but the possibility of new and threatening nuclear powers emerging in the next century must still inform our national security policy. Our formidable stockpile of weapons may serve as a deterrent to the current nuclear weapon states, but far more frightening is the prospect of nuclear weapons falling into the hands of a rogue nation or terrorist organization.

There is no question that a world without nuclear weapons is a safer one. However, we have long moved beyond that point. Rather, we have pursued—for the most part in a bipartisan fashion—arms control agreements and policies to stem the spread of nuclear weapons. Thus, it defies logic that the Senate would not embrace this tool to help us ensure that there are fewer nuclear weapons and fewer advanced nuclear weapons. Without nuclear explosive testing, those attempting to acquire new nuclear weapons cannot be confident that these weapons will work as intended. Banning testing is tantamount to banning the development of nuclear weapons.

Since the signing of the CTBT treaty, 154 states have signed the treaty and 51 have ratified it. A smaller group of 44 states which have nuclear power reactors or nuclear research reactors and are members of the Conference on Disarmament are required to ratify the treaty for it to go into force. Of this group, 41 have signed the treaty and 26 have ratified it. Today, only five countries are nuclear weapons states and only three countries are considered to be nuclear ''threshold'' states. Limiting nuclear explosive testing is the key to keeping the number of nuclear weapon states down.

For those of my colleagues who see no value in pursuing arms control and policies to limit the development of nuclear weapons—weapons that one day may be directed toward us or our allies I say that you are out of step with the American people. Arms control does not compromise our national

security: it bolsters it. Polling on this issue and other arms control issues indicate that the American people recognize that we are safer if there are fewer nuclear arms in the world, especially when we continue to have the most robust conventional and nuclear forces in the world.

Indeed, the CTBT locks in our nuclear superiority, for it is the U.S. government that has conducted more nuclear explosive tests than any other nation. We are integrating the knowledge acquired during our 1000-plus tests with ongoing non-nuclear testing and the science-based Stockpile Stewardship program to monitor the reliability of our weapons. Although some critics have described this approach as risky and incomplete, the three directors of our nuclear weapons labs have all affirmed that this approach is sufficient to maintain the safety and reliability of our stockpile. And, they will continue to review these findings on an annual basis.

Should the lab directors be unable to vouch for the safety and reliability of our nuclear weapons, I have no doubt that they will advise the President accordingly. For the safeguards package accompanying the treaty, and reflecting current U.S. policy relative to the treaty, states that the CTBT is conditioned on:

> The understanding that if the President of the United States is informed by the Secretary of Defense and the Secretary of Energy (DOE)—advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories and the Commander of the U.S. Strategic Command—that a high level of confidence in the safety or reliability of a nuclear weapon type which the two Secretaries consider to be critical to our nuclear deterrent could no longer be certified, the President, in consultation with Congress, would be prepared to withdraw from the CTBT under the standard ''supreme national interests'' clause in order to conduct whatever testing might be required.

In fact, opponents argue that this treaty cannot restrain nations from testing nuclear weapons because there is nothing to prevent nations from withdrawing from the treaty. That is the case, of course, for all international treaties. While there are no guarantees that this treaty will stop nations from testing, signing the CTBT makes it more difficult for a nation to conduct nuclear tests. A nation must balance its desire to conduct nuclear tests with the likelihood it will be subject to international condemnation. Will we be able to overcome international pressure should the President be advised that we need to conduct nuclear explosive tests again? I am hopeful we will never reach that point, but given the willingness of some members to reject this treaty today, I don't believe that international pressure will prevent us from heeding the advice of our nation's nuclear weapons experts.

We have heard much over the last few days from those who say that we should reject the CTBT because the treaty is not verifiable. Yes, there are some nuclear tests we will not be able to verify, particularly at the lowest levels. This would be the case whether the treaty was in force or not. There is a strong case to be made, however, that tests difficult to verify are at low enough levels to render them militarily insignificant. Treaty opponents also neglect to mention that we are worse off in our ability to monitor nuclear testing around the world without the CTBT. As Secretary Cohen stated in his testimony to the Armed Services Committee last week, ''I think that our capacity to verify tests will be enhanced and increased under the treaty by virtue of the fact that we'd have several hundred more monitoring sites across the globe that will aid and assist our national technical means.''

If we fail to ratify the CTBT not only are we squandering an opportunity to advance our own national security interests by limiting nuclear testing, but we are at risk of undermining everything we have achieved until now to stem the spread of nuclear weapons. As Paul Nitze, President Reagan's arms control negotiator, explained:

> If the CTBT is not ratified in a timely manner it will gravely undermine U.S. nonproliferation policy. The Nuclear Non-Proliferation Treaty (NPT), the primary tool for preventing the spread of nuclear weapons, was made permanent in 1995 based on a firm commitment by the United States and the other nuclear weapon states to negotiate a CTBT by 1996. Violation of the spirit, if not the letter of this NPT related commitment of 1995 could give nations an excuse to withdraw from the Treaty, potentially causing the NPT regime to begin to erode and allowing fears of widespread acquisition of nuclear weapons by many nations to become reality.
>
> By taking away the most significant weapon in the battle to prevent their spread, failure to ratify the CTBT would fundamentally weaken our national security and facilitate the spread of nuclear weapons. Instead of being a leader in the fight against nuclear proliferation, the United States would have itself struck a blow against the NPT.

Our military leaders have also been advocates for the CTBT. The current Chairman of the Joint Chiefs of Staff echoed Mr. Nitze's remarks when he said in his testimony last week, ''The CTBT will help limit the development of more advanced and destructive weapons and inhibit the ability of more countries to acquire nuclear weapons. In short, the world will be a safer place with the treaty than without it, and it is in our national security interests to ratify the CTBT treaty.'' Four of the previous five chairmen of the Joint Chiefs of Staff support our ratification of the Comprehensive Test Ban Treaty.

The CTBT is not the product of one administration. Rather it is the culmination of the work and ideas of several administrations. The decision to place a moratorium on nuclear testing was first made in 1992, by President George Bush when he announced a five-year moratorium on tests to develop new warheads, and then when he signed legislation containing the Hatfield-Exon-Mitchell amendment banning nuclear testing for at least one year. That testing moratorium has been maintained by President Clinton. And, none of the major presidential candidates have said that they are prepared to end this moratorium and begin conducting nuclear tests.

This treaty is not a Democratic treaty: It was President Eisenhower who said that the failure to achieve a nuclear test ban was one of greatest disappointments of his administration. And it was President Eisenhower who said, ''This Government has stood, throughout, for complete abolition of weapons testing subject only to the attainment of agreed and adequate methods of inspection and control.'' Mr. President, that day has arrived.

This treaty is an American achievement. It was American determination and leadership that brought the CTBT negotiations to conclusion, and it is American leadership which invigorates international arms control efforts in general. I support these efforts.

The debate we are having is being watched around the world. Our allies are dumbfounded that we are on the verge of defeating the CTBT and so am I.

I deplore the partisanship which has underscored this debate. This treaty is not about politics. I urge my colleagues to review the merits of this treaty in a non-partisan fashion. It is clear from the partisan divide that this issue is very much caught up in the politics of this institution. So, I wish we had put off further debate and a vote on ratification for another day and give the Comprehensive Test Ban Treaty the unbiased scrutiny it deserves.

Mr. GORTON. Mr. President, I have followed the Senate's consideration of the Comprehensive Test Ban Treaty with great interest, and am impressed particularly with the statement made last Thursday by Senator LUGAR—whose experience and knowledge on matters of foreign affairs and national security is highly respected by both Republicans and Democrats. I associate myself completely with his views.

I agree with Senator LUGAR that this treaty is unverifiable, jeopardizes our national security by eliminating our ability to modernize and increase the safety of our existing weapons, and will fail to achieve its principal goal: to provoke a roll call of countries that the simple phrase ''rogue nations'' conjures up in the minds of all Americans (North Korea, Iraq, and Iran, as well as China, Russia, India, and Pakistan) to refrain from engaging in nuclear testing.

First, I join Senator LUGAR in expressing my regret that the Senate is considering the treaty at this time. It has been my strong preference that consideration of the treaty take place after the election of the next President. President Clinton's record on this treaty has been one of political maneuvering and a legacy quest, with shockingly little attention dedicated to how this treaty serves our nation's

security and foreign policy objectives. But the timing of the debate and its duration are both the results of demands by the President and Senate Democratic leader.

My support for allowing a new President, should he or she support the treaty, to make his case to the Senate based upon its merits and that administration's broad foreign policy goals, however, does not mean I am not fully prepared to vote against the treaty if the vote takes place at this time.

Senator LUGAR presented a thoughtful and well-reasoned, though devastating, indictment of the treaty: the treaty will prevent the United States from ensuring the reliability, effectiveness and safety of our nation's nuclear deterrent, which means we will not be able to equip our existing weapons with the most modern safety and security measures available; the treaty is not verifiable—not only due to our simple technical inability effectively to monitor for tests, but due to the lack of agreement on what tests are permitted or not permitted under the treaty and the cumbersome, international bureaucracy that must be forged to conduct an inspection if tests are suspected; and, most importantly, that the treaty is unenforceable, lacking any effective means to respond to nations that violate the Treaty's conditions. As Senator LUGAR stated, ''This Treaty simply has no teeth. . . . The CTBT's answer to illegal nuclear testing is the possible implementation of sanctions. . . . For those countries seeking nuclear weapons, the perceived benefits in international stature and deterrence generally far outweigh the concern about sanctions that could be brought to bear by the international community.''

As I have already said, this debate is premature. It may well be that the passage of years and the development of our own technology might make ratification of the treaty advisable. It is not so today by a wide margin. I must, therefore, vote against ratification in the absence of an enforceable agreement to leave the issue to the next President.

Mr. WYDEN. Mr. President, I come here today to ask a question, a question that is a mystery to the vast majority of Americans: Why will the United States Senate not ratify the Comprehensive Nuclear Test Ban Treaty?

If there were any issue debated in the history of this Senate that called for more sober reflection, more independent thought, it is how to end the proliferation and testing of nuclear weapons. This may be the greatest burden the United States will carry into the next millennium.

The United States was the first nation to develop and test nuclear arms. More than a half century ago we were the first, and so far only, nation to use those arms. Three years ago we were the first nation to sign this treaty that takes a step back from a nuclear-armed world.

No other nation in the world can possibly gain more than the United States does from this treaty.

The treaty holds real promise for putting an end to the international development of nuclear weapons. It removes the ability of belligerent nations to enhance their nuclear stockpile. It removes the ability to use nuclear test explosions to bully and threaten their neighbors. It removes the incentive to throw much-needed capital into an insatiable and wasteful weapons program.

The American people understand this simple logic better than some in this body. Over 84% of the American public understands that ratifying the CTBT is the best way to protect the United States against the threat of nuclear attack by other nations. They are not talking about defensive missiles, they are talking about an America where their children won't have to grow up as they did; under the shadow of nuclear annihilation. This treaty, they understand, is a first step toward that goal.

President Dwight D. Eisenhower was a five star general as well as a two term President of the United States. He led men in wartime against a real, living threat to the security of the United States. He led America at the beginning of the cold war, at the most dangerous time for nuclear confrontation in our history. He had a unique understanding of the needs and necessities of national security, an understanding that I don't believe any member of this chamber can pretend to possess. His view of a nuclear test ban treaty was this: that the failure to achieve such a ban, when the opportunity presented itself would ''have to be classed as the greatest disappointment of any administration, of any decade, of any time, and of any party.''

Opponents of this treaty say we are letting down our guard, that we are leaving ourselves open to be overwhelmed. President Eisenhower understood clearly and personally the dangers of failing to prepare for war. But it was precisely this experience with war that led him to conceive of the test ban as a means of preserving the safety and security of the American people.

This clear and rational thinking has continued, at least with our senior military leaders. The Chairman of the Joint Chiefs of Staff is responsible for our entire national defense infrastructure. It is his duty to the American people to insure that our military forces, nuclear and conventional, are strong, prepared and able to provide for the common defense. Our current Chairman, General Hugh Shelton, and Former Chairmen General Colin Powell, Admiral William Crowe, General John Shalikashvili, and General David Jones all believe firmly that, for the safety and security of the American people, the CTBT must be ratified.

President Bush signed into law a ban on American nuclear testing in 1992. As a matter of fact, we have not conducted a nuclear test for seven years. We have already stopped running this race.

Has this test ban, already in place domestically for the better part of a decade, harmed our nuclear stockpile? The President says no, our military leaders say no, and the men whose responsibility it is to maintain the weapons say no. The CTBT has the support of all of the directors of our national labs whose first responsibility is to ensure that our nuclear weapons stockpile functions safely and reliably far into the future. They confidently believe this treaty, and the continuation of the test ban, is in our national interest.

It's been seven years since we have conducted a nuclear test. We are no less safe then we were a decade ago. No one who is qualified to make the judgment believes that we need to resume testing in the future.

What would passage of this treaty mean? Without test explosions, a new nuclear state cannot know that their crude bombs will work. Only very recently, after decades, over one thousand tests, and thousands of nuclear bombs manufactured, did our bomb making experts feel confident enough to proceed without testing. Without testing no other state can achieve that level of confidence.

While testing continues there is always the possibility that a nation will develop a bomb that is smaller and more easily concealed, the perfect weapon with which to attack a superpower like the United States, perhaps even without fear of relation. Missile defenses cannot stop a bomb carried over our borders, but an end to testing can stop that bomb before it is even made.

What would the failure of Senate ratification of the CTBT mean? Failure by the Senate to ratify the Treaty would mean a future full of new and more dangerous weapons. It would make infinitely more difficult a new effort to prevent the proliferation and use of nuclear arms. Those states that are currently non-nuclear trust that, in exchange for not attempting to acquire or develop nuclear arms, the current nuclear states will cease using their own.

The Nuclear Non-Proliferation Treaty, the cornerstone of our efforts to prevent the worldwide spread of nuclear weapons, was indefinitely extended in 1995. It was extended with the promise that the CTBT would be ratified by the worlds' nuclear powers. If we defeat this treaty, we will be breaking that promise, and putting our entire world-wide non-proliferation strategy in jeopardy.

If we cannot commit to cease testing, we cannot expect other nations to adhere to their commitments on nuclear non-proliferation. When one nation tests nuclear arms, their neighbors get nervous. They are justifiably concerned for their defense and security. The natural response to this threat, for which there is no real defense, is to acquire a threat of ones own.

A rejection of this treaty by the U.S. Senate would send a chilling message around the world. The tests by India and Pakistan earlier this year highlight another, more sinister motivation for nuclear tests, the desire to threaten and intimidate. How do we expect nations like India and Pakistan to react to the Senate's rejection of this treaty?

For 50 some years we have lived under a gruesome umbrella known as Mutual Assured Destruction. This grim strategic relationship between the Soviet Union and the United States meant that the entire world lived under constant threat of global thermonuclear war. In times of great international tension we were a hair trigger away from unleashing that destruction. If the treaty fails we must contemplate the prospect of dozens of states facing each other in the same insane standoff—in Asia, in the Middle East, in Africa—over disputed borders, scarce resources and ancient hatreds.

The opponents of this treaty say we cannot afford the risk that another nation might have the skill and luck required to sneak a couple of nuclear tests under a world-wide monitoring regime. They believe that possibility is a mortal danger to the United States and the advances we have made in over 1,000 nuclear tests. I say we cannot afford the risk of another 50 years of the unfettered development of nuclear weapons around the world.

Our stockpile is secure, our deterrent is in place. The United States does not need to test as we have witnessed over the past seven years.

We unleashed the nuclear genie that has hung over the world for the last 50 years. But in that moment of leadership, when we signed the Comprehensive Test Ban Treaty, we took a strong step toward making the world a safer place. Let us today take the next step toward a safer, more secure future.

Mr. KYL. Mr. President, earlier today, the Senator from Illinois claimed that President Bush supported a moratorium on nuclear testing. This assertion is inaccurate. I ask unanimous consent to have printed in the RECORD President Bush's statement upon signing the Fiscal Year 1993 Energy and Water Development Appropriations Act, on October 2, 1992.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT ON SIGNING THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1993, OCTOBER 2, 1992

Today I have signed into law H.R. 5373, the ''Energy and Water Development Appropriations Act, 1993,'' The Act provides funding for the Department of Energy. The Act also provides funds for the water resources development activities of the Corps of Engineers and the Department of the Interior's Bureau of Reclamation, as well as funds for various related independent agencies such as the Appalachian Regional Commission, the Nuclear Regulatory Commission, and the Tennessee Valley Authority.

I am pleased that the Congress has provided funding for the Superconducting super collider (SSC). This action will help us to maintain U.S. leadership in the field of high-energy physics. SSC-related research has spawned, and will continue to spawn, advances in many fields of technology, including accelerators, cryogenics, superconductivity, and computing. The program serves as a national resource for inspiring students to pursue careers in math and science. SSC related work will support 7,000 first tier jobs in the United States. In addition, 23,000 contracts have been awarded to businesses and universities around the country.

I must, however, note a number of objectionable provisions in the Act. Specifically, Section 507 of H.R. 5373, which concerns nuclear testing, is highly objectionable. It may prevent the United States from conducting underground nuclear tests that are necessary to maintain a safe and reliable nuclear deterrent. This provision unwisely restricts the number and purpose of U.S. nuclear tests and will make future U.S. nuclear testing dependent on actions by another country, rather than on our own national security requirements. Despite the dramatic reductions in nuclear arsenals, the United States continues to rely on nuclear deterrence as an essential element of our national security. We must ensure that our forces are as safe and reliable as possible. To do so, we must continue to conduct a minimal number of underground nuclear tests, regardless of the actions of other countries. Therefore, I will work for new legislation to permit the conduct of a modest number of necessary underground nuclear tests.

In July 1992, I adopted a new nuclear testing policy to reflect the changes in the international security environment and in the size and nature of our nuclear deterrent. That policy imposed strict new limits on the purpose, number, and yield of U.S. nuclear tests, consistent with our national security and safety requirements and with our international obligations. It remains the soundest approach to U.S. nuclear testing.

Sections 304 and 505 of the Act also raise constitutional concerns. Section 304 would establish certain racial, ethnic, and gender criteria for businesses and other organizations seeking Federal funding for the development, construction, and operation of the Superconducting super collider. A congressional grant of Federal money or benefits based solely on the recipient's race, ethnicity, or gender is presumptively unconstitutional under the equal protection standards of the Constitution.

Accordingly, I will construe this provision consistently with the demands of the Constitution and, in particular, monies appropriated by this Act cannot be awarded solely on the basis of race, ethnicity, or gender.

Section 505 of the Act provides that none of the funds appropriated by this or any other legislation may be used to conduct studies concerning ''the possibility of changing from the currently required 'at cost' to a 'market rate' or any other noncost-based method for the pricing of hydroelectric power'' by Federal power authorities.

Article II, section 3, of the Constitution grants the President authority to recommend to the Congress any legislative measures considered ''necessary and expedient.'' Accordingly, in keeping with the well-settled obligation to construe statutory provisions to avoid constitutional questions, I will interpret section 505 so as not to infringe on the Executive's authority to conduct studies that might assist in the evaluation and preparation of such measures.

GEORGE BUSH.

The White House.

Mr. KYL. I emphasize the following excerpt from President Bush's statement:

Despite the dramatic reductions in nuclear arsenals, the United States continues to rely on nuclear deterrence as an essential element of our national security. We must ensure that our forces are as safe and reliable as possible. To do so, we must continue to conduct a minimal number of underground nuclear tests, regardless of the actions of other countries.

The moratorium on testing to which the Senator from Illinois referred was not requested by President Bush. It was enacted by Congress as the Hatfield, Exon, Mitchell prohibition on testing, over President Bush's objections. In a subsequent report to Congress, the President responded to this prohibition as follows:

* * * the administration has concluded that it is not possible to develop a test program within the constraints of Public Law 102–377 [the FY '93 Energy and Water Appropriations Act] that would be fiscally, militarily, and technically responsible. The requirement to maintain and improve the safety of our nuclear stockpile and to evaluate and maintain the reliability of U.S. forces necessitates continued nuclear testing for those purposes, albeit at a modest level, for the foreseeable future. The administration strongly urges the Congress to modify this legislation urgently in order to permit the minimum number and kind of underground nuclear tests that the United States requires, regardless of the action of other States, to retain safe, reliable, although dramatically reduced deterrent forces.

Mr. CRAIG. Mr. President, the Comprehensive Test Ban Treaty has far reaching domestic and international security implications, and it deserves the most thorough and thoughtful consideration by the Senate. Like my colleagues, I have followed the CTBT, and have paid close attention to the number of hearings that have taken place in recent days, and over the last few years.

Let me begin by saying that if I thought supporting this treaty would make the threat of nuclear war disappear, and give us all greater security from these lethal weapons, I would not hesitate in giving my support. Unfortunately, the facts do not demonstrate this; indeed, implementing this treaty will very likely increase danger to U.S. citizens and troops. For that reason, I am obligated to oppose ratification.

Ratification of the CTBT would prohibit the United States from conducting explosive tests of nuclear weapons of any kind. In spite of CTBT's goal of curbing the proliferation and development of nuclear weapons by prohibiting their testing, it is a dangerous and flawed agreement that would undercut U.S. national security.

American foreign policy must be based on decisions and actions that unquestionably enhance the national security interests of the United States, and nothing less. Our foreign policy cannot be based on a view of the world through rose colored glasses. Decisions must be made on the assessment of the clear and present dangers to the United States now and in the future. Let me reiterate some of those dangers confronting U.S. citizens today.

There are twenty-five to thirty countries that have sought or are seeking and developing ballistic missiles. Last August, North Korea flight-tested a long-range missile over Japan, demonstrating its potential to strike Alaska or Hawaii in the near future. Although our decisive victory in the Gulf War demonstrated to many of our adversaries that a challenge on the battlefield would be foolish, hostile states now seek to offset our conventional force strength through the development of their own nuclear weapons programs. Does this Administration really believe that if the U.S. ceased to test, nations like North Korea, Libya, or Iran would end nuclear development? The dangers to the United States are very real and threats continue to grow.

The center of U.S. defense policy is deterrence. Key to that deterrence is the credible threat of retaliation against those who would harm the U.S. and her citizens. This threat can only remain credible if our stockpile of weapons is reliable and modernized. CTBT runs counter to this objective.

Nuclear tests are the only demonstrated way to assure confidence in the reliability and safety of our nuclear weapons. The CTBT will diminish our ability to fix problems within the nuclear stockpile and make safety improvements. We have long relied on testing these extremely complicated weapons to demonstrate both their safety and effectiveness.

The Clinton Administration falsely claims that every Administration since Eisenhower has supported CTBT. What the President fails to say is that no other Administration has sought a test ban at zero yield like the current Administration. Frankly, this is a dangerous proposition for the reliability and safety of our arsenal. Former Secretary of Defense, James Schlesinger, explained the problem:

> * * * new components or components of slightly different materials must be integrated into weapon designs that we deployed earlier. As this process goes on over the years, a simple question arises: Will this design still work?
>
> That is why reliability testing is essential. As time passes, as the weapon is retrofitted, we must be absolutely confident that this modified device will still induce the proper nuclear reaction. That is why non-nuclear testing, as valuable as it is, is insufficient. It is why talk of a test ban with zero nuclear yield is irresponsible.

Mr. Schlesinger's point is well taken. Make no mistake, the effects of a zero yield test ban will be catastrophic for U.S. security interests.

The CTBT would also make it very extremely difficult to meet new weapons requirements. Throughout American military history, advances in air defense and anti-submarine warfare have created a need for new weapons, and testing has saved the lives of U.S. airmen. For example, nuclear testing was required to make the B83 bomb of the B–1B aircraft to allow the plane to drop its payload at a low altitude and high speed and escape the pending explosion. The bottom line is a test ban would harm modernization efforts, and jeopardize the lives of our men and women in uniform.

Furthermore, the CTBT will do nothing to stop proliferation, even if testing is thwarted. This treaty is based on the flawed assumption that prohibiting nuclear testing will stop rogue nations from developing nuclear weapons. However, this assumption fails to acknowledge that rogue nations could likely be satisfied with crude devices that may or may not hit intended targets. Killing innocent civilians does not seem to be a concern of leaders like Saddam Hussein of Iraq or Kim Jong-Il of North Korea. The only thing predictable about rogue nations is their unpredictability. Lack of testing is not a security guarantee. South Africa and Pakistan long maintained an untested arsenal, in spite of bold nuclear aspirations. To presume that absence of nuclear test equals enhanced security is dangerous proposition.

It is also very disturbing that ratification of this treaty would abandon a fundamental arms control principle that has been insisted upon for the last two decades—that the United States must be able to ''effectively verify'' compliance with the terms of the treaty. Verification has meant that the United States intelligence is able to detect a breach in an arms control agreement in time to respond appropriately and assure preservation of our national security interests.

Because the CTBT bans nuclear test explosions no matter how small their yield, it is impossible to verify. Low-yield underground tests are very difficult to detect with seismic monitors. In previous Administrations, CTBT negotiations focused on agreements that allowed explosions below a certain threshold because it is impossible to verify below those levels. As the CTBT is impossible to verify, cheating will occur, and U.S. security will be undermined.

Mr. President, I stand with all Americans today in expressing concern about the growing nuclear threat across the globe. The real question before us is whether ratification of the Comprehensive Test Ban Treaty will increase our own national security. Unfortunately, the answer is no. The sad truth about the CTBT is that it would be counterproductive and dangerous to America's national security. Moreover, I think the Senate must recognize that the implications of ratification of the CTBT is ultimate nuclear disarmament of the United States. If the U.S. cannot maintain a safe and reliable stockpile, and is barred from testing them, disarmament will be the de facto policy. The United States cannot afford this dangerous consequence. Nuclear deterrence has protected America's national and security interests in the midst of a very hostile world. I urge my colleagues to vote against this treaty.

Mr. JOHNSON. Mr. President, the United States Senate has the opportunity to take another important step in ridding the world of the threat of nuclear war by ratifying the Comprehensive Nuclear Test Ban Treaty (CTBT). It was three years ago when the United States joined nations from around the world in signing a treaty banning nuclear explosives testing. It is up to the Senate to ratify this treaty and re-establish the United States as the world leader in efforts to stop nuclear proliferation.

Over forty years ago, President Dwight D. Eisenhower began an effort to end nuclear testing. During this time, the United States and five other nations conducted 2,046 nuclear test explosions—or an average of one nuclear test every nine days. The United States has not tested a nuclear weapon since 1992 when Congress and President Bush agreed to a moratorium on nuclear testing.

Countries who sign the CTBT agree to stop all above-ground and underground nuclear testing. The treaty also sets up an extensive system of monitors and on-site inspections to help ensure that countries adhere to the treaty. Finally, the treaty includes six ''safeguards'' proposed by the President; the most important of which, allows the United States to remove itself from the conditions of the treaty at any point the Congress and the President determine it would be in the Nation's interest to resume nuclear testing. The current Chairman of the Joint Chiefs of Staff, four former chairmen of the Joint Chiefs of Staff, numerous former military leaders, and an equal number of acclaimed nuclear scientists and nobel laureates support ratification of the CTBT.

My support for the CTBT comes with an understanding of the limitations associated with stopping countries and rogue nations from developing, testing, and deploying nuclear weapons. Opponents of the CTBT claim that it is not a perfect document and therefore threatens the security of our Nation. While I agree that the CTBT is not the definitive answer in stopping nuclear proliferation, I contend that it is an important step in the ongoing process to prevent nuclear war in the future.

The CTBT will not threaten our national security. Most importantly, the treaty bans the ''bang'', not the ''bomb.'' The United States already possesses the largest and most advanced nuclear weapons stockpile in the world. I agree that maintaining a strong nuclear deterrent is in our country's national security interest. Data collected from over 40 years of nuclear testing, coupled with advanced scientific computing will ensure the reliability and safety of our nuclear weapons without testing. As I mentioned before, the United States can also withdraw from the CTBT at any time to conduct whatever testing our country feels is necessary.

In fact, the CTBT will enhance our national security. The CTBT will limit the ability of other countries to acquire nuclear capabilities, and it will

severely constrain the programs of countries that currently have nuclear weapons. With or without the CTBT, the United States has a critical national security requirement to monitor global testing activities. Verification requirements built into the CTBT will provide our country with access to additional monitoring stations we would not otherwise have. For example, the CTBT requires the installation of over 30 monitoring stations in Russia, 11 in China, and 17 in the Middle East. These are in addition to the on-site inspections of nuclear facilities that are also allowed under the treaty.

Additional monitoring stations and on-site inspections are only effective if the countries we are most concerned with actually ratify the treaty. Granted, there is no guarantee that the United States' ratification of the CTBT will automatically mean that India, Pakistan, China, and Russia will follow suit. However, it is an even greater chance that these countries will be less inclined to ratify the treaty if our country does not take the lead. For those who doubt the likelihood of other countries ratifying the CTBT, I point to the example of the Chemical Weapons Convention (CWC). It can not be refuted that the United States ratification of the CWC facilitated ratification by Russia, China, Pakistan, and Iran. Ratification by the United States is required to bring the CTBT into force, and ratification by the United States will strengthen our diplomatic efforts to influence other states to sign and ratify the treaty.

The CTBT will not rid the world of nuclear weapons and it may not even prevent all nations from conducting some kind of nuclear tests. However, the CTBT provides the best tool available for the United States to continue its efforts to combat nuclear proliferation without jeopardizing our own national security. I urge my Senate colleagues to join me in supporting this important treaty and restoring America's leadership on this issue.

Mr. GRAMS. Mr. President, the Senate's responsibility for advice and consent on treaties places a grave responsibility on the institution and its members. There is a very high bar that treaties have to meet, a two-thirds vote in the Senate. That is for good reason. Our nation takes our treaty obligations seriously, and the Senate is the final check on flawed or premature commitments. While I support the goal of controlling nuclear proliferation, it is becoming clear the Comprehensive Test Ban Treaty (CTBT) is not in the best interests of this nation.

After a meeting with the President, personal discussions with some of our nation's top diplomats, including former Secretary of State Henry Kissinger, and participation in hearings held by the Foreign Relations Committee, I harbor reservations about this treaty in its current form and question if it would truly be in the nation's best strategic interest as we move into the 21st Century.

Specifically, the treaty fails to address the key questions of verifiability and reliability: can the results that treaty supporters hope to achieve be verified, and can the treaty ensure the continued reliability of our nation's stockpile?

Since I have been in the Senate, I have voted for three arms control treaties. However, in my judgment, this zero-yield test ban is not in our best interest. We would not be able to verify compliance with the Treaty or ensure the safety and reliability of our nuclear arsenal. Six former Defense Secretaries, two former CIA Directors from the Clinton Administration, and two former Chairmen of the Joint Chiefs of Staff, including Minnesota's General Vessey, have concluded that ratification of the CTBT would be incompatible with our nation's security interests.

The original official negotiating position of the Clinton Administration was to have a treaty with a finite duration of 10 years that permitted low-yield nuclear tests and would have forced countries such as Russia and China into a more reliable verification monitoring regime. If the Administration had negotiated a treaty along those lines, I think it would have had a workable result with a good chance of being ratified.

Instead, the Administration agreed to a treaty of unlimited duration and a zero-yield ban that prohibits all nuclear tests; a treaty which is clearly unverifiable and a clear departure from the positions of all previous Administrations, both Democratic and Republican. For instance, President Eisenhower insisted that low-yield nuclear tests be permitted. President Kennedy ended a three-year moratorium on nuclear tests, saying the U.S. would ''never again'' make that kind of error. President Carter opposed a zero-yield test ban while in office because it would undermine the U.S. nuclear deterrent. No other Administration has ever supported a zero-yield ban which prohibits all nuclear tests.

Ronald Reagan's words, ''Trust but verify,'' remain a guiding principle. But a zero-yield ban is not verifiable. While the exact thresholds are classified, it is commonly understood that the United States cannot detect nuclear explosions below a few kilotons of yield. We know that countries can take advantage of existing geologic formations, such as salt domes, to decouple their nuclear tests and render them undetectable. Also, advances in commercial mining capability have enabled countries to muffle their nuclear tests, allowing them to conduct militarily significant nuclear explosions with little chance of being detected.

Should technical means of verification fail, the onsite inspection regime is extremely weak. If we suspect a country has cheated, thirty out of fifty-one nations on the Executive Council have to agree to an inspection. It will be extremely difficult to reach this mark given that the Council established under the treaty has quotas from regional groups and the U.S. and other nuclear powers are not guaranteed seats. If an inspection is approved, the suspected state can deny access to particular inspectors and can declare a 50-square kilometer area off limits. These are exactly the type of conditions we rejected in the case of UNSCOM in Iraq.

As to the question of reliability, we all recognize that our nuclear deterrent is effective only if other nations have confidence that our nuclear stockpile will perform as expected. A loss of confidence would not only embolden our adversaries, it would cause our allies to question the usefulness of the U.S. nuclear guarantee. We could end up with more nuclear powers rather than fewer.

There is a very real threat the credibility of our nuclear deterrent will erode if nuclear testing is prohibited. Historically, the U.S. often has been surprised by how systems which performed well in non-nuclear simulations of nuclear effects failed to function properly in an actual nuclear environment. Indeed, it was only following nuclear tests that certain vulnerability to nuclear effects was discovered in all U.S. strategic nuclear systems except the Minuteman II.

The Stockpile Stewardship Program is advertised as an effective alternative to nuclear testing. I hope it will enable us to avoid testing in the near future. However, many of the critical tools for the Stockpile Stewardship Program have not been developed. For example, the high-powered laser system which supposedly will have the capacity to test the reliability and safety of our nuclear stockpile was scheduled to come on line in 2003, but has now been pushed back two years later. We should make sure that alternatives to nuclear testing are fully capable before we commit to abandoning testing.

There also are very real safety concerns which we must address when dealing with aging materials and components of weapons that can degrade in unpredictable ways. Right now, only one of the nine types of weapons in our nuclear stockpile have all available safety features in place, because adding them would have required nuclear testing. It doesn't make sense to effectively freeze our stockpile before all of our weapons are made as safe as possible. We must make sure that the members of our armed forces who handle these weapons are not placed in jeopardy, and the communities which are close to nuclear weapons sites are not endangered.

Furthermore, this treaty would not ensure U.S. nuclear superiority. As John Deutch, Henry Kissinger and Brent Scowcroft stated in a recent op-ed, ''no serious person should believe that rogue nations such as Iran or Iraq will give up their efforts to acquire nuclear weapons if only the United States ratifies the CTBT.'' There is already a

nuclear Non-Proliferation Treaty (NPT). Any threshold state that is ready to test has already broken the norms associated with that treaty. There is no reason to believe that the CTBT regime, which has no real enforcement mechanism, will succeed where the NPT has failed. Nations that are habitual violators of arms control treaties will escape detection, building new weapons to capitalize upon the U.S. deficiencies and vulnerabilities created by the CTBT.

While I support continuing the current moratorium on nuclear testing, it seems premature for the United States to consider ratifying the CTBT. I can envision a time, however, when ratification of a much better negotiated treaty could benefit our nation—but not until we have developed better techniques for verification and enforcement, and the advanced scientific equipment we need for the stockpile stewardship program.

Mr. LAUTENBERG. Mr. President, we are about to begin a new century—a new millennium with new opportunities to make the world a safer place. The United States must be taking the lead in pursuing those opportunities. Which will be possible when this Senate ratifies the Comprehensive Test Ban Treaty which is our best hope for containing the threat of nuclear war.

Unchecked testing of nuclear weapons is the single greatest threat to world peace—and to the security of the United States—as we enter the 21st century. I know none of my colleagues want nuclear weapons falling into the hands of hostile people. None of us want emerging nuclear powers to develop advanced weapons of mass destruction.

The CTBT is not a magic wand, but it would make it more difficult for other countries to develop sophisticated nuclear weapons. But unless we act now to ratify this treaty, those remain very real possibilities—with potentially catastrophic consequences.

Most of us here grew up during a time when the threat posed by nuclear weapons manufactured by the former Soviet Union were a day-to-day, ever-present reality. That particular danger, of course, is part of history now. But that doesn't mean the United States or any other country can rest easy. In fact, in some ways, the dangers are even greater today.

Forty years ago, we at least knew who the enemy was. We knew where to target our defenses. Unless we ratify this treaty and play a role in enforcing it, we won't be completely sure which countries are moving ahead with a nuclear weapons program.

Over just the last year and a half, India and Pakistan have conducted missile tests, and Pakistan's elected government has just been overthrown by a military coup. These developments make it more urgent than ever that we hold the line on any further nuclear weapons testing world-wide.

That is exactly what this treaty promises to do. In fact, it represents the sort of historic opportunity that was only a dream during the Cold War. An opportunity to create an international monitoring system that would be our best assurance that no country's nuclear testing program moves any further than it already has. But that won't happen without this country's participation.

The United States must take the lead in transforming the CTBT from a piece of paper into a force for global security. Our decision to ratify will have a profound effect on the way this treaty is perceived by the rest of the world. 154 nations have signed the CTBT, but many of those countries will ratify it only if the United States leads the way. And every nation with nuclear technology must ratify this agreement before it comes into force.

Every President since Dwight D. Eisenhower has stressed the importance of controlling nuclear weapons worldwide. And I hope everyone here will remember that this treaty has strong support from military weapons experts, religious groups, scientists and world leaders.

Even more importantly, the American people support ratification of this document. They know how important it is and prove it in polls when they say 82% view the treaty ratification as essential. They will remember how we vote on this issue. And it has to be pretty tough to explain to voters who want their families protected why you didn't vote to ban testing of nuclear weapons.

I know the argument has been made that this treaty will somehow compromise our own defenses. But that's a pretty shaky theory. The United States can maintain its nuclear stockpile without testing, using the most advanced technology in the world. So ratifying this treaty won't leave us without a nuclear edge, it will preserve it. At the same time, it will signal our commitment to a more secure and lasting world peace.

A number of our colleagues and other people as well have suggested that we don't have the required two-thirds majority to ratify this treaty. As a result, President Clinton has asked that we delay this historic vote a little longer. I am prepared to support that approach with great reluctance because rejecting this essential treaty outright would be the worst possible outcome. But a delay should give my colleagues who are skeptical of this treaty the chance to better understand how it will enhance our nation's security and why it has the support of the American people.

I hope that, sometime within the next year, we will have the opportunity to continue this debate and provide the necessary advice and consent to ratify a treaty that would create a more peaceful world in the next century.

I yield the floor.

Mr. GRASSLEY. Mr. President, I rise today to express my opposition to the Comprehensive Test Ban Treaty.

First, let me say I do believe my colleagues and I share the goal of decreasing the number of weapons of mass destruction found throughout the world. With that aside, my utmost concern is for the safety of each American, and I take very seriously my constitutional responsibility to review the Comprehensive Test Ban Treaty as it relates to the security of American citizens. I must take into consideration not only the present state of the world, but the future as well.

I have, in the past, supported moratoriums on nuclear testing. In 1992, I voted in favor of imposing a 9-month moratorium on testing of nuclear weapons with only limited tests following the moratorium. Since the Eisenhower Administration, each President has sought a ban on nuclear testing to some degree. However, never before has an administration proposed a ban on nuclear testing with a zero-yield threshold and an unlimited time duration.

The goal of the Comprehensive Test Ban Treaty, also known as CTBT, is to ban all nuclear testing. However, I have not been convinced this treaty is in the best interests of the United States. From the lack of clear definitions to the incorrectness of underlying assumptions to the verification and enforcement provisions, I believe the treaty is fundamentally flawed. And, these flaws cannot be changed by Senate amendment.

I want to take a few moments to discuss my concerns regarding the Comprehensive Test Ban Treaty.

Verification is critical to the enforcement of any treaty. Without verification, enforcement cannot truthfully occur. The Clinton Administration has called for zero-yield under the CTBT. No yield. This means there should be no nuclear yield released when an explosion occurs. There is agreement among the Administration, the intelligence community and the Senate that a zero-yield threshold cannot be verified.

The issue of zero yield takes on another level of importance when it becomes clear that zero-yield is not the standard defined in the Treaty. It is the standard interpreted by President Clinton. Nowhere in the Treaty is there a definition of what is meant by a ''test.'' Other countries, notably Russia, have not interpreted the Treaty in the same manner. We don't know how China has interpreted the ban on ''tests.'' We don't know because we cannot verify that China and Russia are not testing. Therefore, not only do we have a potential standard that is impossible to verify, but other countries have the ability to interpret the Treaty differently and act upon their interpretation, and the United States will not be able to enforce the higher standard.

A second major concern of mine involves our existing nuclear stockpile. The cold war may be a thing of the past, but threats to our nation's security exist today. Our nuclear stockpile

exists for a reason, and not only are new weapon technologies essential to our defense, it is also critical to maintain the security and safety of existing weapons.

Proponents of the CTBT maintain the United States does not need to conduct nuclear tests to maintain the integrity of our existing stockpile because of President Clinton's Stockpile Stewardship Program. The Stockpile Stewardship Program relies upon computer modeling and simulations as a substitute for testing. I believe the intent of the Stockpile Stewardship Program is good. However, I am not confident in the ability of the Stockpile Stewardship Program to keep our existing stockpile safe. One-third of all weapons designs introduced into the U.S. stockpile since 1985 have required and received post-deployment nuclear tests to resolve problems. In three-fourths of these cases, the problems were discovered only because of ongoing nuclear tests. In each case, the weapons were thought to be reliable and thoroughly tested.

I see three problems with the Stockpile Stewardship Program as it exists today. First, the technology has not been proven. In 1992 laboratory scientists proposed a series of tests to create the data bases and methodologies for stockpile stewardship under a ban on nuclear testing. These tests were not permitted. At the very least, actual nuclear tests are necessary to produce an accurate computer simulation. Second, data from past tests don't address aging, which is a central problem in light of the highly corrosive nature of weapon materials. Shelf life of U.S. nuclear weapons is expected to be 20 years, and many weapons are reaching that age. Without testing we will not have confidence in refurbished warheads. My third concern relates to China. Apparently, China has acquired the ''legacy'' computer codes of the U.S. nuclear test program. The Clinton administration proposes to base its efforts to assure stockpile viability on computer simulation which is highly vulnerable to espionage—and even to sabotage—by introducing false data. There is no such thing as a secure computer network.

The Comprehensive Test Ban Treaty will not go into effect until 44 specific countries both sign and ratify the Treaty. In addition to the United States, China, Russia, North Korea, Iran, India and Pakistan have yet to ratify, and India and Pakistan have not even signed the Treaty. The argument is made that U.S. ratification would quickly lead to ratification by these other countries. I would reply by saying that—as the Treaty is constructed—each of these countries could indeed sign and ratify the Treaty. Then, they could proceed with low-yield nuclear testing which cannot be verified.

Even if nuclear testing is suspected, under the terms of the CTBT, any inspection must be supported by 30 of the 51 members of an Executive Council elected by all State Parties to the Treaty. And, the United States is not even guaranteed a position on the Executive Council. Furthermore, onsite inspections are subject to a number of limitations. First, inspection activities are subject to time limits (25 days.) Any collection of radioactive samples must be accompanied by an approval by a majority of the Executive Council. No State Party is required to accept simultaneous on-site inspections on its territory. And finally, the State party under inspection may refuse to accept an observer from the State party requesting the inspection. There is currently a supporter of inspection limitations similar to these; his name is Saddam Hussein.

Effective arms control treaties can be extremely helpful in limiting the spread of weapons of mass destruction. Moratoriums on nuclear testing and limiting the yield of tests have highlighted the ability of the United States and other responsible countries to shape the current environment while protecting against the intentions of rogue states. I remain hopeful that our technology will one day rise to the level of verifying a zero-yield nuclear test ban. I remain hopeful that China, Russia, India and Pakistan may one day commit themselves—in both words and actions—to cease developing and testing nuclear weapons. Until that day, or until a Treaty is brought before the Senate that can be verified and fairly enforced, I will continue to support policy that protects American citizens. And in this case, it means opposing the Comprehensive Test Ban Treaty.

Mrs. MURRAY. Mr. President, I rise to join my colleagues in voicing my strong support for Senate ratification of the Comprehensive Test Ban Treaty.

I joined many of my colleagues in calling for Senate consideration of the CTBT. But I must say, I am very disappointed in the process put into place for the consideration of this hugely important issue.

This Senate is failing our great tradition of considering treaties without partisan political influences. So many giants in American history have argued for and against treaties right here on the Senate floor.

Senator Henry ''Scoop'' Jackson from my own State of Washington was one of these giants. Following his death in 1983, Charles Krauthammer wrote the following in Time magazine:

> The death of Senator Henry Jackson has left an empty stillness at the center of American politics. Jackson was the symbol, and the last great leader, of a political tradition that began with Woodrow Wilson and reached its apogee with John Kennedy, Lyndon Johnson, and Hubert Humphrey. That tradition—liberal internationalism—held that if democratic capitalism was to have a human face, it had to have a big heart and strong hand.

Scoop believed in that strong hand. Senator Jackson was one of the Senate's workhorses on defense issues. Few had the intimate knowledge of defense and foreign policy matters that Scoop did. And this expertise extended to arms control issues as well. Jackson was famous for taking apart arms control agreements and forcing the Executive Branch and his congressional colleagues to understand fully the matter at hand. And, Jackson was a leader at perfecting arms control agreements that fully protected U.S. interests.

Senator Jackson was a defense giant throughout the cold war. He championed his country's defense from the days of FDR to Ronald Reagan's first term as President. Yet, he managed to vote for every single arms control treaty that came before the Senate. He tackled the issues and he protected U.S. interests and national security with absolute devotion to country free from partisan politics. Jackson epitomized the Senate at its best; senators working together without time constraints; senators holding the Administration accountable; senators engaged to strengthen U.S. foreign and defense policy.

Sadly, this Senate has taken a different course. Few can argue with any sincerity that the Senate has given the CTBT a thorough consideration. The treaty's certain defeat was dictated by partisanship before a single hearing was held on the issue. Advise and consent, the Senate's historical and constitutional duty has been laid aside by a majority party currying favor with extremist political forces.

In spite of the pre-determined fate of the CTBT, I want to take a few minutes to briefly explain my strong support for the Comprehensive Test Ban Treaty.

The arguments used to end nuclear testing in 1992 are just as valid today.

My service in the Senate has largely mirrored the U.S. moratorium on nuclear weapons tests. President Bush wisely halted U.S. nuclear weapons testing after a thorough review of our nuclear weapons arsenal and particularly the safety, reliability and survivability of our stockpile.

The directors of our nuclear weapons laboratories, numerous prestigious weapons scientists, prominent military leaders and many others remain convinced that the United States can safely maintain its nuclear weapons stockpile without nuclear testing.

The CTBT freezes in place U.S. supremacy in nuclear weaponry.

The United States maintains a 6,000 warhead nuclear arsenal. This arsenal is the result of more than 1,000 nuclear weapons tests. Our nuclear weapons program is without equal in the world.

Dr. Hans Bethe, Nobel Prize winning physicist and former Director of Theoretical Division at the Los Alamos Laboratory wrote the President on this very point in early October. Dr. Bethe's letter states:

> Every thinking person should realize that this treaty is uniquely in favor of the United States. We have a substantial lead in atomic weapons technology over all other countries.

We have tested weapons of all sizes and shapes suitable for military purposes. We have no interest in and no need for further development through testing. Other existing nuclear powers would need tests to make up this technological gap. And even more importantly, a test ban would make it essentially impossible for new nuclear power to engage.

Here's a leading nuclear scientist, a Nobel Prize winning physicist, and he says the CTBT is ''uniquely in favor of the United States.'' To me, this is an immensely powerful argument in favor of CTBT.

Failure to ratify the test ban treaty will send a disastrous message to the international community.

Already our closest allies are calling upon the United States to ratify the CTBT. Many countries urging the U.S. to ratify the treaty are the same countries covered by the U.S. nuclear umbrella including our closest NATO allies.

Given our unmatched nuclear superiority, is the United States' national interest advanced by working with the global community to combat potential nuclear threats? The answer to me is a resounding yes.

The United States is safer if the world is working together to combat any proliferation threats. Without the CTBT, the global effort to combat proliferation will be seriously undermined and U.S. credibility and sincerity will be jeopardized.

Our efforts to contain and control a nuclear arms race in South Asia will be undermined. The global resolve to contain proliferation in the Middle East in countries like Iran and Iraq will diminish. Rogue states like North Korea will not face the same international resolve on weapons experimentation and development. It will be easier for nations like China to modernize its nuclear weapons program if the CTBT does not enter into force. Our already difficult efforts to work with a fraying nuclear establishment in Russia will also be setback by the U.S. failure to lead the effort to end nuclear weapons testing once and for all.

The CTBT is largely a creation of the United States. For more than 40 years, Republican and Democratic Administrations have pushed the world to end nuclear weapons testing. President Clinton signed the CTBT upon its successful negotiation in 1996. More than 140 countries have signed the treaty. Some 40 countries have ratified the treaty. U.S. ratification of the CTBT is one of the last remaining hurdles to the treaty entering in force.

Mr. President, I will cast my vote with absolute confidence for ratification of the Comprehensive Test Ban Treaty.

Mr. DEWINE. Mr. President, we live in dangerous and uncertain times. The global threats to peace and security known well to us during the Cold War have been replaced by terrorist states and rogue nations with growing nuclear arsenals. Historically, existing international arms control agreements have made our nation, and our world, a safer place. The United States has been a world leader to reduce global nuclear tests. Several nuclear test ban treaties already are in effect, including the 1963 Limited Test Ban Treaty (LTBT), which banned nuclear blasts in the atmosphere, space, and underwater; the 1974 Threshold Test Ban Treaty (TTBT), which banned tests on devices above 150 kilotons; and the 1990 Peaceful Nuclear Explosion Treaty.

Unfortunately, the Comprehensive Test Ban Treaty will not provide the same protections as these other weapons treaties. That is why I cannot support it.

I am against the CTBT for two fundamental reasons: 1. The Treaty does not guarantee us an ability to maintain a safe, viable, and advanced nuclear stockpile; and 2. The Treaty does not provide effective verification and enforcement if other nations violate the Treaty.

The Clinton administration has proposed replacing our testing system with a computer simulated Stockpile Stewardship Program. Right now, we simply do not know if this program can serve as a reliable surrogate for testing. We do not know if computer simulations can mimic accurately the functions of actual testing. We do not know if computer simulations can provide adequate information so we can modernize and our devices in response to changing threats and new weapons systems. What we do know is that in order for our own nuclear defenses to be an effective deterrent, they must be able to work. Ratification of the CTBT would close off the only means that currently can ensure the reliability, safety, and security of our nuclear defense stockpile.

I also am opposed to the CTBT because it does not provide adequate verification and enforcement mechanisms. Nations will be able to conduct nuclear tests well below the detection threshold of the Treaty's current monitoring system. If a rogue nation, like Iraq, conducts a nuclear test, and the United States insists on an on-site inspection, the treaty first would require 30 of 51 nations on the CTBT executive council to approve the inspection. If approved, the country to be inspected could still declare up to 50 square kilometers as being ''off limits'' from the inspection. How can measures like this ensure other nations will comply with the CTBT? They simply can't.

The national security of our nation would not be served with the adoption of the current CTBT. I believe ratification of the CTBT could compromise our national security. The Senate should defeat its ratification.

Ms. MIKULSKI. Mr. President, I rise to support the Comprehensive Nuclear Test-Ban Treaty.

This is a sad day for the Senate. Despite limited debate on this issue, the appeal of the President and bi-partisan pleas of over 51 Senators to delay consideration of this treaty, the Majority Leader has decided to force our vote on this treaty. The very nature and timing of the issue requires that we come together and act in a responsible, nonpartisan manner. We are faced with an historic opportunity to send nations around the world an important, powerful message—let's make sure it is the right message and that we vote to ratify this important treaty.

Ratification will strengthen—not weaken—America's national security. We must remember that ratification will not force America to abandon or alter its current practice regarding nuclear testing—we stopped nuclear testing seven years ago. And why did we stop nuclear testing? Because we have a robust, technically sophisticated nuclear force and because nuclear experts affirm that we can maintain a safe and reliable deterrent without nuclear tests. This is also one reason why we should ratify the CTBT.

Another reason to ratify the CTBT is that it will strengthen our national security by limiting the development of more advanced and more destructive nuclear weapons. As we all know, we have the most powerful nuclear force in the world. Thus, limiting the development of more advanced and destructive nuclear weapons limits the power of rogue nations around the world from strengthening their own nuclear arsenal. It allows America to maintain its nuclear superiority.

Full ratification and implementation of the CTBT will also limit the possibility of other countries from acquiring nuclear weapons. Furthermore, it will provide us with new mechanisms to monitor suspicious activities by other nations. For example, it provides for a global network of sensors and the right to request short notice, on-sight inspections in other countries.

But failure to ratify the CTBT will jeopardize our national security as well as the security of countries around the world. If we fail to act, the treaty cannot enter into force for any country. Let us not forget that nuclear competition led Pakistan and India to conduct underground nuclear testing over one year ago. Without this treaty, nuclear competition will only continue to grow and to spread. Without this treaty, underground nuclear testing will not only continue but will be carried out by even more countries—not by our allies, but rather, by our enemies.

I am dismayed that we are even forced to consider this vital treaty in light of the current unrest in Pakistan and India. Now, more than ever, we must demonstrate national unity.

We must listen to the experts who urge us to ratify the treaty—the Secretaries of Defense and Energy, the Directors of the National Weapons Laboratories and the Nobel laureates. We must listen to national leaders around the world beseeching us to ratify the treaty—asking us to act as a responsible international leader and to serve as a positive example for other nations to follow. And most important, we

must listen to the American people—the majority of whom are pleading with us to make our world a safer place and to ratify this treaty.

Let us not forget that 152 countries have signed the CTBT. America led these countries by being the first to sign the treaty. Other major nuclear powers, such as Britain, France, Russia and China followed our lead. To date, 41 countries have ratified. Although we will not be the first country to ratify, let us not be the first country to jeopardize its very existence.

We live in a dangerous world—where terrorists and rogue nations are developing the most repugnant weapons of mass destruction. We need to think clearly about what message we are sending today to the rest of the world—to our allies and to our adversaries. Our actions today will influence action by countries around the world. If we ratify, other countries will follow suit and ratify. Our failure to ratify will go beyond encouraging other nations to follow suit. It will prevent the very entry into force of this historic agreement.

Let us send a powerful message to our neighbors around the world and ratify this historic treaty. Let us ratify the treaty and guarantee a safer future for our children by strengthening the security of our country and of the world.

Mr. ROBERTS. Mr. President, there are few responsibilities of the Senate more important than the constitutional duty to offer our advise and consent on treaties.

After long deliberation and after a series of classified and unclassified hearings, I have determined that I cannot support ratification of the Comprehensive Test Ban Treaty. There are serious flaws in this document that could endanger our national security in the future.

Make no mistake, the world is a dangerous place. We must deal with the world as it is, not as we wish it were. And we must approach ratification of this treaty with only one view; does it advance the cause of world peace without jeopardizing our own security.

The treaty fails on both counts.

First, this treaty is not verifiable. I cannot vote for a treaty that will bind the United States, but which will be ignored by other nuclear nations.

There are differing opinions concerning the ability to detect nuclear testing. But the issue is more complex than just detecting a detonation of a nuclear device with a yield greater than allowed by the treaty. If, for example, if a detonation occurred and we decided that we should inspect the site, how would we do the inspection?

First, 31 nations have to agree that a violation has occurred before site inspections would be authorized. The chances of 31 nations agreeing a violation has occurred are remote. But why do proponents of the treaty think a nation that has just violated the treaty will allow an inspection? You need to look no further than Iraq to appreciate the difficulty in inspecting a nation that wants to obfuscate such testing.

Just a quick review of the significant events that escaped our intelligence community in the recent past do not give confidence that they will uncover violations of this treaty. Our intelligence officers missed the development of the advanced missile development by North Korea, they failed to recognize the signs that both India and Pakistan were going to test nuclear weapons, they provided incorrect information resulting in our bombing the Chinese Embassy in Belgrade, and they failed to provide sufficient information to prevent us from conducting a missile attack on a pharmaceutical plant in Khartoum.

Additionally, there was confusion over the exact number of nuclear tests conducted by India and Pakistan.

Secondly, ratification of this treaty will not reduce development or proliferation of nuclear weapons. A basic truth for any nation is that it will act in a manner that best suits its national interests. The downside of our military dominance compared to the rest of the world is that it forces weaker nations to rely on weapons of mass destructions as a counter to our conventional strength. Russia and China have both publicly stated that a new reliance on nuclear weapons is necessary to ''balance'' our dominance. Rogue nations cannot possibly challenge us with conventional weapons and therefore feel compelled to acquire or develop nonconventional weapons.

This treaty will not stop or slow down the development of nuclear weapons if a nation deems these weapons as vital to their national interests. Russia and China will not be deterred from enhancing their nuclear weapon performance simply because they have signed this treaty.

Yet, our own nuclear defense program would be limited under the treaty.

Third, the Stock Pile Stewardship program as outlined will not guarantee safe and reliable nuclear weapons. This is a technical area. But there is considerable differences of opinion between impressive scientists about whether we can maintain our stock pile as safe and reliable without nuclear testing. Without such assurance of safety and reliability and with the knowledge that the United States will maintain a nuclear deterrent for the foreseeable future, I cannot support such a treaty that would potentially put our stockpile at risk.

Treaty proponents will argue that any time the appropriate leaders of defense, energy and the scientific community say we must test to insure reliability and safety, we can withdraw from the treaty. I have little confidence that once this treaty is approved, ''pulling the sword Excaliber from the stone'' would seem a trivial task compared to withdrawal from a nuclear test ban treaty.

The point is that once the treaty is signed, we need to be confident that we can maintain a safe, reliable nuclear stockpile. We have no such confidence today—perhaps the technology will be in place in 5–15 years—and therefore we should not jeopardize our nuclear deterrent by agreeing to this treaty.

Because we cannot verify whether other nations are following the treaty, because the treaty does not halt or prevent proliferation of nuclear weapons and because the treaty could lead to reduced reliability and safety of our nuclear stockpile, I cannot support its ratification.

Mr. JEFFORDS. Mr. President, the Senate finds itself in a very uncomfortable position today. We have before us one of the most important treaties negotiated this decade, the Comprehensive Test Ban Treaty. It is not perfect. It does not do everything we wish it would. Its verification provisions are not air-tight, and its sanctions for violators are not particularly stiff.

I understand many of my colleagues' uneasiness about the treaty. Prior to last week, there had been no deliberate consideration of the CTBT before any Senate committee. Members have had little opportunity to learn about the treaty and have their questions addressed. A significant portion of the Senate has just in the last two weeks begun to carefully examine the details of the treaty. This is no way to conduct the ratification process on a matter of such importance to national security, and puts Senators in a very uncomfortable position. For some time, I have urged the Foreign Relations Committee to hold hearings on this treaty and allow this debate to begin. But for better or worse, this is the situation we find ourselves in, and having exhausted appeals for a delay in the vote, I trust my colleagues will do their best to thoroughly evaluate what is now before them.

Implementation of the CTBT would bring, however, a significant improvement in our ability to stop the proliferation of nuclear weapons. The Test Ban Treaty would constrain the development of new and more deadly nuclear weapons by nations around the globe by banning all nuclear weapon test explosions. It would also establish a far-reaching global monitoring system and allow for short-notice on-site inspections of suspicious events, thereby improving our ability to detect and deter nuclear explosions by other nations. The fact that the CTBT was signed by 154 nations is a major tribute to American diplomacy. Many of these nations are now looking to America for leadership before they proceed to ratification of the treaty, and under the provisions of the treaty, it will not enter into force until the United States has ratified.

Rejection of the test ban treaty could give new life to dormant nuclear testing programs in countries like Russia and China. It could also renew dangerous, cold war-era nuclear arms competitions. And we would have a very

difficult time asserting our leadership in urging any nation to refrain from testing. Not only would we lose an historic opportunity to lock in this agreement among nations, we would undermine the power of our own diplomacy by not following through on an initiative that we have spearheaded.

Critics charge that we cannot be 100 percent certain that we can detect any test of any size by any nation. I would concede that is true. But when it comes to national defense, nothing is 100 percent certain. We can never be sure any weapon will work 100 percent of the time. We can be certain, however, that this treaty will improve our ability to constrain the nuclear threat today and in the future. We owe it to our children and our grandchildren to add this important weapon to our defense arsenal.

I urge my colleagues to vote for ratification of the Comprehensive Test Ban Treaty.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I want to inform my colleagues on this side—I apologize for it—the most I can give any colleague is 2 minutes. I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, with this fateful vote tonight the world becomes a more dangerous place. That is what our top military leaders are telling us. To quote General Shelton, the Chairman of the Joint Chiefs:

> The world will be a safer place with the treaty than without it. And it is in our national security interest to ratify the treaty.

Secretary of Defense Bill Cohen says that this treaty will ''help cap the nuclear threat.''

Mr. President, we no longer have standing, when we defeat this treaty, to tell China or India or Pakistan or any other country: Don't test nuclear weapons.

We will have lost our standing, and I believe will have lost our bearings. By rushing headlong into this vote tonight and defeating a treaty which 150 nations have signed—it was said a few moments ago that our lab Directors say that the treaty would endanger their safety and reliability testing.

I ask unanimous consent that a joint statement of the lab Directors be printed in the RECORD saying that ''we are confident that a fully supported and sustained Stockpile Stewardship Program will enable us to continue to maintain America's nuclear deterrent without nuclear testing.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT BY THREE NUCLEAR WEAPONS LABORATORY DIRECTORS: C. PAUL ROBINSON, SANDIA NATIONAL LABORATORIES, JOHN C. BROWNE, LOS ALAMOS NATIONAL LABORATORY, AND C. BRUCE TARTER, LAWRENCE LIVERMORE NATIONAL LABORATORY

''We, the three nuclear weapons laboratory directors, have been consistent in our view that the stockpile remains safe and reliable today.

''For the last three years, we have advised the Secretaries of Energy and Defense through the formal annual certification process that the stockpile remains safe and reliable and that there is no need to return to nuclear testing at this time.

''We have just forwarded our fourth set of certification letters to the Energy and Defense Secretaries confirming our judgment that once again the stockpile is safe and reliable without nuclear testing.

''While there can never be a guarantee that the stockpile will remain safe and reliable indefinitely without nuclear testing, we have stated that we are confident that a fully supported and sustained stockpile stewardship program will enable us to continue to maintain America's nuclear deterrent without nuclear testing.

''If that turns out not to be the case, Safeguard F—which is a condition for entry into the Test Ban Treaty by the U.S.—provides for the President, in consultation with the Congress, to withdraw from the Treaty under the standard ''supreme national interest'' clause in order to conduct whatever testing might be required.''

Mr. LEVIN. Mr. President, our three allies, in an unprecedented move, have directly appealed to this Senate to ratify this treaty. Great Britain, France, Germany, directly appealed to this Senate.

Finally, it is unprecedented that this Senate would defeat a treaty of this magnitude with this speed without a report even from the Foreign Relations Committee. I think we are doing a real disservice to world peace and stability by defeating this treaty.

I thank my friend for the time he has yielded me.

Mr. BIDEN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. If when the vote occurs on the Resolution of Ratification it does not achieve 67 votes, what happens to the treaty?

The PRESIDING OFFICER. The treaty would then stay on the calendar until the end of the Congress.

Mr. BIDEN. Further parliamentary inquiry: At the end of the Congress, what would then happen to the treaty?

The PRESIDING OFFICER. The treaty would then be returned to the Foreign Relations Committee.

Mr. BIDEN. I thank the Chair. I yield the floor.

Mr. HELMS. I yield to the distinguished Senator from Texas, Mrs. HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to be notified at 2½ minutes. I am going to split my time with Senator SHELBY who has not arrived. I will take my 2½, and then when he arrives, he will use the other 2½ minutes.

If America does not form a nuclear umbrella to protect world peace, who will? To whom will our allies look to protect them from an incoming ballistic missile? Only America can do that, and there are only two ways we have to deter a rogue nation from lobbing a nuclear missile into some other country. The first is a missile defense system which belatedly we are now deploying. It is not yet ready, but we are on the way. That is No. 1. No. 2 is the ability to be sure we have a safe and secure and viable nuclear arsenal.

This is not a treaty that has been debated for 20 years. It is not the same treaty that preceding Presidents negotiated. It is different in this respect: Every other President held firm for the United States to test at a low level. President Clinton gave that up. That is part of the reason this treaty is before us and why the other countries came in because the low-level testing is not able to be detected. No other President gave in on that issue.

Secondly, no other President gave in on the issue of permanence. The idea that we would unilaterally disarm ourselves in perpetuity is irresponsible.

I do not like the fact we are taking up this treaty now. I do not want to send a bad signal. But most of all, I do not want to leave ourselves and our allies unprotected from some rogue nation that has nuclear capabilities, and we know there are many.

I want to go back and look at the record, and let's talk about peace through strength. It was not peace through weakness and unilateral disarmament that stopped the Cold War. It was peace through strength. We cannot let that go away by signing a treaty that is not in our interests. There are other avenues. There is renegotiating the treaty so we can test at a low level, so we will be able to say to the world: We have a nuclear arsenal, so do not even think about lobbing a nuclear missile at us or any of our allies. We could renegotiate the treaty so it has a term or a timetable. There are alternatives. I hope we will not be rammed into doing something that is wrong for our country because there are alternatives.

Mr. President, I ask unanimous consent that an excerpt of testimony from General Shalikashvili in a March 1997 appropriations hearing be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS—SENATE APPROPRIATIONS HEARING, MARCH 1977

NUCLEAR WEAPONS TESTING

Senator HUTCHISON. Second, I am always interested in the Department of Energy's role in the maintenance and storage of our nuclear stockpile. I would like to ask you a general question.

Are you confident that they are doing everything that you think is prudent in maintaining and storing our weapons? Do you think we are maintaining and storing enough? And do you think we can rely on a safe and reliable nuclear stockpile when we have banned any testing?

General SHALIKASHVILI. The answer is yes, and let me tell you what I base this on.

I think it is 2 years ago that the President established a system where each year the Secretary of Defense, the Secretary of Energy, and the Commander of our Strategic Forces, now General Habiger in Omaha, have to certify that the stockpile is safe and reliable. The system is such that if any one of

them reports that it is not so, then the President has to consult with Congress on that issue.

Senator HUTCHISON. How do they tell when you cannot actually test? Do you think the computer modeling is sufficient? Do you think the testing is sufficient when you can't test?

General SHALIKASHVILI. The Energy Department has proposed and the Secretary of Defense has agreed with the establishment of a science-based stockpile verification program. It is a very costly program. To stand it up—and I might have my number off but not by much—it is about $4 billion a year, to establish the laboratories, the computer suites, and all of that, to establish it.

What I monitor is whether—this year, for instance, in the energy budget there is approximately $4 billion toward the science-based stockpile verification program. Just 10 days ago I was in Omaha to get a briefing from General Habiger on how he is coming along on making the judgment that this year the stockpile is still safe and reliable.

Not only is he in constant communications with the nuclear laboratory directors who work that issue, he also has a panel of prominent experts on the subject who report to him. Based upon his observations, because he monitors what is on the missiles and so on, his discussions with the labs and the report that he gets from the panel that is established just to answer that question, last year, for the first time, he made the judgment that it was safe. He tells me that, unless something comes up before he reports again, he is going to again certify this year.

With each year that goes by and we are further and further away from having done the last test, it will become more and more difficult. That is why it is very important that we do not allow the energy budget to slip, but continue working on this science-based stockpile verification program and that we get this thing operating.

But even then, Senator, we won't know whether that will be sufficient not to have to test. What we are talking about is the best judgment by scientists that they will be able to determine the reliability through these technical methods.

Senator HUTCHISON. Do you think we should have some time at which we would do some testing just to see if all of these great assumptions are, in fact, true?

How can we just sit here and say gee, we really hope this works and then be in a situation of dire emergency and have them fizzle?

General SHALIKASHVILI. I don't know. I won't pretend to understand the physics of this enough. But I did meet with the nuclear laboratory directors and we talked about this at great length.

They are all convinced that you can do that. But when I ask them for a guarantee, they cannot give it to you until all of the pieces are stood up. Obviously, if we stand it up, and we cannot do that, then we will have to go back to the President and say we will have to test.

Hopefully, it will work out. But we are still a number of years away before we will have that all put together so that we can tell you for sure whether it will work or not.

Senator HUTCHISON. Well, mark one Senator down as skeptical.

General SHALIKASHVILI. Mark one Chairman of the Joint Chiefs of Staff joining you in that skepticism. I just don't know.

But I know that if you do not help us to make sure that energy puts that money against it and does not siphon it off for something else, then I can assure you we won't get there from here.

The PRESIDING OFFICER. The Senator has used 2½ minutes.

Mrs. HUTCHISON. I thank the Chair. I reserve 2½ minutes for Senator SHELBY.

Mr. BIDEN. I yield 2 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, it is with regret, after 25 years in this Chamber, a Chamber I love so much, that I say it is a travesty the Senate is on the verge of rejecting the Comprehensive Nuclear Test-Ban Treaty. The idea of a treaty banning all nuclear tests has been around since President Dwight Eisenhower called for one more than 40 years ago when I was 19 years old.

Today, there is broad agreement around the world that a test ban treaty is necessary and, I point out to my colleagues, we have not conducted a nuclear test since President Bush signed legislation to establish a moratorium on nuclear testing in 1992.

Mr. President, 152 nations have signed this treaty. They are abiding by its terms, but if we vote against ratification, if we vote against advising and consenting, the Senate will abdicate our Nation's role as the world leader in support of nonproliferation. The 100 people in this body representing a quarter of a billion people will abdicate our Nation's responsibility to ourselves and the world.

I am bewildered at the arguments made by some of my colleagues because the United States, which enjoys an immense global nuclear advantage over all other countries, will only find that position eroded if a global ban on testing is not realized.

Treaty opponents make two main arguments: that it is unverifiable and that the safety and reliability of our own weapons will be endangered without testing. In my judgment, both arguments fail miserably.

As I said before, no treaty is 100% verifiable, and the fact is that any nation bent on developing a nuclear weapon can fashion a crude device, with or without this treaty. But without the explosive testing that this treaty prohibits, it will be extremely difficult to build nuclear weapons small enough to be mounted on delivery vehicles.

The critical question we should be asking is if this treaty will make it significantly harder for potential evaders to test nuclear weapons. The answer is a resounding yes. This treaty establishes a monitoring system that includes over 300 stations that will help locate the origin of a test. Last year, when India tested two nuclear devices simultaneously, the seismic waves that they created were recorded by 62 of these prototype stations.

Once a test has been detected, the treaty has a short-notice on-site inspection regime so questionable incidents can be resolved quickly. In short, the treaty makes it much more difficult for signatory nations to test nuclear weapons without alerting the international community and incurring their collective condemnation.

The argument that the CTBT will somehow undermine the safety and reliability of our own stockpile is likewise flawed. We have conducted over 1,000 nuclear tests during the last 54 years, the most of any country in the world. We have extensive knowledge of how to build and maintain nuclear weapons reliably. Moreover, the Clinton Administration is planning a 10 year, $45 billion Stockpile Stewardship Program that will develop unprecedented supercomputing simulations that will further ensure the continued reliability of our weapons.

I question whether we need to spend that much money, but I find it ironic that many of the voices who are questioning the technical merits of Stockpile Stewardship Program are the same people who want to spend tens of billions more on a National Missile Defense System that has shown modest technical progress, to say the least.

We have a treaty before us which will curb the proliferation of nuclear weapons. It should have been ratified years ago. I urge my colleagues to join me in setting aside short-term politics. Vote for the instruments of ratification. The Senate should be the conscience of our Nation, the conscience of the world. If we vote this down, it is not.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HELMS. Mr. President, I yield 3 minutes to the distinguished Senator from Alaska, Mr. STEVENS.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am not opposed to the concept of a comprehensive test ban treaty.

If we are able to maintain our own nuclear deterrent and the umbrella of nuclear protection we have extended to our allies, a ban on testing under a fair treaty could be very much in our national interest.

Clearly we do not want other countries to develop sophisticated nuclear weapons, the sort that are light enough to go on ICBMs that could reach our country. A verifiable test ban would seriously hinder other countries from developing those sophisticated weapons.

However, today we cannot indefinitely maintain with certainty the safety and reliability of our nuclear weapons. So while proponents of the treaty make valid points about the benefits that may be obtained with regard to nonproliferation, we are not yet prepared to assume the risks that would be imposed upon us if we give up the ability to test our own weapons.

As Paul Robinson, the Director of the Sandia National Laboratory, put it:

> Confidence in the reliability and safety of the U.S. nuclear weapons stockpile will eventually decline without nuclear testing * * * Whether the risk that will arise from this decline in confidence will be acceptable or not is a policy issue that must be considered in light of the benefits expected to be realized by a universal test ban.

I have considered the risks on both sides of the this issue, and I come to

the conclusion that a test ban should remain our goal, but we are not yet in a position to enter into an indefinite ban.

We hope over time to reduce the risks of maintaining our stockpile without testing using a science-based Stockpile Stewardship Program. But that program is not yet ready.

Our lab Directors believe it will take another 5 to 15 years to prove the program can be a success.

As John Browne, the Director of the Los Alamos National Laboratory has said, he is ''concerned about several trends that are reducing [his] confidence. These include annual shortfalls in the planned budgets, increased numbers of findings in the stockpile that need resolution, an augmented workload beyond our original plans, and unfunded mandates that cut into the program.''

I hope the Senate can delay a vote on this treaty. It is in our national interest to ask others to abide by a ban as we are doing, and our ability to make that request will be reduced if we vote against ratification today.

However, on whole, the risk to our national security is greater if we prematurely agree to an indefinite ban. For that reason, I hope we will put off the vote on this treaty, but, if we have to vote, in the interest of national security, I will vote against the ratification of this treaty at this time.

I thank the Senator for the time.

Mr. LEAHY. Mr. President, I yield 15 minutes out of our time to the distinguished senior Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. President, I regret that the Senate has arrived at this juncture, that we are forging ahead with a vote that many, if not most, of us believe is ill-timed and premature. The outcome is a foregone conclusion—the Senate will reject the Comprehensive Test Ban Treaty. I sincerely hope that this vote is being driven by something other than pure partisan politics, but for the life of me, I fail to see it. Nevertheless, here we are, and vote, it appears, we will.

In the consideration of a matter as important as a major arms control treaty, we need, at a minimum, sufficient time to examine the issue, sufficient opportunity to modify the treaty, and last, but not least, the answers to a few basic questions.

First, do we support the objectives of the treaty? In the case of the CTBT, I think it is quite possible that a large majority of the Senate does support the goal of banning live nuclear weapons tests worldwide. I suspect that the 80 percent or more approval ratings that we hear in reference to this treaty are based on that question.

Second, is the treaty in the national security interests of the United States? Would the security of the United States be enhanced if we could flash-freeze the practice of nuclear weapons testing worldwide, or are we leaving ourselves frozen in time while other nations march forward? Given our vast superiority in both numbers and technology over other nations, including Russia, it would seem that a freeze on testing could be an advantage to the United States, if—and it is a big if—other nations fully respect the treaty.

Third, does the treaty accomplish its objectives? This is where the questions become more difficult. Verification is a legitimate issue, as is the security of the U.S. nuclear weapons stockpile. What will the impact be on our national security if some countries cheat on the treaty, and others simply refuse to ratify it? Can we really trust an untested Stockpile Security Program to maintain our arsenal of nuclear weapons, and what signal will we be sending to the rest of the world if we find flaws in the program or in our weapons, flaws that mandate live testing to fix the weapons? These types of questions require time and research to fully explore. We have neither the time nor the information we need on this treaty.

Finally, can the treaty be improved by the addition of amendments, reservations, understandings or the like? Few documents that come before this body are perfect, and treaties are no exception. It is easy to criticize, easy to find fault, easy to point out the flaws—it is much easier to renounce a piece of legislation or a treaty than to improve it. We have heard a fair amount of discussion about the safeguards to be attached to this treaty. That is all well and good, but I wonder if they are good enough. I wonder how much scrutiny Senators have really given those safeguards. Could they be improved, or perhaps expanded? Maybe we need more safeguards. The point is, under these circumstances, we do not have the ability to fully explore ways to strengthen this treaty, and perhaps make it acceptable to more Senators.

A treaty of this nature—one that would bar the United States from testing its stockpile of nuclear weapons in perpetuity—deserves extensive study, careful debate, and a floor situation that allows for the open consideration of amendments, reservations, or other motions.

Treaties of this importance, of this impact on the Nation, are not to be brushed off with a political wink and a nod. Treaties of this importance must be debated on the basis of their merits, not calibrated to the ticking of the legislative clock.

As the distinguished ranking member of the Foreign Relations Committee, Senator BIDEN, noted on Friday, in comparison with Senate consideration of other national security treaties, the Comprehensive Test Ban Treaty has been given short shrift indeed. The 1988 Intermediate-Range Nuclear Forces Treaty (INF), which was considered during a time in which I served as Majority Leader, was the subject of 20 hearings before the Senate Foreign Relations Committee, 12 hearings before the Senate Armed Services Committee, a number of hearings in the Intelligence Committee, and eventually, nine days of Senate floor debate. The SALT II Treaty, which again was considered when I was Majority Leader, was the subject of 21 hearings by the Foreign Relations Committee, and nine hearings by the Armed Services Committee before President Carter and I reached agreement in 1980 that, as a result of the seizure of the U.S. embassy in Tehran, consideration of the treaty should be suspended.

The Comprehensive Test Ban Treaty is of equal importance and deserves the same consideration as those earlier treaties affecting our national security. Senator WARNER and Senator LEVIN, the chairman and ranking member of the Senate Armed Services Committees, and their respective staffs, did a yeoman's job in scheduling three back-to-back days of hearings on the Treaty last week. They managed to wedge an enormous amount of information into a remarkably brief window of opportunity. They deserve our thanks and our commendations.

But what are we left with at the end of the process? What we are left with is a cacophony of facts, assessments, and opinions. Few in this chamber are steeped in the intricacies of the Comprehensive Test Ban Treaty. I am not. Few of us have a full enough understanding of the treaty to sift the competing opinions that we have heard this week and to draw informed conclusions.

It is often said that the devil is in the details. To accept or reject this treaty on the basis of such flimsy understanding of the details as most of us possess is a blot on the integrity of the Senate, and a disservice to the Nation.

Mr. President, I refer now to the Federalist No. 75 by Alexander Hamilton. Let me quote a bit of what he says in speaking of the power of making treaties.

> Its objects are contracts with foreign nations, which have the force of law, but derive it from the obligations of good faith. They are not rules prescribed by the sovereign to the subject, but agreements between sovereign and sovereign. The power in question seems therefore to form a distinct department, and to belong properly neither to the legislative nor to the executive. . . .
>
> However proper or safe it may be in government where the executive magistrate is an hereditary monarch, to commit to him the entire power of making treaties, it would be utterly unsafe and improper to entrust that power to an elective magistrate of four years duration. . . . The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate, created and circumstanced, as would be a president of the United States.
>
> . . . It must indeed be clear to a demonstration, that the joint possession of the power in question by the president and senate would afford a greater prospect of security, than the separate possession of it by either of them.

In The Federalist Essays, Number 75, Alexander Hamilton lays out a compelling case for the fundamental and essential role that the Senate must play in the ratification of a treaty.

Mr. President, in accordance with what Hamilton said, in these words that I just spoke, we should pause to take his words to heart. He leaves no room for quibble, no margin for question. The Senate is a vital part of the treaty-making equation. And yet, on this treaty, under this consent agreement, the Senate has effectively abdicated its duty.

This is an extraordinary moment. The Senate is standing on the edge of a precipice, approaching a vote that is, by all accounts, going to result in the rejection of a nuclear arms control treaty. All of us are by now aware of a coup d'etat which has occurred in one of the more unstable nuclear powers in the world—Pakistan—a state that conducted underground tests of nuclear weapons just last year, but which in recent weeks, sent signals that it would sign the Comprehensive Test Ban Treaty.

While the two events are not necessarily related, the Senate's rejection of this treaty, coming on the heel of this coup d'etat, could send a powerful message to the as-yet-unfamiliar government in Pakistan. Would it not be prudent to assess this new situation, with all of its potential ramifications to our own security situation, before we act on this treaty? I believe all of us know that it would.

But, Mr. President, I fear that what is driving the Senate at this moment instead of prudence or the security interests of the United States, is political agenda. Indeed, it is political agenda that has brought us to this uncomfortable place, and it is political agenda which blocks our exit from it, despite the desire of most members to pull back.

Once we have disposed of this vote, if the Comprehensive Test Ban Treaty is returned to the Senate at some future date, I urge the leaders to work together to re-examine it in a bipartisan fashion. We have a number of ready made vehicles to do so—the Foreign Relations Committee, the Armed Services Committee, the Intelligence Committee, and the National Security Working Group, of which both leaders are members. Our leaders should sit down with the experts whose opinions represent both sides of the Treaty debate. They should talk to the Russians, eyeball to eyeball. They should talk to our allies, eyeball to eyeball. An opinion piece in the New York Times is no substitute for face-to-face talks with the leaders of Britain, France and Germany. We have made the effort on other treaties, and we should do no less for this Treaty.

And above all, we should undertake this examination of the treaty on a bipartisan basis. No treaty of this importance is going to receive the consideration that it deserves without the cooperation of the leaders of both parties. It is just that simple.

Mr. President, I look forward to the day when we can deliberate the full implications of the Comprehensive Test Ban Treaty. What we do on this treaty will affect national—and international—security for generations to come. We owe it to the Senate and to the Nation to give this Treaty thorough and informed scrutiny, to improve it if needed, to approve it if warranted, or to reject it if necessary. That is our charge under the Constitution, and that is the course of action that I hope we will be given another opportunity to pursue.

In closing, Mr. President, I cannot vote today either to approve or to reject the ratification of the Comprehensive Test Ban Treaty. I will do something that I have never before done in my 41 years in the United States Senate. I will vote ''Present.'' I will do so in the hope that this treaty will sometime be returned for consideration, under a different set of circumstances, in which we can fully and dispassionately explore the ramifications of the treaty and any amendments, conditions, or reservations in regard to it.

Mr. President, I yield the floor.

Mr. HELMS. I yield 4 minutes to the distinguished Senator from New Hampshire, Mr. SMITH.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank the Chair.

Mr. President, the Senate now has acquired two documents which are very revealing in this debate, new information. I have a memorandum here which makes clear that neither the Department of Defense nor the Joint Chiefs of Staff were privy to the Department of Energy's lobbying effort vis-a-vis the White House to forgo all nuclear testing under the CTBT. This was never—in the words of a senior DOD official—coordinated with the Defense Department or the military.

These documents make it very clear that the Clinton administration ignored national security concerns expressed directly to the President of the United States in negotiating the CTBT and a further reason that the treaty should be rejected.

Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum, dated September 8, 1994, to the President of the United States from Hazel O'Leary.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, September 8, 1994.

MEMORANDUM FOR: THE PRESIDENT.

From: Hazel R. O'Leary.

Subject: Hydronuclear Experiments at the Nevada Test Site Under the Moratorium on Nuclear Testing.

I. Summary

After careful and extended debate within the executive agencies, you are to be presented with a decision memorandum on whether the United States should conduct hydronuclear experiments at the Nevada Test Site (NTS) under the moratorium on nuclear testing. Although the views of the Department of Energy on this matter are reflected in that decision memorandum, I want to take this opportunity to strongly urge you to decide that the U.S. should not conduct, nor prepare to conduct, hydronuclear experiments during the existing moratorium. At the very least, the U.S. should decide to defer a decision on whether to conduct hydronuclear experiments until after the Nuclear Non-Proliferation Treaty (NPT) Extension Conference next spring and not take any actions which prejudice an ultimate decision on whether to conduct these experiments.

II. Discussion

Under your leadership, the United States has taken a world leadership role in enacting and maintaining a nuclear testing moratorium and actively pursuing a test ban treaty. These efforts are essential elements of the comprehensive approach this Nation has undertaken to prevent the proliferation of nuclear weapons. We must be vigilant to ensure that actions are not taken which could undermine these essential objectives.

The reasons to, at a minimum, defer a decision on conducting hydronuclear experiments are compelling.

It is not technically essential to conduct hydronuclear experiments at this time. The Department of Energy has determined that the existing nuclear stockpile of the United States is safe and reliable and; that technical means other than hydronuclear testing can maintain the stockpile in this robust condition for the near term. Additionally, the JASON group, a high-level, independent technical evaluation team assessing the Stockpile Stewardship program for the U.S. Government, weighed the limited technical value of hydronuclear experiments against the costs, the impact of continuing an underground testing program at the NTS, and U.S. non-proliferation goals and determined that on balance they opposed these experiments.

Publicly affirming the U.S. commitment to conduct hydronuclear experiments would highlight the issue at the Conference on Disarmament. This could undermine the comprehensive nuclear test ban negotiations by providing nations that are not fully committed to a comprehensive nuclear test ban an opportunity to use U.S. conduct as a convenient excuse for their opposition. Significant progress on the test ban treaty is essential if the priority objective of achieving an indefinite extension of the Nuclear Non-Proliferation Treaty is to be successful in spring 1995.

A request for funding in fiscal year 1996 to preserve the hydronuclear experiment option will be difficult to defend to the Congress since it is not technically essential to conduct these experiments to preserve stockpile reliability and safety. Additionally, because of the controversial nature of hydronuclear experiments, a request for funding at this time may invite the Congress to enact legislation restricting funding for this purpose. This would tie the hands of the Executive Branch in the negotiation of a comprehensive test ban treaty and may force a change in the Administration's current negotiating position and strategy. Alternatively, if the Congress withheld its approval of funding, this will create ambiguity concerning U.S. policy and intentions on this sensitive issue, further complicating the comprehensive test ban negotiations.

As a member of your cabinet, with responsibility, with others, for carrying out your non-proliferation and national security agenda, I believe strongly that a decision to

conduct, or to prepare to conduct, hydronuclear experiments under a nuclear testing moratorium is tactically unwise and substantively unnecessary at this time. I urge you to decide not to authorize preparations for these experiments in the fiscal year 1996 budget request and also not to conduct these experiments under a moratorium.

Mr. SMITH of New Hampshire. Mr. President, I further ask unanimous consent to print in the RECORD a memorandum for Dr. John Deutch, chairman of the Nuclear Weapons Council, from Dr. Harold Smith, staff director of the Nuclear Weapons Council.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

For: Dr. John Deutch, Chairman NWC.

From: Dr. Harold Smith, Staff Director NWC.

Subject: Secretary O'Leary's Letter to the President on Hydronuclear Experiments (HN).

BACKGROUND

Letter dated September 8, 1994 from Secretary O'Leary to the President was received in my office today by FAX as a bootleg copy from Los Alamos National Laboratory—copies were not distributed to OSD, DoD, JS, NSC or the Deputies.

Letter clearly circumvents the established IWG process being pursued through the NSC.

THE O'LEARY LETTER (SENT AS AN ATTACHMENT)

Section I.

''. . . strongly urge you to . . . not conduct, or prepare to conduct hydronuclear experiments during the existing moratorium''—circumvents the IWG Deputies forum established by NSC to decide this issue in an Interagency process

Section II.

''. . . not technically essential to conduct hydronuclear experiments at this time''—HNs must be conducted while the stockpile is safe and reliable to acquire baseline data, otherwise HN as a diagnostic for stockpile problems is of limited value

''. . . technical means other than hydronuclear testing can maintain the stockpile in this robust condition for the near term''—HNs provide direct experimental testing of an unaltered (real) pit—no other technique provides this capability

''. . . the JASON group . . . opposed these experiments.''—The JASON's draft report indicated that HN experiments have limited technical value, but their assessment was lacking in scope and depth—the JASONs received one briefing and asked no questions in developing their position—NRDC white paper was the basis for their conclusions

''. . . could undermine the CTBT negotiations . . .''— speculative

''A request for funding in FY 1996 . . . difficult to defend to the Congress . . .''—ability to justify funding for HNs with Congress should be based on the need to maintain a safe and reliable stockpile

''As a member of your cabinet with responsibility with others for carrying out your nonproliferation and national security agenda''—the national security agenda should include Stockpile Stewardship that includes the ability to conduct a meaningful experimental program

AE opinion—HNs will provide unique data to be combined with other experimental and analytical data to significantly improve confidence in the safety and reliability of the stockpile

Mr. SMITH of New Hampshire. Mr. President, in the summary of the document to the President of the United States from Hazel O'Leary, the Energy Secretary, she said:

After careful and extended debate within the executive agencies, you are to be presented with a decision memorandum on whether the United States should conduct hydronuclear experiments at the Nevada test site (NTS) under the moratorium on nuclear testing. Although the views of the Department of Energy on this matter are reflected in that decision memorandum, I want to take this opportunity to strongly urge you to decide that the U.S. should not conduct, nor prepare to conduct, hydronuclear experiments during the existing moratorium.

In other words, the Secretary of Energy is asking the President of the United States to ignore the recommendations of the experts.

She states further in this memorandum to the President:

It is not technically essential to conduct hydronuclear experiments at this time. The Department of Energy has determined that the existing nuclear stockpile of the United States is safe and reliable and that technical means other than hydronuclear testing can maintain the stockpile in this robust condition for the near term.

She concludes in the memo to the President:

As a member of your cabinet with responsibility, with others, for carrying out your nonproliferation and national security agenda, I believe strongly that a decision to conduct, or to prepare to conduct, hydronuclear experiments under a nuclear testing moratorium is technically unwise and substantively unnecessary at this time. I urge you to decide not to authorize preparations for these experiments in the fiscal year 1996 . . . .

That is a very interesting memorandum from the Secretary of Energy to the President of the United States.

Now let us hear what the experts had to say. This is very interesting. In a memorandum from Dr. Harold Smith to John Deutch, Nuclear Weapons Council: Background, letter dated September 8 from Secretary O'Leary to the President was received in my office today by fax as a bootleg copy from the Los Alamos National Laboratory. Copies not distributed to OSD, DOD, Joint Staff, NSC or the Deputies, not distributed and not copied.

Then the subject, and it begins to analyze the O'Leary memo. Let me quote a couple of items. In the memo from O'Leary to the President, she says: Strongly urge you to not conduct or prepare to conduct hydronuclear experiments. They say: This circumvents the IWG deputies forum established by the NSC to decide this issue in an interagency process.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. HELMS. One more minute.

Mr. SMITH of New Hampshire. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. The Senator has been yielded 1 additional minute.

Mr. SMITH of New Hampshire. The second point in the O'Leary memo says: not technically essential to conduct hydronuclear experiments at this time. Hydronuclear experiments must be conducted while the stockpile is safe and reliable to acquire baseline data, otherwise HN, or hydronuclear, testing, as a diagnostic for stockpile problems, is of limited value.

These are the experts saying this in response.

Finally: Hydronuclear tests provide direct experimental testing of an unaltered real pit. No other technique provides that capability. This is what the experts in the Clinton administration believed. They were end run by the Secretary of Energy on a political decision, which basically said, don't worry about the science, just move forward with the policy.

This is outrageous. It flies in the face of every single point the President has made in saying we should pass this treaty.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I yield 2 minutes to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Mr. President, I have a strong sense of deja vu today.

On September 22, 1963, the Senate, on a bipartisan basis, ratified the Limited Test Ban Treaty by a vote of 80–19. I was present in the Chamber, in the gallery, as a young 21-year-old student observing my country in action and studying government and politics. I was very proud of the Senate on that day.

I was very proud of President Kennedy when, on October 7, 1963, he signed the instruments of ratification of the Limited Test Ban Treaty in the treaty room at the White House.

Today I am saddened. I am saddened by our rush to judgment. I am saddened that our Nation may see a rejection by this Senate of the first real treaty in terms of arms limitation in 70 years.

We are in the strongest military posture I think we have been in as a nation. As such, we are certainly more secure today than when John F. Kennedy sought ratification of the Limited Test Ban Treaty in 1963, certainly more secure than when President Ronald Reagan sought approval of the Intermediate Nuclear Forces Treaty in 1988, and certainly more secure than when President Bush submitted the START I treaty for Senate ratification in 1992. Of all the nations in the world, we have the most to gain from slowing the development of more capable weapons by others and the spread of nuclear weapons to additional countries.

The treaty cannot enter into force unless and until all 44 nuclear-capable states, including China, India, Iran, North Korea, and Pakistan, have ratified it. Should any one of these nations refuse to accept the treaty and its conditions, all bets are off. Finally, even if

all the required countries ratify, we will still have the right to unilaterally withdraw from the treaty if we determine that our supreme national interests have been jeopardized.

President Kennedy said, when he signed our first real nuclear test ban treaty: In the first two decades, the age of nuclear energy has been full of fear, yet never empty of hope. Today the fear is a little less and the hope a little greater.

Mr. President, it is my hope that at the end of today's work, this Senate can say the same.

I thank the Chair.

Mr. HELMS. Mr. President, I yield 4 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 4 minutes.

Mr. SHELBY. Mr. President, I rise in opposition to the Resolution of Advice and Consent to the Ratification of the Comprehensive Test Ban Treaty.

Last Thursday, I testified before the Senate Committee on Foreign Relations, in my capacity as chairman of the Select Committee on Intelligence, to present my views on the ability of the Intelligence Community to monitor compliance with the CTBT. Today, I would like to make certain general observations, in addition to addressing issues involving CTBT monitoring and verification. By the way: monitoring and verification are different. Monitoring is objective. Verification is subjective; it involves determining the significance of information obtained through monitoring.

First, as a general matter, I believe that the treaty will serve as a stalking horse for denuclearization. I do not accuse all of the treaty's supporters of seeking that goal. Yet, a test ban agreement whose first operative sentence appears on its face to outlaw the explosion of nuclear weapons, even in a war of self-defense, surely raises profound questions about the long-term viability of any nuclear deterrent.

I fear that the treaty will both undermine and delegitimize our nuclear deterrent. When I say ''undermine,'' I refer to the effect of ratification of, and adherence to, this treaty on the weapons in our nuclear stockpile.

Senators KYL, WARNER, and others have ably addressed this issue in the course of the debate. I will not belabor it further, other than to cite, as others have, the conclusion of former Secretaries of Defense Rumsfeld, Cheney, Schlesinger, Weinberger, Laird, and Carlucci. These highly regarded public servants have determined that ''over the decades ahead, confidence in the reliability of our nuclear weapons stockpile would inevitably decline, thereby reducing the credibility of America's nuclear deterrent.'' This alone is reason for the Senate to withhold its advice and consent to the treaty.

With respect to delegitimizing our nuclear deterrent, Article I of the treaty prohibits ''any nuclear weapon test explosion or any other nuclear explosion.'' I understand that the U.S. Government does not view that prohibition as applying to the use of nuclear weapons.

The President's 1997 transmittal message to the Senate included an article-by-article analysis of the treaty. This analysis explains that the U.S. position in the negotiations was that ''undertakings relating to the use of nuclear weapons were totally beyond the scope'' of the CTBT. The analysis does not make clear whether all other signatories agreed with the U.S. view or whether they acquiesced in it or did something else. It is unfortunate that the CTBT text does not incorporate the U.S. understanding. We are asked to give our advice and consent to that text and only that text.

Article 15 of the treaty bars reservations, even one clarifying the meaning of Article I. Because the U.S. understanding of the scope of the prohibition on other nuclear explosions cannot be incorporated in a reservation to the treaty, the U.S. position may be subject to challenge as a matter of law. After all, one normally looks at negotiating history only if the treaty text is unclear. I hope the administration will address this issue to my satisfaction.

In the meantime, along with many other concerns about this treaty, I question the wisdom of negotiating an agreement that relegates our right of self-defense to the fine print.

I would also draw the attention of Senators to the language of the preamble to the CTBT. The administration points to the preamble for support for its narrow reading of the open-ended language of Article I. The administration notes, correctly, that the preamble does not refer to the ''use'' of nuclear weapons. In the administration's view, the treaty therefore cannot be read to apply to the use of nuclear weapons. Yet, a close reading of the preamble raises more questions than it answers over the ultimate purpose of the CTBT. I hope everybody shares my abhorrence of nuclear weapons. But merely wishing to put the nuclear genie back in the bottle will not accomplish that goal.

The one certainty about the CTBT is that, if ratified, the United States will obey it to the letter. Other countries' record of deception and denial with respect to nuclear testing is such that we cannot have the same confidence. And, in the world of the blind, the one-eyed is king.

I have supported well-negotiated, well-considered reductions in our nuclear forces. But it is a fact that the American nuclear deterrent has served our Nation well and has served the world well. The United States, under Democratic and Republican administrations, backed by a strong and credible nuclear deterrent, faced down the Soviet threat and served as a force for peace and stability around the world.

Therefore, Mr. President, I would not start down this path. Even if the Senate approved the CTBT today, it would be years before the treaty took effect. And by then, decisions would have been made affecting the future of our nuclear deterrent that may be irrevocable.

The second reason I intend to vote against advice and consent is that I am convinced that the treaty cannot achieve the goals its proponents have described: to prevent the nuclear powers from developing new nuclear weapons and to stop the proliferation of nuclear weapons.

While I cannot go into classified details, as my colleagues are aware, the Washington Post recently reported that Russia continues to conduct what may be low-yield nuclear tests at its Arctic test site. Russia reportedly is undertaking this action in order to develop a new low-yield weapon that will be the linchpin of a new military doctrine. These Russian activities are of particular concern. There is evidence, including public statements from the Russian First Deputy Minister of Atomic Energy, Viktor Mikhailov, that Russia intends to continue to conduct low-yield hydro-nuclear tests—that is, nuclear tests—and does not believe that these are prohibited by the treaty.

With respect to proliferation, Acting Undersecretary of State John Holum has stated that, with the CTBT in effect, it will be ''very difficult for new countries to develop nuclear weapons.'' Yet, Director of Central Intelligence George Tenet has stated that ''[n]uclear testing is not required for the acquisition of a basic nuclear weapons capability . . . [and] is not critical for a first-generation weapon.'' North Korea, Iraq, and Iran are seeking this kind of weapon.

Third, it is my considered judgment, as Chairman of the Intelligence Committee, that it is impossible to monitor compliance with this treaty with the confidence that the Senate should demand—I repeat, demand—before providing its advice and consent to ratification.

Simply put, I am not confident that we can now, or, in the foreseeable future will be able to, detect any and all nuclear explosions prohibited under the treaty.

I have a great degree of confidence in our ability to monitor higher yield explosions at known test sites. I have markedly less confidence in our capabilities to monitor lower yield and/or evasively conducted tests, including tests that may enable states to develop new nuclear weapons or improve existing weapons.

I should also repeat in this context North Korea, Iran, and Iraq can develop and deploy nuclear weapons without any nuclear tests at all.

With respect to monitoring, in July 1997, the intelligence community issued a National Intelligence Estimate entitled ''Monitoring the Comprehensive Test Ban Treaty Over the Next 10 years.'' While I cannot go into classified details, I can say that the

NIE was not encouraging about our ability to monitor compliance with the treaty—nor about the likely utility of the treaty in preventing countries like North Korea, Iran, and Iraq from developing and fielding nuclear weapons.

The NIE identified numerous challenges, difficulties, and credible evasion scenarios that affect the intelligence community's confidence in its ability to monitor compliance.

Because the details are classified, and because of the inherent difficulty of summarizing a highly technical analysis covering a number of different countries and a multitude of variables, I recommend that Members review this document with the following caution: I believe that newly acquired information and other developments require a reevaluation of the 1997 estimate's assumptions and underlying analysis on certain key issues. I believe such a new analysis will increase concern about monitoring the CTBT. A preliminary summary of the Intelligence community's revised judgment was provided to the committee late last Friday. This document, along with the NIE and the transcript from last week's hearing is available to Members in S–407.

Proponents of the treaty argue, in essence, that we will miss no test of strategic significance. Despite the U.S. inability to monitor compliance at any test level, proponents place their faith in multilateral monitoring aids provided under the treaty: the International Monitoring System, a multinational seismic, infra-sound, hydroacoustic, and radio-nucleide detection system; and the CTBT's on-site inspection regime.

Based on a review of the structure, likely capabilities, and procedures of these multilateral mechanisms, which will not be operational for a number of years, and based on the intelligence community's own analysis, I believe that these mechanisms will be of little value. For example, the IMS will be technically inadequate to monitor the most likely forms of noncompliance.

The IMS seismic system was not designed to detect ''evasively'' conducted tests. These are precisely the kind of tests Iraq or North Korea are likely to conduct.

In addition, the IMS suffers from having been designed with diplomatic sensitivities rather than effective monitoring in mind. Under the so-called ''non-discriminatory'' framework, no country will be singled out for attention. All countries—Iraq and Ireland, North Korea and Norway—will receive the same level of verification.

Lastly, it will be 8 to 10 years before the system is complete.

Because of these shortcomings, and for other technical reasons, I am afraid that the IMS is likely to muddy the waters by injecting questionable data into what will inevitably be highly charged debates over possible violations.

With respect to OSI, I believe that the onsite inspection regime invites delay and deception. For example, U.S. negotiators originally sought an ''automatic green light'' for on-site inspections. Yet, because of the opposition of the People's Republic of China, the regime that was adopted allows inspections only with the approval of 30 of the 51 countries on the Executive Committee. Proponents of ratification, especially, will appreciate the difficulty of rounding up the votes for such a super-majority.

I am troubled by the fact that if the United States requested an inspection, no U.S. inspectors could participate in that inspection, and we could send an observer only if the inspected party approved. I am also disturbed by the right of the inspected party to declare areas up to fifty square kilometers off-limits to inspection or to impose severe restrictions on inspectors in those areas.

I understand that these provisions mirror limitations sought by Saddam Hussein on UNSCOM inspectors. This leads me to believe that OSI stands for ''Option Selected by Iraq.'' Even if inspectors do eventually get near the scene of a suspicious event, the evidence—which is highly perishable—may well have vanished.

The recently-reported activity at Russia's Arctic test site raises questions both as to our monitoring capabilities and Russian intentions under the CTBT. The Washington Post reported that Russia continues to conduct possible low-yield nuclear tests at its Arctic test site. The Washington Post also reported that the CIA cannot monitor such tests with enough precision to determine whether they are nuclear or conventional explosions.

Mr. President, I have tried to convey some serious concerns about the practicality of this treaty, and that is extremely difficult to do in an unclassified forum and in such a short time.

I urge my colleagues, as they consider their position on this treaty, to immerse themselves in the details. For further information on treaty monitoring and the reported activities at the Russian test site, I urge Members to review the materials available in S–407.

In closing, Mr. President, I would like to make some general points.

First, I believe that, when foreign and national security policies come before the Senate, we must put the Nation's interests first.

Second, while arms control agreements may be useful to the extent they advance our national interests, they are not a substitute for sound policy. Good agreements are an instrument of good policy. Bad agreements, pursued for agreement's sake, do not serve our Nation's interests.

Lastly, some of my colleagues have held out the option of withdrawal from the treaty, should it be ratified yet somehow fail to lead to the Golden Age that proponents envision.

Let me be clear. If this treaty is ratified, there will be no turning back.

The history of cold war arms control agreements is instructive. In 1972, the United States signed the Interim Agreement on the Limitation of Strategic Offensive Arms, generally known as SALT I, together with the SALT I Anti-Ballistic Missile treaty.

On May 9, 1972, Ambassador Gerard Smith unilaterally declared that ''[i]f an agreement providing for more complete strategic offensive arms limitations were not achieved within five years, U.S. supreme interests could be jeopardized.'' He continued, ''Should that occur, it would constitute a basis for withdrawal from the ABM Treaty.''

In fact, no such agreement was reached in five years or in ten years or in 15 years. Not until 1991, almost 20 years after SALT I, when START I was signed, did the United States and the Soviet Union reach such an agreement. At no point did the United States invoke the Supreme Interest clause to withdraw from the ABM Treaty.

It is difficult to imagine the circumstances in which an administration would withdraw from the CTBT.

In closing, Mr. President, I believe that there are many reasons to oppose this treaty. The effect on our nuclear stockpile, the inability of the treaty to achieve its goals, and our inability to monitor compliance are each sufficient reason to withhold advice and consent to ratification.

Mrs. FEINSTEIN. Mr. President, I yield myself 3 minutes. Mr. President, I rise today to express my support for the Comprehensive Nuclear Test Ban Treaty. Unfortunately, the vote outcome today looks to be a tragedy of major proportions. It will leave the world a far less safe place and means the United States relinquishes its imperative as a leader in nuclear nonproliferation. I would like to take a few minutes to explain why I support this treaty, and to address some of the arguments presented by those who are opposed to this Treaty.

I support the Comprehensive Test Ban Treaty because I believe it strengthens the U.S. ability to play a leadership role in global nuclear nonproliferation. The treaty is a key element of the global non-proliferation regime, and if the U.S. fails to ratify the CTBT, it sends a clear message around the world that the development and possession of nuclear weapons are acceptable. As former U.S. Ambassador to India Frank Wisner expressed in a letter earlier this year, if the U.S. walks away from the CTBT ''I do not want to contemplate treaty failure here followed by a breakdown with India and Pakistan and the effect these moves will have on rogue states like Iraq, Libya, Iran and North Korea.''

Second, the CTBT will constrain the development of nuclear capabilities by rogue states, as well as the development of more advanced weapons by declared nuclear states. Any significant nuclear program requires extensive testing, and while a rogue state might develop a primitive first generation

weapon without testing, that testing would not be adequate to develop a sophisticated weapon. And, because new types of weapons also require testing, the CTBT will also curb the ability of states which already possess nuclear weapons from developing more advanced designs. As John Holum, Acting Undersecretary of State and the former Director of the Arms Control and Disarmament Agency, has noted, the United States does not need tests; proliferators need tests.

Third, the CTBT will improve the U.S. ability to detect and deter nuclear tests. The American Geophysical Union and the Seismological Society of America, in a joint statement issued on October 6, found that when the International Monitoring System—with over 300 seismic, hydroacoustic, infrasound, and radionuclide monitoring stations—is in operation, no nation will be able to elude them, even with a small-yield test.

And, finally, the CTBT will make the world a safer place and safeguard U.S. national security interests. The treaty constrains the development of nuclear weapons by other states. That is good. It provides the United States with additional means to detect nuclear activities of other countries. It provides the United States with means and leverage to act if we discover that other states are, in violation of the treaty, developing nuclear weapons. And, given the size and sophistication of the U.S. nuclear arsenal—second to none in every respect—it preserves U.S. nuclear superiority and our deterrent capability. It will help make the world a safer place. It is in the national interest.

The Joint Chiefs believe that this Treaty safeguards U.S. interests. Former Chiefs, including Generals Colin Powell, John Shalikashvili, David Jones, and Admiral Crowe all endorse the treaty. Presidents of both parties, from Eisenhower and Kennedy to President Clinton have worked for a ban on nuclear test explosions. The NATO alliance has endorsed the Treaty. And other leading U.S. military and diplomatic figures—including Paul Nitze, Admiral Turner, Admiral Zumwalt—all support this treaty and believe that it makes the U.S. more secure in the world, not less.

Let me now address several of the arguments that have been raised by opponents of this treaty: That it is not verifiable; that it will compromise the reliability and integrity of the U.S. nuclear arsenal; that the U.S. needs to maintain the ability to improve our nuclear arsenal and that we can only do so with additional tests; and that others, such as North Korea and Iran, will develop nuclear weapons under the CTBT while our hands are tied.

First, several opponents of this treaty have commented that it is impossible for the CTBT to offer a 100% foolproof means of detecting low-yield tests.

It is true that the CTBT will not provide the means for 100% verification of low-yield tests—those tests less than one kiloton in size. But it is undeniable that the additional seismic monitors, including a system that will be well-calibrated to pick up tests smaller than one kiloton (in areas of interest) and the treaty's on-site verification provisions, will increase our current verification capabilities. As the statement of the American Geophysical Union and the Seismological Society of America asserts, the CTBT will add significant capabilities to what we can now detect, and the increased likelihood of detection will serve as a real deterrent to any state contemplating a test.

In addition, as physicist and arms control expert Sidney Drell has noted, ''very low yield tests are of questionable value in designing new nuclear weapons or confirming that a new design will work as intended.'' In other words, even if the CTBT is not 100% verifiable for small-yield tests, tests of this size are only of a limited utility to a state seeking to develop nuclear weapons.

Second, questions have been raised about the adequacy of the Science Based Stockpile Stewardship Program to maintain the reliability and integrity of U.S. weapons systems.

Simply put, according to General Shalikashvili in testimony before Congress, ''our warheads, having been adequately tested in the past, continue to be safe and reliable.'' With the Stockpile Stewardship Program, further nuclear testing is not necessary to maintain the safety and reliability of the U.S. arsenal. The U.S. has conducted over 1,000 nuclear tests. We have a high level of knowledge and sophistication and sufficient data to maintain the safety and reliability of our weapons. The U.S. does not need to conduct further nuclear tests—it is other states that need to test if they seek to develop nuclear programs, and it is precisely tests by other states that the CTBT will constrain or prevent.

In fact, because the U.S. does not need to continue to test, in 1992 President Bush signed into law legislation that established a moratorium on U.S. testing, and we have not tested a weapon in six years.

Each year the heads of Los Alamos, Sandia, and Lawrence Livermore have certified that the U.S. stockpile is safe and reliable. There is every indication that, aided by sophisticated computer modeling and other stockpile stewardship initiatives, they will be able to continue to make these certifications. In fact, in a February 2, 1998 statement, the three lab heads stated that ''We are confident that the Stockpile Stewardship program will enable us to maintain America's nuclear deterrent without nuclear testing.''

Critically—and this point should not be overlooked or ignored by opponents of the treaty—if at any point the United States finds that it can not continue to certify the safety and reliability of our nuclear weapons, under the President's safeguards package incorporated in the Democratic Amendment, the U.S. will maintain the prerogative to pull out of the CTBT and conduct tests or take whatever measures are necessary to maintain stockpile integrity. In other words, our very ability to maintain stockpile safety is a condition of U.S. participation in the CTBT.

Third, questions have been raised as to whether the U.S. needs to continue to test to maintain the ability to improve our nuclear arsenal to face the security challenges that lie ahead.

While the CTBT might constrain our ability to develop whole new classes of weapons, the CTBT does allow us to make modifications to our weapons, including casings, detonators, batteries, and arming systems. In a letter to President Clinton, Dr. Hans A. Bethe, head of the Manhattan Project's theoretical division and professor of physics emeritus at Cornell University, states that ''If any component shows signs of deterioration it will be refabricated. If the fuel itself is degrading, it will be refreshed.''

Parts that wear out can be replaced, and modifications can be made that will improve the capabilities of our nuclear arsenal. Thus, for example, in 1996 a B–61–7 nuclear bomb was modified to a B–61–Mod V earth penetrating weapon by hardening the outer casing. Unlike the B–61–7, the B–61–Mod V has additional capability to penetrate hardened targets.

In other words, the CTBT, while effectively preventing other states from developing nuclear weapons, will still allow the United States to modify its arsenal to meet the challenges that we may face in the years ahead.

Finally, there is the argument that under the CTBT other states—especially such states as North Korea or Iran—will do what they want while our hands will be tied.

In the final analysis some states will do what they want in violation of the norm established by the international community anyway. In other words, they will seek to develop nuclear weapons whether or not the CTBT is in force.

The real question, then, is if the CTBT will make it easier or more difficult for these states to develop nuclear weapons.

For example, with or without the CTBT the U.S. will face problems verifying small-yield tests. And the fact of the matter is that without the CTBT, relying only on national intelligence means, we will have greater difficulty in detecting any tests and less leverage to do anything about it if we do.

Again, to quote General Shalikashvili,

> On the issue of verification we have concluded that a Comprehensive Test Ban Treaty will actually put us in a better position to obtain effective verification than we would have without the Treaty. The Treaty does not provide ''perfect verification,'' but that

level of verification that would allow us to detect, to identify and to attribute that level of testing that could undercut our nuclear deterrent.

The CTBT may thus deter some from going forward with nuclear developments entirely—India and Pakistan have indicated that they would adhere to a test ban, for example—and for those it will not deter, it will make the development of nuclear weapons that much more difficult, and perhaps impossible.

I do not believe the CTBT, or any treaty for that matter, can prevent a determined state from doing what the treaty forbids. But that is neither the right nor the fair standard to measure the treaty against. One cannot let the perfect be the enemy of the good.

The bottom line is that by any measure the CTBT will make the development of nuclear weapons by other states more difficult, will add to the U.S. ability to detect tests, and will enhance U.S. national security by preventing the spread of nuclear weapons while assuring that the U.S. maintains a strong and capable nuclear deterrent second to none. And we also know that failure of the U.S. to ratify the CTBT will have disastrous repercussion.

The United States has led the international effort to keep the nuclear genie in the bottle for the past five decades. As we prepare to enter a new century we should not now uncork that bottle, and make our legacy to the twenty-first century the unleashing of a global nuclear weapons race.

Although I do not believe that this is the appropriate time for this Senate to vote on this treaty, I urge my colleagues to support ratification of the CTBT.

Mr. HELMS. Mr. President, I yield 2 minutes to the Senator from Arizona.

Mr. KYL. Mr. President, I rise today to explain why I intend to vote against the Comprehensive Test Ban Treaty (CTBT). I think that the words of President Ronald Reagan serve as the most appropriate and powerful way to begin this discussion. President Reagan frequently reminded us, ''We must always remain strong, so that we will always be free.'' The first question we must ask ourselves as we consider this vote is whether the CTBT jeopardizes the strength that the American people have relied upon for 50 years to ensure that this Nation remains free and at peace. Unfortunately, after careful consideration, I have concluded that the CTBT does jeopardize our strength by causing real harm to the very backbone of America's security—its safe, reliable, and credible, nuclear deterrent.

Some of my colleagues have argued that the Senate should postpone final action on the CTBT, that defeating the treaty today sends the wrong message to the world, that somehow the Senate would be signaling to rogue states and others that the United States thinks it is acceptable to develop nuclear weapons. I could not disagree more. The Senate will reject this treaty because it harms America's nuclear deterrent and because it does nothing meaningful to ensure that the spread of nuclear weapons is halted. Regardless of the outcome of the CTBT vote, the world should know that this Senate remains committed to preventing the spread of nuclear weapons, and that we will continue to support the strongest possible actions against proliferant states.

Nor should the rest of the world misinterpret another aspect of the Senate's rejection of the CTBT. The main message of the Senate's action today is that our constitutional democracy, with its cherished checks and balances, is alive and well. Through the wisdom of our Founding Fathers, the Constitution makes the treaty-making power a shared power. The Senate, through its obligation to provide advice and consent to treaties, acts as the ''quality control mechanism'' to ensure that the President does not bind the Nation to an international commitment that is not in its best interests. Before the United States is bound by the terms of an international agreement such as the CTBT, the President and the Senate must both agree to its terms. In rejecting the CTBT, the Senate is sending an explicit message that the United States does not have an international legal obligation to adhere to the provisions of the treaty. If the President were to determine that the United States must conduct tests to ensure the safety or reliability of our nuclear arsenal, the United States would be entitled to do so.

Perhaps most importantly, the Senate's rejection of the CTBT will send a clear message that the United States will not sign up to flawed treaties that are not in the nation's interest. And the men and women who represent the United States in international negotiations will know that when they stand up to negotiating partners in order to protect America's interests in future treaty negotiations, the Senate will not only support them, it will expect them to forcefully advocate a position that protects those interests.

Supporters of the CTBT would have the American people believe that to cast a vote against the treaty is merely a political act designed to embarrass the President. I do not see how anyone who has actually watched the Senate's careful deliberations—both in its committees and the floor—in recent weeks can honestly reach such a conclusion. I think that what the Senate had done through its thorough hearings and floor debate is to demonstrate beyond any reasonable doubt that this treaty faces certain defeat because of the substantive arguments against it that have been persuasively been presented to this body. The inescapable fact about the CTBT is that it is a fatally flawed treaty—it jeopardizes this Nation's nuclear deterrent, it will not contribute to the cause of nonproliferation, and it is unverifiable and unenforceable.

Although these arguments have already been made in depth here on the floor, they bear reinforcement as Senators prepare to cast their votes.

First, the CTBT threatens the Nation's nuclear deterrent—the very backbone of America's security for the past 50 years. To have an effective nuclear deterrent, we must have absolute confidence in the safety and reliability of our nuclear weapons. This requires periodic nuclear tests to ensure that we understand, for example, the effects of aging on our weapons and the best way to mitigate those effects. Again, as with the maintenance of any complex weapon, we must be able to test, to detect technical or safety problems that arise in our nuclear stockpile.

The administration's Stockpile Stewardship Program may well help the United States to better understand our nuclear arsenal, but it is unproven, it may never be an adequate substitute for actual tests, and it is already behind schedule.

A week's worth of expert testimony bears this out. As C. Paul Robinson, the current Director of Sandia National Laboratory, testified before the Armed Services Committee last week:

> I and others who are, or have been, responsible for the safety and reliability of the U.S. stockpile of nuclear weapons have testified to this obvious conclusion [that testing is the preferred methodology] many times in the past. To forego that validation through testing is, in short, to live with uncertainty.

Second, the CTBT will not contribute to the cause of nonproliferation. Countries will make decisions about whether to pursue nuclear weapons based on hard-headed calculations of their security interests. This fact has been demonstrated time and again. The existence of an ''international norm'' against the pursuit of nuclear weapons, created by the 1968 Nuclear Non-Proliferation Treaty (NPT), has not stopped a number of states, including Iran, Iraq, and North Korea from attempting to develop nuclear weapons. Furthermore, the United States has not tested in 8 years, yet in that same timeframe, five other nations have tested.

Third, the CTBT is unverifiable, meaning that states who choose to violate the CTBT may never be caught, and it is unenforceable, meaning that violators who are caught will likely go unpunished. As the October 3 Washington Post pointed out, a recent assessment by the Central Intelligence Agency concluded that the CIA ''cannot monitor low-level tests by Russia precisely enough to ensure compliance with the CTBT.''

And as C. Paul Robinson, the Director of Sandia National Laboratory, said in testimony before the Armed Services Committee on October 7:

> . . . [c]ompliance with a strict zero-yield requirement is unverifiable. The limitations of verifiability introduce the possibility of inconsistent observance of the ban under the threshold of detectability.

Speaking to the issue of lack of enforceability, our colleague RICHARD LUGAR recently noted:

This treaty simply has no teeth . . . . The CTBT's answer to illegal nuclear testing is the possible implementation of sanctions. It is clear that this will not prove particularly compelling in the decisionmaking processes of foreign states intent on building nuclear weapons. For those countries seeking nuclear weapons, the perceived benefits in international stature and deterrence generally far outweigh the concern about sanctions that could be brought to bear by the international community.

Mr. President, for all the reasons my colleagues and I have cited throughout this debate, I believe the only prudent course is for the Senate to demonstrate strength and good sense worthy of Ronald Reagan by rejecting this flawed CTBT.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Dr. Henry Kissinger to the chairman of the Foreign Relations Committee.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HENRY A. KISSINGER,
October 13, 1999.

Hon. JESSE HELMS,
Chairman, Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, I—together with former National Security Adviser Brent Scowcroft and former CIA Director and Deputy Secretary of Defense John Deutch—had recommended in a letter dated October 5th to Senators Lott and Daschle and in an op-ed in the October 6th Washington Post that a vote on ratification of the Comprehensive Nuclear Test Ban Treaty be postponed to permit a further discussion and clarification of the issues now too controversial. This having proved unachievable, I am obliged to state my position.

As a former Secretary of State, I find the prospect that a major treaty might fail to be ratified extremely painful. But the subject of this treaty concerns the future security of the United States and involves risks that make it impossible for me to recommend voting for the treaty as it now stands.

My concerns are as follows.

IMPORTANCE OF NUCLEAR WEAPONS

For the entire postwar period, the American nuclear arsenal has been America's ultimate shield and that of our allies. Though we no longer face the same massive threat that we did during the Cold War, new dangers have arisen. Our nuclear arsenal is our principal deterrent to the possible use of biological and chemical warfare against America, our military, and our allies.

VERIFICATION

Almost all experts agree that nuclear tests below some yield threshold remain unverifiable and that this threshold can be raised by technical means. It seems to me highly dangerous to leave such a vacuum regarding a matter fundamentally affecting the security of the United States. And the fact that this treaty is of indefinite duration compounds the problem. The CIA's concerns about recent ambiguous activities by Russia, as reported in the media, illustrate difficulties that will only be compounded by the passage of time.

Supporters of the treaty argue that, because of their small yield, these tests cannot be significant and that the treaty would therefore ''lock in'' our advantages vis-à-vis other nuclear powers and aspirants. I do not know how they can be so sure of this in an age of rapidly exploding technology and whether, on the contrary, this may not work to the advantage of nations seeking to close this gap. After all, victory in the Cold War was achieved in part because we kept increasing, and not freezing, our technological edge.

NUCLEAR STOCKPILE

I am not a technical expert on such issues as proof testing, aging of nuclear material, and reworking existing warheads. But I find it impossible to ignore the concern about the treaty expressed by six former Secretaries of Defense and several former CIA Directors and National Security Advisers. I am aware that experts from the weapons laboratories have argued that there are ingenious ways to mitigate these concerns. On the other hand, there is a difference between the opinion of experts from laboratories and policymakers' confidence in the reliability of these weapons as our existing stockpile ages. When national security is involved, one should not proceed in the face of such doubts.

SANCTIONS

Another fundamental problem is the weakness of the enforcement mechanism. In theory, we have a right to abrogate the treaty when the ''supreme national survival'' is involved. But this option is more theoretical than practical. In a bilateral treaty, the reluctance to resort to abrogation is powerful enough; in a multilateral treaty of indefinite duration, this reluctance would be even more acute. It is not clear how we would respond to a set of violations by an individual country or, indeed, what response would be meaningful or whether, say, an Iranian test could be said to threaten the supreme national survival.

NON-PROLIFERATION

I am not persuaded that the proposed treaty would inhibit nuclear proliferation. Restraint by the major powers has never been a significant factor in the decisions of other nuclear aspirants, which are driven by local rivalries and security needs. Nor is the behavior of rogue states such as Iraq, Iran, or North Korea likely to be affected by this treaty. They either will not sign or, if they sign, will cheat. And countries relying on our nuclear umbrella might be induced by declining confidence in our arsenal—and the general impression of denuclearization—to accelerate their own efforts.

For all these reasons, I cannot recommend a vote for a comprehensive test ban of unlimited duration.

I hope this is helpful.

Sincerely,

HENRY A. KISSINGER.

Mr. KYL. Mr. President, I will read excerpts from the letter. It is instructive that Henry Kissinger has written the following:

As a former Secretary of State, I find the prospect that major treaty might fail to be ratified extremely painful. But the subject of this treaty concerns the future security of the United States and involves risks that make it impossible for me to recommend voting for the treaty as it now stands.

He then went on to talk about the experts who believe the treaty to be unverifiable, and then the concerns expressed by the CIA about recent ambiguous activities with respect to Russia; the impossibility, on his part, to ignore the concerns expressed by people such as the former Secretaries of Defense, CIA Directors, and National Security Advisers; and the weakness of the enforcement mechanism of the treaty.

He concludes in the following fashion:

I am not persuaded that the proposed treaty would inhibit nuclear proliferation. Restraint by the major powers has never been a significant factor in the decisions of other nuclear aspirants, which are driven by local rivalries and security needs. Nor is the behavior of the rogue states such as Iraq, Iran, or North Korea likely to be affected by this treaty. They either will not sign or, if they sign, will cheat. And countries relying on our nuclear umbrella might be induced by declining confidence in our arsenal—and the general impression of denuclearization—to accelerate their own efforts.

For all these reasons, I cannot recommend a vote for a comprehensive test ban of unlimited duration.

Mr. COVERDELL. Will the Senator yield?

Mr. KYL. Yes.

Mr. COVERDELL. Mr. President, I think this is a most important letter, but the date makes it unique.

Mr. KYL. The date of the letter is today, October 13, 1999, on the eve of our vote.

Mr. President, let me conclude by thanking all of the people who have testified on both sides of this, especially Dr. James Schlesinger, Jim Woolsey, and people who came early to the Senate and helped inform those of us who were eager to learn what we needed to know about this. I am especially grateful, as I said, to Dr. Schlesinger for his willingness to do that, as well as to testify before the committee.

I also thank Senator JOHN WARNER and Senator JESSE HELMS, both of whom have spent a great deal of time conducting extremely informative hearings. I also thank Senator JOE BIDEN from Delaware, who has conducted himself very well on his side of the debate.

I reserve any additional time.

Mr. BIDEN. Mr. President, I yield 2 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I rise in support of the Comprehensive Nuclear Test Ban Treaty.

I strongly believe that the Comprehensive Test Ban Treaty—or CTBT—is in our nation's national security interests. But before I discuss my reasons for supporting the Treaty, let me first say why the Senate—even those who are unsure of the Treaty—should support the Resolution. The past week of debate over the issue has only underscored the arguments for its ratification.

I have spoken before about the history of the CTBT. Let me reiterate some of its history and why it is important to Iowans.

On October 11, 1963, the Limited Test Ban Treaty entered into force after being ratified by the Senate in an overwhelming, bipartisan vote of 80–14 just a few weeks earlier. This treaty paved the way for future nuclear weapons testing agreements by prohibiting tests in the atmosphere, in outer space, and underwater. This treaty was signed by 108 countries.

Our nation's agreement to the Limited Test Ban Treaty marked the end

of our nation's above ground testing of nuclear weapons, including those at the U.S. test site in Nevada. We now know, all too well, the terrible impact of exploding weapons over the Nevada desert. Among other consequences, these tests in the 1950's exposed millions of Americans to large amounts of radioactive Iodine-131, which accumulates in the thyroid gland and has been linked to thyroid cancer. ''Hot Spots,'' where the Iodine-131 fallout was the greatest, were identified by a National Cancer Institute report as receiving 5–16 rads of Iodine-131. The ''Hot Spots'' included many areas far away from Nevada, including New York, Massachusetts and Iowa. Outside reviewers have shown that the 5–16 rad level is only an average, with many people having received much higher exposure levels, especially those who were children at the time.

To put that in perspective, federal standards for nuclear power plants require that protective action be taken for 15 rads. To further understand the enormity of the potential exposure, consider this: 150 million curies of Iodine-131 were released by the above ground nuclear weapons testing in the United States, about three times more than from the Chernobyl nuclear power plant disaster in the former Soviet Union.

It is all too clear that outlawing above-ground tests were in the interest of our nation. I strongly believe that banning all nuclear tests is also in our interests. This is a view shared by many leading Iowans. I request unanimous consent that a recent editorial from the Des Moines Register be placed in the RECORD.

October also marked some key steps for the Comprehensive Test Ban Treaty or CTBT. On October 2, 1992, President Bush signed into law the U.S. moratorium on all nuclear tests. The moratorium was internationalized when, just a few years later, on September 24, 1996, a second step was taken—the Comprehensive Test Ban Treaty, or CTBT, was opened for signature. The United States was the first to sign this landmark treaty.

Mr. President, President Clinton took a third important step in abolishing nuclear weapons tests by transmitting the CTBT to the United States Senate for ratification. Unfortunately, the Senate has yet to take the additional step of ratifying the CTBT. I am hopeful that we in the Senate will ratify the Treaty, and continue the momentum toward the important goal of a world wide ban on nuclear weapons testing.

Many believed we had conquered the dangerous specter of nuclear war after the Cold War came to an end and many former Soviet states became our allies. Unfortunately, recent developments in South Asia remind us that we need to be vigilant in our cooperative international efforts to reduce the dangers of nuclear weapons. This weeks coup in Pakistan only makes clearer the need for a nuclear test ban treaty.

The CTBT is a major milestone in the effort to prevent the proliferation of nuclear weapons. It would establish a permanent ban on all nuclear explosions in all environments for any purpose. Its ''zero-yield'' prohibition on nuclear tests would help to halt the development and deployment of new nuclear weapons. The Treaty would also establish a far-reaching verification regime that includes a global network of sophisticated seismic, hydro-acoustic and radionuclide monitoring stations, as well as on-site inspection of test sites to deter and detect violations.

It is vital to our national security for the nuclear arms race to come to an end, and the American people recognize this. In a recent poll, more than 80 percent of voters supported the Treaty.

It is heartening to know that the American people understand the risks of a world with nuclear weapons. It is now time for policymakers to recognize this as well. There is no better way to honor the hard work and dedication of those who developed the LTBT and the CTBT than for the U.S. Senate to immediately ratify the CTBT.

It's ratification is clearly in America's and the worlds security interests. It would make the world a safer place for our children and grandchildren. Its defeat could well trigger a major new arms race in Asia—a prospect that should send chills down the backs of us all.

The choice is clear.

Mr. President, I have read through the treaty as best I could and looked at some of the annexes and protocols thereto. In there, there is a list of about 317 monitoring stations that would be put in place if we ratify this treaty. Right now, I understand there are about 100. So we will have three times more monitoring stations than we have right now. So to those who say we might not be able to absolutely detect every explosion over a certain amount, or under a certain amount, quite frankly, we will have a lot more monitoring stations by ratifying this treaty than we have right now.

Secondly, if the explosions are so small as to be undetectable, there are provisions in the treaty that allow for a state to have an onsite inspection. So there is a whole process it goes through so we can have an onsite inspection to determine whether or not it was a nuclear explosion.

Lastly, the treaty does contain a supreme interest clause in accordance with which a state party may withdraw from the treaty upon 6 month's notice, et cetera, if it determines that extraordinary events related to the subject matter of the treaty have jeopardized its supreme interest. So, at any time, if the United States, or any other sovereign nation, decides it is in their supreme interest to withdraw from the treaty, they can do so by giving 6 month's notice.

Lastly, if anybody ever had any doubt about why we ought to be ratifying this treaty, the headline in this morning's paper ought to say it all: Army Stages Coup In Pakistan. Troops Arrested Prime Minister.

In part, it says:

> India expressed deep concern with the government's ouster and put its army on high alert.

If nothing else, this ought to tell us to ratify this treaty, or else we are going to have more nuclear explosions in South Asia. It is a powder keg waiting to happen. We ought to ratify the treaty.

Mr. HELMS. Mr. President, I yield 2 minutes to the Senator from New Mexico, Mr. DOMENICI.

Mr. DOMENICI. Mr. President, as I said earlier this week, I oppose this treaty for two major reasons: (1) the treaty cannot be considered apart from other major arms control agreements in to which the United States has entered; and (2) Science-Based Stockpile Stewardship has not yet been given enough time to prove whether or not it will give us the assurance we need in the reliability and safety of our nuclear weapons without physical testing.

However, the vote by the Senate today to reject this treaty was ill-timed and this poor timing could have adverse consequences in the world. No need exists now for a vote; after all, the United States is not now testing and has no plans in the immediate future to do so. This has been recognized by proponents and opponents of this treaty who have asked for delay in the vote.

I have attempted, with many others, during the last 2 weeks to help forge some path out of the parliamentary impasse in which the Senate is currently involved. Nonetheless, that has not been successful. We have not found any such path. I think that is unfortunate. Nonetheless, I might say treaties don't really die, even when they are defeated; they are returned to the Executive Calendar of the Senate. Therefore, we will have another chance to debate the Comprehensive Test Ban Treaty in the next Congress, or years thereafter. It may very well be that, by then, my concerns about the overall strategic arms strategies and their relationship to the Comprehensive Test Ban Treaty can be alleviated. And if the potential for stockpile stewardship during that decade can be realized, perhaps I will be able to vote for the treaty in the future.

I yield the floor.

Mr. BIDEN. Mr. President, I yield 2 minutes to my friend from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, my father, over a half century ago, wrote an article the day after Hiroshima, and he focused on the problem of a proliferation of atomic bombs and nuclear weaponry. He was worried about his children, and he was worried about his grandchildren to come.

Today I come to the floor of the Senate, and I say I really was hoping this

Senator would be a part of a vote that would ratify the Comprehensive Test Ban Treaty. I think it would be an enormous step forward for our children and our grandchildren in our effort to put a stop to the proliferation of these weapons of mass destruction.

I will say very honestly and truthfully to my colleagues that I don't understand why we didn't put this vote off. I don't understand why Senators, on a procedural vote, voted to essentially go forward with this vote today. I think the defeat of this agreement is an enormous step backward for humankind. I think it is a profound mistake.

I think now I have to say to the people in Minnesota and to the people in our country I am saddened that this treaty is going to be defeated. I don't think we should have this vote. But to the American people and Minnesotans, hold each and every Senator accountable.

I yield the floor.

Mr. HELMS. Mr. President, I yield 5 minutes to the distinguished Senator from Virginia, the Old Dominion State, Mr. WARNER.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished chairman. I thank the distinguished ranking member.

This has been, under the limitations, an excellent debate for the Senate. This is my 21st year in the Senate, and I can think of few debates in that time that have been as informed as this one. I strongly disagree with a very dear friend, Brent Scowcroft, who described this debate otherwise. While not a Member of the Senate, he is one whom I respect. His remarks were reported widely in the newspapers this morning.

This has been a good debate. Senators on both sides have stood up and displayed courage. Our two leaders, Senator LOTT and Senator DASCHLE, have displayed the courage of their convictions. In the many consultations over the past week that I have had with the distinguished chairman and ranking member, and our leadership, I have always left with the belief that they placed the security interests of this country foremost, as each day decisions had to be made regarding this treaty.

I also say to my dear friend, Senator MOYNIHAN, I thank him for the leadership he has shown. We embarked together on a bipartisan effort, and we were joined by a very significant number of our colleagues—whose names will be a part of the RECORD at a later time—in an effort simply to recognize that in the course of the hearings and in the course of conversations and consultations with so many people not only here in the United States but across the seas, that there were clearly honest differences of opinion from individuals who have spent much of their lifetime on this subject—honest differences of opinion.

But lacking is that burden of proof, some would say beyond a reasonable doubt, that this treaty would not put at risk the security of this country by virtue of the terms of the treaty as presently written.

This treaty requires that we put at risk in perpetuity—not just today, not just tomorrow, but in perpetuity—a stockpile which today is safe and credible, which tomorrow will be safe and credible—for the foreseeable next few years to come. Let there be no doubt in anyone's mind of that fact. But can we say that that will be the case forever?

As our military examined this treaty, it is clear that they said we support the treaty, but only if the safeguard is in place which says we can get out of the treaty if the President makes that determination, and only if the Stockpile Stewardship Program—the computer simulations which are to replace actual testing—can be put in place and proven to ensure that our nuclear stockpile remains credible and safe.

The Record before the Senate today does not justify that support. It does not say that each of the components of the Stockpile Stewardship Program will be in place and will work in a way that will put our stockpile, in the future, in the same category that it is in today. We do not know. There is a reasonable doubt. We simply do not know. For that reason, regrettably, I shall have to vote—that vote occurs shortly—against this treaty.

But I say that honest individuals have done their very best in this Senate, and I thank all those beyond the Senate who have made very valuable contributions to this debate.

I shall put in the RECORD, by unanimous consent, further documentation on the laboratory directors. Of all the testimony that came before the Armed Services Committee, the testimony of the lab directors was the most compelling. And indeed, that of the intelligence community, which, in a sense, asked for more time to do the work they thought necessary in assessing our ability to monitor this treaty. And many former Secretaries of Defense had an honest difference of opinion.

As Senator KYL, who has worked so hard on this treaty and probably knows it better than anyone else, has said clearly—Secretary Kissinger, one of several Secretaries of State who have expressed their opinions—has now indicated his opposition. These are men and women who have spent their lifetime on this subject. Reasonable doubt is to be found there.

Lastly, the laboratory Directors: I would like to respond to some of my colleagues and the media's mis-portrayal of the testimony given at last Thursday's hearing before the Senate Armed Services Committee by the Directors of the three National Labs—Dr. Paul Robinson of Sandia National Laboratory, Dr. C. Bruce Tarter of the Lawrence Livermore Laboratory, and Dr. John C. Browne of Los Alamos National Laboratory. It is important to have a full picture of what was said at our hearing last week Many of these statements used by my colleagues and the media were taken out of context. For instance, the line of questioning that the Ranking Member engaged in with the Lab Directors on whether they were ''on board'' with the treaty, I believe has been mis-characterized. I'd like to read from the transcript the exchange that occurred between the Ranking Member and the Lab Directors.

> Senator LEVIN. What you are telling us is that if this safeguard and the other safeguards are part of this process that you can rely on, that in your words, Dr. Robinson, you are on board in terms of this treaty; is that correct?
>
> Dr. ROBINSON. I am on board that science-based stockpile stewardship has a much higher chance of success and I will accept it as the substitute.
>
> Senator LEVIN. For what?
>
> Dr. Robinson. I still had other reservations about the treaty——

At this point, Dr. Robinson was cut off and was unable to finish his answer. In response to this line of questioning, a Senator from the minority side, said that he ''detected an uneasiness on the part of some of those who testified'' and expressed concern that Dr. Robinson's response that he had other concerns with the treaty was ''blurred''.

Senator LEVIN then asked Dr. Tarter, Director of Lawrence Livermore Labs, to respond to the same question, Dr. Tarter responded:

> A simple statement again: It is an excellent bet, but it is not a sure thing.
>
> Senator LEVIN. My question is, are you on board, given these safeguards?
>
> Dr. TARTER. I can only testify to the ability of stockpile stewardship to do the job. It is your job about the treaty.
>
> Senator LEVIN. Are you able to say that, providing you can rely on safeguard F and at some point decide that you cannot certify it, that you are willing under that condition to rely on this stewardship program as a substitute for actual testing?
>
> Dr. TARTER. Yes.

Dr. Tarter never said that he was ''on board with the treaty.'' In fact, he attempted to avoid directly answering Senator LEVIN's question. Clearly, Dr. Tarter was uncomfortable with this line of questioning. It was only after Senator LEVIN significantly modified the question by adding certain qualifications that Dr. Tarter finally responded affirmatively.

Senator LEVIN asked Dr. Browne whether he was on board with the treaty and Dr. Browne responded:

> Senator Levin, if the government provides us with the sustained resources, the answer is yes, and if safeguard F is there, yes.

Dr. Browne said that he was ''on board with the treaty'' but only if certain conditions were met.

In examining the complete record and considering the manner in which the responses were elicited, it is clear that the labs directors had reservations about the treaty. They were clearly uneasy with the question and the manner in which they were questioned. They were certainly not enthusiastic in indicating any support for the treaty—even with the qualifications (i.e., safeguards) that were added.

In addition to the previous line of questioning the transcript includes numerous statements by the Lab Directors which I believe, taken together, indicate that these experts have serious issues with this treaty as well as the Stockpile Stewardship program. I note that the endorsement in January 1998 of the CTBT by Generals Colin Powell, John Shalikashvili, David Jones, and Admiral William Crowe, former chairman of the Joint Chiefs of Staff, was conditioned, like that of the Lab Directors, on the six safeguards submitted by the President along with the treaty to the Senate for advice and consent which included a Stockpile Stewardship program to ensure a high level of confidence in the safety and reliability of nuclear weapons in the stockpile.

Here are some of the statements by the Lab Directors on the Stockpile Stewardship program:

Dr. Browne, Director of Los Alamos stated:

Each year, through a comprehensive program of surveillance of the stockpile, we find one or more problems in each weapons system that may require attention. . . . we have identified several issues that, if they had occurred when testing was active, most likely would have been resolved by nuclear testing.'' He went on to state: ''The issue that we face is whether we will have the people, the capabilities, and the national commitment to maintain . . . confidence in the stockpile in the future, when we expect to see more significant changes. Although we are adding new tools each year, the essential tool kit for stockpile stewardship will not be complete until some time in the next decade.

Dr. Tarter, Director of the Lawrence Livermore stated:

I think we have a challenging program [stockpile stewardship], one that is very difficult to achieve. I think, although both the administration and the Congress have had increasing levels of support for the stewardship program over these past years, they have not quite met what we said was necessary to achieve the program on the time scale that we believed was necessary in view of the aging of the designers and of the weapons. I think we all feel under a great deal of stress to try to make those deadlines with the current resources. . . . So I think to date I would give the program a—I think we have done a good job. I think we have learned things. It is not a perfect job, but I think it has been a very, very good start. I think the challenge lies in the longer term, and I think . . . if I had one simple phrase I think that the stewardship program with sustained support is an excellent bet, but it ain't a sure thing.

Dr. Robinson, Director of Sandia, stated:

I question the expectations many claim for this treaty. . . . I think we have got to specify with a lot more character what is the real purpose of the treaty. I secondly discuss [in his written statement] a lot of the important technical considerations as we have tried to substitute other approaches, which has come to be known as the science-based Stockpile Stewardship Program, for the value that tests had always provided us in previous decades. I can state with no caveats that to confirm the performance of high tech devices—cars, airplanes, medical diagnostics, computers, or nuclear weapons—testing is the preferred methodology. . . . My statement describes the work involved in attempting to substitute science-based stockpile stewardship. It is an enormous challenge, but I agree, much very good work has been done. Much has been accomplished. But we still cannot guarantee that we will ultimately be successful. Science-based stockpile stewardship is the best way we know of to mitigate the risk to the extent that is possible.

. . . But the question and where we (those who support or oppose testing and the treaty) differ the greatest is what is the best way to achieve that peace with stability. At least two very dichotomous approaches. Is the world better off with nuclear weapons in the hands of those who value peace the highest, who will maintain their nuclear arsenals in order to deter aggression and to prevent major wars, or would the world be better off it there were no more nuclear weapons, and is there really a sound plan for how you might ever achieve that?

In addition, an exchange between Senator REED and Dr. Robinson on the Stockpile stewardship Program occurred as follows:

Senator REED. Let me just ask another question, which, as I understand it, part of the effort on the Stockpile Stewardship Programs is massive computational projects. Which, if carried out, will allow you to go back and analyze data that we have accumulated for years and years and years, which has never been fully analyzed. Does that offer any additional sort of opportunities to increase your sense of reliability that, without testing, we can go ahead and more accurately protect the stockpile?

Dr. ROBINSON. You are quite correct. The legacy data that we have, the correct statement is not that it has not been analyzed, it has not been successfully predicted by the models. We have gaps in our understanding. As we improve the codes, as we add the third dimension—we are presently going from two dimensional calculations to three-dimensional calculations—a key test of the success of these simulation codes will be how well does it predict those things we could not understand in the past. So that is a very key part of the science-based Stockpile Stewardship Program.

There were also statements on the value of testing. One of the most powerful statements was given by Dr. Robinson from Sandia. He said:

. . . there are black issues, white issues, but mostly a lot of gray. But, I can say from my own experience over the years, I have seen that same kind of scientific debate. But when you then carried out a test and looked at the predictions of various people in the debate, the answer became very clear. The test has a way of crystallizing answers into one or the other and ending that grayness. And that is something that will be missing in a future state.

. . . the President presented to you with the treaty and which he and certainly we believe are conditions for ratification. The most important of those by far is Safeguard F. We kept stressing to the White House, we cannot be sure that science-based stockpile stewardship will mature in time to handle a serious safety or reliability problem as these weapons age. Without it, without the ability at that point to test, we would be powerless to maintain the U.S. first line of defense, its strategic deterrent force.

After hearing their testimony first hand, I do not know how anyone could state that the Lab Directors vigorously supported this treaty. When you examine the entire record it is clear that the Lab Directors—the experts on the safety and reliability of America's nuclear stockpile—have reservations about the treaty and the Stockpile Stewardship Program. Their support for this treaty is tempered by specific qualifications and stipulations. I urge each and every one of you to review the full testimony of these most important witnesses.

Lastly, the laboratory Directors:

The lab Directors have said, based on their careers of 15 or 20 years, they cannot guarantee that the present Stockpile Stewardship Program will match or even approach in, say, 5, 10, or 15 years the sound data that we have gotten through 50 years of testing—actual testing. We are not about to resume actual testing. We don't have to at this point in time, but we might in the future.

But every Senator should think about the fact that they are casting a vote that commits the United States in perpetuity. The road to arms control, whatever the goal is at the end—peace in the world—building blocks and steps have been laid both by Republicans and Democrats. Every President, and others, has worked on these agreements. Neither side should take the majority of the credit; it has been shared equally. And a hope and a prayer of this Senator is that we continue as a nation to lead in taking positive, constructive steps in arms control.

So it is with regret that I believe this treaty has that degree of reasonable doubt, imposing restriction in perpetuity on one of our most valued strategic assets, and I cannot support it.

I yield the floor.

Mr. BIDEN. Mr. President, I yield to the Senator from New York 1 minute.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to thank, above all Members in this body, the chairman of the Armed Services Committee, Senator WARNER, who is opposed to this treaty, as I am in support.

Together we have addressed a letter to our distinguished leaders, Senator LOTT and Senator DASCHLE, asking that the matter be put off until the next Congress, as the President has requested be done.

Sir, this morning I don't think we had a handful of signatures on that letter. At this moment, we have more than half the Members of this body—as the day has gone by, the realization of what an enormous decision we are making with so very little consideration has sunk in.

Sir, we spent in my time in this body 38 days debating the Panama Canal Treaty. The Treaty of Versailles—equally important—was debated 31 days in 1919 and 24 days in 1920.

Note that it was passed over, because a treaty does not die once it has simply been voted down; it remains on the calendar.

But I would like to express the hope that before the debate is over, the distinguished Senator from Virginia might place in the RECORD the letter

which we addressed to the leaders and perhaps, if he wishes, the signatures we have so far received. He indicates he would be willing to do that. I thank him and I thank my leader, Senator BIDEN.

Mr. BIDEN. After consultation with the chairman of the committee, they are going to reserve the remainder of their time so we will not go back and forth with proponents and opponents until they indicate they want to.

I yield 2 minutes to the Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague from Delaware for yielding. I support the treaty because I think the balance of risks are in favor of ratifying this treaty. It is not without risk, but it is not in perpetuity. The United States may withdraw at any time that it chooses. If we reject this treaty, it is an open invitation to other nations to test. I think that is a greater risk than the risks involved in ratifying the treaty. The events of the last 24 hours in Pakistan show the undesirability of having the Pakistanis test in their race with the nation of India, not to speak of the other nations, Iran, Iraq, North Korea.

I suggest the President of the United States call the majority leader of the Senate and try to work this out. More than that, of the Senators here, many who are opposed to the treaty think we should not vote it down. It is not over until it is over. I believe it is possible for the President to say to the majority leader what would satisfy the majority leader to take this treaty out of the next Congress. And I believe the majority leader could convene the Republican caucus—and we can do that yet this afternoon or into the evening on this momentous matter. I think it is still possible to avoid this vote to give extra time for security measures, to give extra time for testing, but not to cast a vote which will be a vote heard around the world to the detriment of the United States.

Mr. BIDEN. Mr. President, I yield 3 minutes to the distinguished Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I support the Comprehensive Test-Ban Treaty, CTBT, a treaty which I believe is in our national security interests.

Although it appears regrettably that the required votes of two-thirds of the Senate do not exist at this point, I nonetheless hope that as many of my colleagues as possible will vote to ratify this treaty since we cannot procedurally seem to be able to set the treaty aside.

Since 1992, the United States has abided by a unilateral moratorium on nuclear weapons testing. Despite the absence of testing during these past 7 years, our nuclear weapons stockpile has been maintained, our nuclear deterrent has remained formidable, and our national security has not been threatened. Because our nuclear arsenal remains safe and reliable today, the United States has no plans to test these weapons any time soon.

Also during these past 7 years of our moratorium on nuclear testing, the United States negotiated and signed the CTBT. We signed this treaty recognizing that discouraging other nuclear powers and would-be nuclear powers from testing these weapons would lessen the unthinkable possibility that the nuclear option would ever be employed. In fact, halting advancement in nuclear weapons development and limiting the number of nuclear-capable military states, locks in a status quo in which the United States has an enormous military advantage. This treaty makes the United States militarily stronger, not weaker.

One of the wisest aspects of the CTBT is its requirement that all of the world's 44 nuclear capable nations ratify the treaty for it to enter into force. This means that North Korea, Iran, and others that pose the greatest potential threat to the United States and our allies must join us in being a party to this treaty before the United States relinquishes the option of nuclear testing.

Another strong aspect of the CTBT is that it is accompanied by 6 critical safeguards that the Joint Chiefs of Staff insisted upon before agreeing to support it. I would note that the sixth and most significant to these safeguards is included in the resolution which is before us today. It requires the United States to withdraw from the CTBT under the supreme national interests clause if the Secretaries of Energy and Defense cannot certify the reliability of our nuclear arsenal. This safeguard gives Americans the assurance that they will continue to be protected by a robust and credible and nuclear deterrent under the CTBT.

I believe this treaty is very much in the interests of the United States. It will help prevent the spread of nuclear weapons worldwide, while ensuring a huge U.S. advantage in nuclear weaponry that has deterred would-be aggressors for many years. I urge my colleagues to support ratification of this treaty.

Mr. KYL. Might I inquire of the distinguished chairman of the committee if I could make a brief statement.

Mr. HELMS. Mr. President, I yield to the distinguished Senator from Arizona.

Mr. KYL. Mr. President, deterrence has long been a primary component of U.S. security policy. In the cold war, nuclear weapons were the backbone of our national deterrent. The threat of unacceptable damage in response to aggression was central to inhibiting the Soviet Union's expansionist aims. Moreover, the credibility of the U.S. nuclear guarantee provided for ''extended deterrence'' against attacks on our friends and allies.

While the conditions today are much different from the past, our nuclear weapons continue to serve as an essential hedge against a very uncertain future with both Russia and China, two states that highly value their own nuclear forces. Equally important, deterrence—backed by credible nuclear forces—remains the first line of defense against an even broader range of threats than in the past, including rogue states armed with weapons of mass destruction.

The nuclear balance of terror that once defined our relationship with the Soviet Union is no longer central in our relations with Russia. Yet, even as we work to achieve a more democratic and open Russia, nuclear weapons appear to play a growing role in Moscow's security strategy, including declaratory policy and defense planning. Whether to overcome conventional weakness or as a means to retain one of its last vestiges of superpower status, Russia is continuing to modernize its nuclear forces. The retention of thousands of theater nuclear weapons, the deployment of the new mobile SS–27 ICBM, and the continuing investment in its massive nuclear weapons infrastructure demonstrate how important these weapons are to Moscow and lend credence to the concerns that Russia may have recently tested new nuclear weapons to provide the foundation for its future security strategy.

There are many fundamental questions about Russia's political and economic future that today can not be answered with certainty. What is clear, however, is that Russia will continue to possess formidable, modern nuclear forces no matter how these questions are answered over time. For this reason, it remains imperative for us to retain a credible nuclear deterrent capability to guard against the reversal of our relations with a potentially hostile and nuclear-armed Russia.

The strategic uncertainties associated with China are even greater than those with Russia. There are clear indications of qualitative improvements and quantitative increases to the Chinese nuclear arsenal. The Cox committee found that China is actively pursuing miniaturized nuclear warheads and MIRV technology, developing more accurate and ballistic missiles, and building a larger arsenal. Recent Chinese tests of a new medium-range ballistic missile, the DF–31 and public declarations of its development of enhanced radiological weapons serve to reinforce these findings. Similarly, a recent National Intelligence Estimate forecasts increases in the Chinese strategic arsenal and investment in technologies, such as penetration aids, designed to defeat any United States missile defense.

Perhaps most disturbing, the strategic intentions of both Russia and China appear increasingly antagonistic toward the United States. This past August they jointly announced a strategic partnership as a counterweight to what they termed U.S. ''hegemonic ambitions.'' As he met with Chinese President Jiang Zemin, President Yeltsin declared himself ''in fighting form, ready for battle, especially with Westerners,'' and complained that ''some

nations are trying to build a world order that would be convenient only for them, ignoring that the world is multi-polar.'' Given the uncertainties surrounding the future political and military developments in these two states, experience and prudence suggest the need for a hedge that only credible nuclear forces can provide.

While deterrence of rogue states armed with weapons of mass destruction is very different than deterrence as we understood it in the cold war, an overwhelming retaliatory capability—and the fear of a possible nuclear repsonse—remains critical to countering this new set of ever more dangerous threats. Despite sustained and determined efforts to de-legitimize our nuclear weapons, and assertions that their utility ended with the cold war, our nuclear weapons are essential in this context. Conventional superiority alone is not sufficient. Looking at the only real world experience we have in deterring the use of chemical and biological by rogue leaders—the Desert Storm case—it appears that the threat of a nuclear response was a major factor in the Iraqi decision to forego the use of their weapons of mass destruction.

An in-depth study of United States security policy in the 21st century, conducted last year by the National Defense University and Livermore National Laboratory, concluded that nuclear weapons would remain critical both to hedge against Russia and China, as well as to deter rogue states that will seek to challenge us in regions of vital interest. This same study concluded that: ''Retaining the safety, reliability, security, and performance of the nuclear weapons stockpile in the absence of underground nuclear testing is the highest-risk component of the U.S. strategy for sustaining deterrence.'' For over 40 years, testing was seen as essential to the credibility of our deterrent forces and our commitments to friends and allies. The CTBT, if ratified by the United States, would call into question the effectiveness and reliability of this essential component of our national security strategy.

In the annual statement of U.S. National Strategy, President Clinton has affirmed the view of his predecessors for more than half a century—nuclear weapons are vital to the security interests of the United States. It is not surprising then that one of the safeguards offered by the White House to diminish the risk inherent in accepting a permanent ban on nuclear weapons testing through the Comprehensive Test Ban Treaty CTBT is to attempt to sustain the existing inventory of nuclear weapons through what is known as the Stockpile Stewardship Program, SSP. The aim of the SSP is to utilize the data from more than 1,000 U.S. atmospheric and underground nuclear tests legacy code combined with advanced diagnostic and experimental facilities now under development in the SSP to assess the aging properties of nuclear weapons. It is hoped that the SSP will enable U.S. nuclear weapon scientists and engineers to model and simulate nuclear phenomena with sufficient fidelity and reliability to permit judgements to be made about whether or not a particular weapon or class of weapons will continue to be safe and reliable. In short, whether or not U.S. nuclear weapons will remain a credible deterrent.

The administration's approach is an extraordinarily risky one—far more so than can be discerned from administration statements on the subject. This is so because the way risks are multiplied in the program. First, the CTBT prevents the United States from using the technique for assuring the reliability of stockpile—the detonation of the nuclear weapon to be confident that the aging of the nuclear components have not diminished confidence in its safety and reliability. Second, the CTBT prevents the United States from testing new weapon designs—the approach we have taken over the past half century to make sure our nuclear weapon stockpile kept pace with what was required to deter. Third, the CTBT offers as an alternative to testing, the SSP. Let's examine each of these elements of risk in turn.

First, the design of nuclear weapons is a highly empirical process. Vast computer networks and theoretical physicists notwithstanding, testing has been an indispensable dimension of nuclear weapon development, production, and deployment. This is so because the environment within a nuclear weapon is unlike anything in nature. Materials exposed to decades of nuclear radiation behave in ways scientists do not know how to predict. Gold, for example, corrodes in a nuclear environment—a property not evident in nature. We do know know what will happen over time to the nuclear components of a weapon and how the aging process will affect the weapon. This has been addressed in the past by detonating weapons after a fix has been installed in a weapon that appears to be adversely affected by age. Because there is no theoretical basis that has been validated through testing to certify weapon safety and reliability, testing has been indispensable. The United States ceased its nuclear weapon testing program in 1992, but had never undertaken an effort to ascertain whether or not it could model and simulate the aging properties of nuclear weapons with sufficient reliability to permit the certification of the weapons in the stockpile.

Nuclear weapons now in the stockpile—eight types plus one additional type in reserve—means that we have concentrated our deterrent in relatively few weapon designs. In the mid-1980s, we had 32 types of nuclear weapons in the stockpile. The average age of the weapons in the stockpile is 15 years—more than has ever been the case in the past, and well beyond U.S. experience. We simply do not know what the long-term implications of aging are on nuclear weapons. We do know that there are consequences from the aging process, because problems resulting from aging have been identified in the past. However, as we were able to conduct underground tests, the aging process did not degrade the safety and reliability of the stockpile. If the CTBT is ratified, we may not have an opportunity to do this in the future because the process for utilizing the supreme national interest provisions of the treaty to withdraw are themselves an impediment to sustaining deterrence.

Second, the CTBT will prevent the United States from testing new nuclear weapon designs should the need to sustain deterrence call for new designs. Many new designs were required during the cold war to sustain deterrence. Identifying some circumstances that could give rise to a requirement for new weapon designs is not difficult. The weapons retained in the U.S. inventory after the cold war are primarily designed to strike urban-industrial targets (reflecting the policy of mutual assured destruction) and hardened targets on or near the earth's surface. The change in the technology of underground construction has fundamentally changed the economics of locating military targets in deep underground locations. In Russia, for example, despite its severely depressed economic circumstances, has invested $6 billion since 1991 in a deep underground military facility in the southern end of the Ural Mountains. The underground facility at the site is located under nearly 1,000 feet of granite—one of scores of deep underground sites—that could not be held at risk with the current nuclear weapon stockpile. Similar underground facilities exist in other declared or undeclared nuclear weapon states. It is possible that some future President may decide that new weapon design(s) are needed to sustain deterrence. He will be prevented from doing so if the CTBT is ratified.

Third, the alternative to testing, the SSP, is an extraordinarily risky approach to sustaining deterrence. The United States has not conducted a testing program to verify that the modeling and simulation of the existing stockpile or new designs can be maintained or implemented using the experimental and diagnostic facilities of the SSP. No testing has taken place since 1992, but the SSP will not be fully operational until 2010 or beyond. One of the most important of these facilities—the National Ignition Facility, NIF—has proven to be both a technical and cost challenge. Last month the Congress was confronted by a one-third jump in the cost of this program. The entire SSP—budgeted at $4.5 billion—is certainly underfunded, as the NIF experience demonstrates. For the SSP to be successful, all of its numerous experimental and diagnostic facilities have to work perfectly to assure that the safety and reliability of the stockpile can be certified indefinitely. It is one

thing to take such a technical and financial risk in an environment where testing is unconstrained. It is quite another to bet on the enduring success of a program—the SSP—that has already been shown to have unforeseen cost, technical, and schedule difficulties. The extent of these difficulties has not yet even been ascertained by the executive branch—much less an independent determination by the Congress. The risks to the ability to sustain deterrence under the CTBT are simply too large for the Congress to accept. The CTBT should not be ratified.

CTBT proponents claim that the treaty is an important tool in the fight against nuclear proliferation. This is simply inaccurate.

A test ban will provide no obstacle to a proliferator who seeks a first-generation-or even a second-generation-nuclear weapon. One of the two bombs the United States dropped on Japan to end WWII was an untested design. South African built and deployed six nuclear weapons without testing the design. Pakistan obtained a workable design from China, and thus needed no nuclear tests of its own.

Faced with these facts, treaty proponents often resort to the claim that the CTBT will establish an international norm against nuclear proliferation. Again, history teaches us differently. There is already an international norm against proliferation embodied in the Nuclear Nonproliferation Treaty—the NPT. Over 130 nations have signed the NPT and, by doing so, have forsworn nuclear weapons development. As an aside here, I guess we can say the CTBT is to get nations to promise not to test the weapons that they promised not to develop under the NPT.

The international norm of nuclear nonproliferation-the one supposedly established by the NPTB was broken by Iraq, which tried to develop nuclear weapons clandestinely. And, the norm is violated even today by North Korea, which remains in noncompliance with the NPT. Two nations not party to the NPT, India and Pakistan, also broke the international norm.

Other arms control norms are readily and repeatedly broken as well. There are too many examples to cite here today, but let me give you one. The United States forswore biological weapons and led the world in signing the Biological Weapons ban. The Soviet Union signed too, but secretly kept inventing and manufacturing ever more potent biological weapons. Other nations, including Iraq, have also made such weapons.

The point here is that norms do nothing to prevent development of heinous weapons by nations that view it in their security interests to do so. They are driven by their own perceptions of threat, not by a desire to adhere to a norm established by the United States or the international community.

Ironically, the CTBT might actually promote nuclear proliferation. I say this for two reasons.

First, it my promote proliferation by damaging the U.S. nuclear umbrella. United States allies such as Japan, South Korea, Germany, and Italy have long depended on United States nuclear strength to provide them the ultimate protection. Indeed, the United States persuaded South Korea and Taiwan to give up their own nuclear weapons programs by promising them protection.

U.S. nuclear testing has signaled to allies, and to potential enemies, that the United States nuclear arsenal is effective and that the United States is committed to using such weapons if absolutely necessary. Without nuclear testing, there is no question that United States confidence in the stockpile will decline. Our enemies and allies alike will read this silent signal as a local of commitment to maintaining-and using, if necessary-the nuclear deterrent.

As U.S. confidence in the stockpile declines over time, it is likely that our allies confidence in the nuclear umbrella will similarly decline. This could head to allies reevaluating their own security needs. (If the U.S. umbrella appears insufficient, might they not consider developing their own nuclear deterrents?

The second reason that I say that the CTBT may promote proliferation is that it will result in significantly increased interactions between the U.S. weapons design community and the international academic community. This could, and probably will, result in the transfer of weapons-relevant data. Let me explain.

The U.S. stockpile stewardship program, the one intended to take the place of nuclear testing, relies on markedly increased collaboration between nuclear weapons specialists and the open scientific community. The program encourages open exchange of new nuclear research between the U.S. weapons laboratories and the international scientific community. The role that the stewardship program envisions for unclassified researchers extends far beyond peer review and the occasional preventatives meeting. Bit involves U.S. highly likely that these Occasional presentations meeting energy the quit involves Program, to participate in attempt to develop tool sot replace

There will be five university research centers and a host of other researchers funded by 5 year grants totaling tens of millions of dollars. It is highly likely that these researchers in the unclassified world, working closely with nuclear weapons scientists on the stewardship program, will gain an improved understanding of nuclear explosives phenomena. And, of course, there will be no way to prevent the further dissemination this understanding.

In summary, the CTBT will not further the cause of nuclear nonproliferation. Quite the opposite, it will likely result in promoting nuclear proliferation.

The Comprehensive Test Ban Treaty submitted to this Senate by President Clinton is not verifiable. This means that, despite the vast array of expensive sensors and detection technology being established under the treaty, it will be possible for other nations to conduct militarily significant nuclear testing with little or no risk of detection.

What is militarily significant nuclear testing? Our definitions of the term might vary, but I think we'd all agree that any nuclear test that gives a nation information to develop newer, more effective weaponry is militarily significant.

In the case of the United States, nuclear tests with yields between 1,000 tons and 10,000 tons are generally large enough to provide ''proof'' data on new weaponry designs. Other nations might have weaponry that could be assessed at even lower yields. For the sake of argument, however, let's be conservative and assume that other nations would also need to conduct tests at a level above 1,000 tons to develop a new nuclear weapon design.

The verification system of the CTBT is supposed to detect nuclear blasts above 1,000 tons, so it would seem at first glance that it will be likely that most cheaters would be caught. We need to look at the fine print, however. In reality, the CTBT system will be able to detect tests of 1,000 tons or more if they are nonevasive. This means that the cheater will be caught only if he does not try to hide his nuclear test. But, what if he does want to hide it? What if he conducts his test evasively?

It is a very simple task for Russia, China, or others to hide their nuclear tests. One of the best known means of evasion is detonating the nuclear device in a cavity such as a salt dome or a room mined below ground. This technique called ''decoupling'' reduces the noise, or the seismic signal, of the nuclear detonation.

The change in the signal of a decoupled test is so significant—it can be by as much as a factor of 70—that it will be impossible for any known technology to detect it. For example, a 1,000-ton evasive test would have a signal of a 14-ton non-evasive test. This puts the signal of the illicit test well below the threshold of detection.

Decoupling is a well-known technique and is technologically simple to achieve. In fact, it is quite possible that Russia and China have continued to conduct nuclear testing during the past 7 years, while the United States has refrained from doing so. They would have been able to test, without our knowing, by decoupling.

There are also other means of cheating that can circumvent verification. One is open-ocean testing. A nation could put a device on a small seaborne platform, tow it to the middle of the ocean, and detonate it anonymously. It would be virtually impossible to attribute the test to the cheater.

If the CTBT were not going to affect U.S. capabilities, it would not be important whether the treaty is verifiable

or not. The fact is, however, the CTBT will freeze the U.S. nuclear weapons program and will make it impossible to assess with high confidence whether the current stockpile is reliable. And, because the treaty is not verifiable, it will not effectively constrain other nations in the same way. That means that they will ultimately be able to gain advantage.

Let me stress here that my assessment is not based on partisan opinions. The non-verifiability of the CTBT is well-known and has been affirmed by the U.S. intelligence community. We have no business signing up to an unverifiable treaty, particularly one that could so adversely affect the strength and effectiveness of our nuclear deterrent.

Mr. President, seismology has come a long way in the past half-century, but it still measures only earth vibrations, not Treaty compliance. Let's save time by stipulating that earth vibrations caused by most nuclear explosions will be detected by the CTBT's International Monitoring System (IMS). Then we can focus discussion on the political process by which detection of ''events'' lead to identification of nuclear tests, and by which identification of tests leads to verification of noncompliance with a Treaty.

In combination, the United States and IMS will reliably detect thousands of seismic events every year. But that does not mean that either system, independently or in combination, can reliably identify low yield nuclear explosions.

Seismic networks are scientific tools that must be calibrated against real world occurrences of what they measure. Once seismologists know that a given seismic signal was a nuclear test of a given yield at a given location, their network is calibrated for nuclear explosions of comparable magnitude at that location. For events of different magnitudes and/or in different locations, seismic signal identification is subjective. Like a few dozen CPAs interpreting the same IRS rule, each event will be interpreted differently depending on who is making the judgment and who their client is. This is particularly true, of course, for smaller events and those that occur in parts of the world—where nuclear explosions have not previously been recorded.

The fact of such uncertainty is not in dispute. No one can specify now, or in the foreseeable future, how large a nuclear test must be before it can be reliably identified as a nuclear test by the IMS. The best case would involve fully decoupled tests in locations where seismologists know both the precise magnitude of previous tests and the consequent seismic reading generated by those tests. The worst case would involve clandestine tests in uncalibrated regions that are decoupled. Even in best case circumstances no one disputes the uncertainty of identifying low yield nuclear events—no matter where they are conducted. Some believe these uncertainties extend to events of several kilotons, fully decoupled. In any case, no improvements of the United States and IMS systems that can be expected in the foreseeable future will alter those judgments.

Mr. President, that is why CTBT proponents stress seismic capabilities in terms of detection capability, which, unlike identification capabilities, can be calculated. But detection relates exclusively to the seismic network's ability to sense events, and again I stress it is identification, not detection that underpins verification.

A violator can decrease even a detected seismic magnitude by ''decoupling''—that is, conducting a nuclear test in an underground cavity that muffles an explosion. Treaty proponents will argue that construction of such cavities is a nontrivial engineering task. It is hard to measure such difficulty because our experience in decoupling is more limited than, say, Russia's. But to decouple a 10-kiloton explosion so that it cannot be identified requires a cavity that countries of greatest concern are certainly capable of constructing.

To help resolve such uncertainties, the CTBT includes the right to conduct on-site inspections (OSI). But decisions to exercise that right will be based on the level of voting countries' confidence in events identified by the IMS seismic network.

Thirty current members of the rotating 51-member CTBT Executive Council must agree that an OSI should be conducted. It is clear from the negotiating record that some countries, including China, would view a request for OSI as a hostile act.

The fact, coupled with identification uncertainties for low yield events, makes it very unlikely that the Executive Council will ever get the votes needed to request OSI for lower yield tests. For larger yields, in calibrated regions, where event-identification would be less ambiguous, OSI requests would be more likely to get the required support, but hardly needed to identify the event.

For seismic events that could be low yield tests, the precise location of that event will be very uncertain, and the area that would need to be examined with OSI would be prohibitively large. Impression in locating an event, coupled with the inspected state's rights under the CTBT's ''managed access'' principle, assures that an approved OSI will never conclusively identify an event.

Past experience has shown that to achieve consensus—even within the United States—on the identification of low yield events will be very difficult. Past experience has also shown that other countries—most of whom do not have the detection resources the United States has—will weigh OSI decisions against the political reality that target state will perceive OSI as a hostile action.

The bottom line, Mr. President, is that OSI approval will be most likely in cases where they are needed least, least likely in cases where they are needed most, and of marginal utility when they are conducted.

Even if a detected seismic event is categorized as a nuclear test, it still has to be attributed to a CTBT party. What if it takes place in international waters? What if a suspected government feigns surprise and attributes the undertaking to a non-state actor, known or unknown, acting within its borders? What if the precise location cannot be specified and the suspect state has sensitive facilities in the area surrounding the event's apparent epicenter? In short, the IMS is designed to support a bulletproof CTBT regime. It will generate lots of suspecting, very little detecting, still less identifying, little or no attributing, and a virtual absence a verified noncompliance.

Mr. President, none of this would matter except that the United States will never conclude that the accumulated uncertainties are sufficient to justify our abrogation of the treaty. Anti-nuclear interests, knowing full well that a foreign nuclear test has occurred, will always be able to obscure the evidence or moderate the U.S. response. That is true already, of course, but Treaties reside in a rarefield political and legal atmosphere in the U.S. from which abrogation is never taken lightly.

These are the weapons the United States relied on defeat two monstrous twentieth century tyrannies and to deter threats for over a half-century. I do not wish to subordinate their deterrent power, their safety, their modernization, or their reliability to the vagaries of this detection-identification-verification conundrum. The IMS system was not, and could not have been, designed to verify clandestine tests. Thus, to whatever extent our ratification of the CTBT relies on the integrity of verification it should be soundly defeated.

CTBT proponents are fond of saying that this treaty is the longest sought, hardest fought arms control agreement. They point out that negotiation of a nuclear test ban first began with President Eisenhower, and continued on-and-off through the administrations of several presidents.

In truth, the Clinton CTBT is very different from the test bans sought by past presidents. An old name has been put on a new treaty. We need only look at history to see that what President Clinton's administration negotiated is not at all consistent with the treaty sought by his predecessors.

When President Eisenhower undertook negotiations for a test ban, he purposefully excluded low-yield nuclear testing for at least two reasons. First, he knew that the United States would need to conduct such low-level tests to assure that the U.S. stockpile was as safe and reliable as possible. Second, he knew that such testing is readily concealed, so banning them would not be verifiable. And, like Eisenhower, subsequent U.S. Presidents

held fast to the position that any test ban must allow for low-yield testing.

President Clinton, separating himself from past presidents, declared that the United States would undertake a zero-yield nuclear test ban. He made this decision against the advice of the majority of his cabinet, including the Secretaries of Defense and State, and against the advice of the leaders of the national laboratories. That is, President Clinton unilaterally determined that the U.S. would deny itself the ability to conduct the low-level testing necessary to assure us that the weapons in our stockpile are functional and usable.

President Clinton's decision is particularly astounding when you realize that other nations will not be similarly constrained. They will be able to test low-yield devices. Why? Because the CTBT does not define what is meant by a nuclear test. In other words, the treaty does not say that it is a zero-yield ban. That is something that President Clinton imposed on the United States as its own interpretation of the treaty. Thus, when Russia conducts low-yield tests to assure reliability of its own arsenal, it will not be technically in violation of the CTBT.

A second reason that Clinton's CTBT is quite different from the test bans sought by past presidents is duration. Clinton's treaty is of unlimited duration. All previous presidents understood that it was very important to limit the length of the treaty to a few years, thus requiring renewal periodically. This would place the burden upon those who want a test ban to prove that it is in the security interests of the United States to continue the ban. Instead, Clinton's treaty does the opposite: it makes getting out of the treaty very difficult. And, as we have seen from the ABM Treaty, it is politically very difficult to leave a treaty, even when it is no longer relevant or in your security interests.

A third major difference that makes Clinton's CTBT different from past test bans is its lack of verifiability. All past presidents stated that they would only support a treaty that is effectively verifiable.

Verifiability may not seem to be a very significant issue, but it is indeed terribly important. We all know that the United States will adhere scrupulously to the CTBT is we in the Senate give our advice and consent to ratification. Other nations, however, have repeatedly demonstrated that they are willing to violate their arms control commitments. North Korea is currently in violation of the Nuclear Nonproliferation Treaty, under which it promised not to pursue nuclear weapons. Russia has violated a host of arms agreements, including the ban on production of biological weapons.

If the United States abides by a test ban, whereas other nations are able to continue testing undetected, the United States will ultimately be disadvantaged. Others will be able to assure confidence in their stockpiles, but the United States will not. Others will be able to continue to develop newer, more modern nuclear weapons, whereas the U.S. program will be frozen. Others will be able to test any fixes to problems that develop with their stockpiles, whereas the United States will not be able to do so.

This treaty is not well-thought-out and contains provisions that will ultimately harm the U.S. nuclear deterrent. Furthermore, the zero-yield interpretation by President Clinton is unacceptable. We should reject this treaty in the interests of our own security.

CTBT proponents assert that the DOE's Science Based Stockpile Stewardship Program (SSP) can maintain the safety and reliability of the nation's nuclear weapon stockpile without nuclear testing. I emphasize that this is an assertion, an unproven, undemonstrated assertion. Dr. Seigfried Hecker, as Director of Los Alamos National Laboratory in 1997, in response to a question from Senator KYL, has stated ''. . . we could not guarantee the safety and reliability of the nuclear stockpile indefinitely without nuclear testing.'' By agreeing to ratification of the CTBT the Senate would accept abandoning nuclear testing, the only proven method for assuring the safety and reliability of our nuclear deterrent, to embrace the unproven, unvalidated SSP.

Nuclear deterrence is a vital element of our national security structure. President Clinton, in sending us this treaty reaffirmed that he views the maintenance of a safe and reliable nuclear stockpile to be a supreme national interest of the United States. If this is the case, how we can accept an unproven SSP as the basis for our confidence in the nuclear stockpile? If SSP were an established capability, and a not a set of research programs, most of which will not reach fruition for years, and the predictions of SSP had been thoroughly compared with the results of nuclear tests specifically designed to validate the new SSP, with positive results, then and only then could I consider abandoning nuclear testing in favor of SSP.

Can you imagine any reputable company abandoning one accounting systems for another without making sure that the new system's results agreed with the old? Can you imagine any reputable laboratory abandoning one calibration tool for another before ensuring that the new tool agreed with the old tool? But this is what we are being asked to do if we give our advice and consent to the CTBT. In an area where the supreme national interest of the United States is at stake we are being asked to endorse SSP as a replacement for nuclear testing without knowing if SSP works. Clearly the sensible course of action is to pursue SSP but calibrate its predictions, validate its new computer models, step-by-step, year-by-year by direct comparison with the results of nuclear tests specifically designed to test SSP. Then, if the SSP is shown to be a reliable replacement for nuclear testing, we could consider whether we would wish to be a party to a treaty banning nuclear testing. We must retain the ability to conduct underground nuclear tests to ensure the reliability and safety of our existing weapons and to establish whether SSP works.

I would like to remind my colleagues that this body, in 1987, required the Department of Energy to design a program very like what I have described, but even more encompassing. The Senate Armed Services Committee language for the fiscal year 1998 authorization bill required that DOE prepare a report on a program which would prepare the country for further limitations on nuclear testing beyond the 150 kiloton yield cap then in place. The committee recognized that the sophisticated weapons in the U.S. inventory might not be sustainable under further test limitations and required DOE to describe a program that would ''. . . prepare the stockpile to be less susceptible to unreliability during long periods of substantially limited testing.'' DOE was also required to ''. . . describe ways in which existing and/or new types of calculations, non-nuclear testing, and permissible but infrequent low yield nuclear testing might be used to move toward these objectives.'' This latter requirement might be viewed as the progenitor of SSP. DOE responded to this requirement by designing a test-ban readiness program which anticipated a ten year, ten nuclear test per year program which would address the objectives required by the Senate, which included the development and validation, by comparison with nuclear tests, of new calculational tools and non-nuclear testing facilities. I must hasten to add that this program described by DOE was never fully funded because throughout the Reagan and Bush administrations further limitations on nuclear testing were not viewed as necessary or desirable. A CTBT was stated to be a long term goal.

The stark differences between the Senate's requirement and the DOE response and the path taken by the Clinton administration could not be more stark. There was no period of preparation for this CTBT before us. The DOE was not instructed to implement the design and testing of robust replacement warheads. The DOE was not funded to procure and validate new calculational and non-nuclear testing facilities. Instead, nuclear testing stopped without warning. Even the few nuclear tests that might have allowed some preparation were denied. Dr. Hecker wrote to Senator KYL, ''We favored conducting such tests with the objective of preparing us better for a CTBT.'' However all tests were ruled out by the Clinton administration for policy reasons. This was years before the President signed the CTBT.

Nuclear weapon safety has always been a paramount concern of the United States. Throughout the history of its nuclear weapons program the United States has made every effort to ensure that even in the most violent of accident situations there would be the minimum chance of a nuclear explosion or radioactive contamination. The adoption of the CTBT will abandon this important commitment.

I am very concerned that a CTBT will stand in the way of improving the safety of U.S. nuclear weapons. All experts agree that nuclear weapon safety cannot be improved without the ability to conduct nuclear tests to confirm that the weapons, once new safety features are incorporated, are reliable. The CTBT makes pointless any attempts to invent new, improved safety feature because they could never be adopted without nuclear testing. Of even greater concern is that the CTBT even eliminates the possibility of improving the safety of current weapons through the incorporation of existing, well understood safety features.

Unfortunately, few people know that many of our current weapons do not contain all the safety features that already have been invented by the DOE Laboratories. A White House Backgrounder issued July 3, 1993, in conjunction with President Clinton's decision to stop all u.S. testing, acknowledges ''Additional nuclear tests could help us prepare for a CTBT and provide some additional improvements in safety and reliability.'' President Clinton thought it was more important not to undercut his nonproliferation goals!

I am less ready to ignore the safety of the American people. If we accept the CTBT, we will be accepting a stockpile of nuclear weapons that is less safe than it could be. I, for one, want no part in settling for less than the best safety that can be had. Should a U.S. nuclear weapon become in evolved in a violent accident which results in deaths and damage due to the spread of radioactive plutonium, I do not want to be in the position of explaining how I, by consenting to ratification of the CTBT, prevented the incorporation of safety measures that would have prevented these tragic consequences.

CTBT proponents will cite certifications of safety by the laboratory directors and the administration that the stockpile is safe. They apparently believe that procedures will make up for the lack of safety features. The Chernobyl nuclear reactor accident provides us with an example of what happens when procedures are counted on to ensure safety rather than putting safety mechanisms in place. Chernobly is not the only example where counting on human operators to follow procedure for ensuring safety has failed. It had been DOE's objective to install safety features which were inherent to guarantee, to the maximum extent possible, that neither through accident nor malevolent intent could human actions cause unacceptable contamination. Has this policy been abandoned because it is inconvenient to an administration determined to have a CTBT at any cost?

We have spent considerable money to incorporate advanced safety features in some existing weapons. Were we wasting our money? Is there some reason why it is OK to have some weapons less safe than others? I am not challenging that each weapon may be as safe as it could have been made at the time it was built. But safety standards change and now we may have to live without current weapon systems for a very long time. The American people deserve the safest weapons possible. We have gone from expecting seat belts, to expecting antilocking brakes and air bags in our automobiles. We know we could have insensitive high explosive and fire-resistant pits and enhanced nuclear detonation safety devices in every stockpile weapon. But we do not! We know each additional safety features decreases the probability of catastrophic results from an accident involving a nuclear weapon. We have no business entering into a CTBT until every weapon in our inventory is as safe as we know how to make it. I cannot justify a lesser standard and I hope you join me in this view and not give advice and consent to the ratification of the CTBT.

Mr. President, there are numerous reasons to oppose this treaty, many of which have been discussed here already. But I would like to focus on one feature of this agreement that is, in my view, sufficient reason by itself for rejecting ratification, and that is the treaty's duration.

This is an agreement of unlimited duration. That means that, if ratified, the United States will be committing itself forever not to conduct another nuclear test.

Think of that—forever. Are we so confident today that we will never again need nuclear testing—so certain that we are willing to deprive all future commanders-in-chief, all future military leaders, all future Congresses, of the one means that can actually prove the reliability of our nuclear deterrent?

Now, proponents of this treaty will say that this is not the case—that this commitment is not forever—because the treaty allows for withdrawal if our national interest requires it. And proponents of the treaty promise that if we reach a point where the safety and reliability of our nuclear deterrent cannot be guaranteed without testing, well then all we need do is exercise our right to withdraw and resume testing. This so-called ''supreme national interest'' clause, along with Safeguard F, in which President Clinton gives us his solemn word that he will consider a resumption of testing if our deterrent cannot be certified, is supposed to reassure us.

But the fact, Mr. President, is that this reassurance is a hollow promise, and supporters of the treaty know it.

The fact is that if the critical moment arrives and there is irrefutable evidence that we must conduct nuclear testing to ensure our deterrent is safe, reliable, and credible, those same treaty supporters will be shouting from the highest mountain that the very act of withdrawing from this treaty would be too provocative to ever be justified, that no narrow security need of the United States could ever override the solemn commitment we made to the world in agreeing to be bound by this treaty.

And if you don't believe that will happen, Mr. President, you need only look at our current difficulties with the 1972 ABM Treaty. It provides a chilling glimpse of our nuclear future, should we ratify this ill-conceived test ban.

Like the Comprehensive Test Ban Treaty, the ABM Treaty is of unlimited duration. It, too, includes a provision allowing the United States to withdraw if our national interests so demand. It's difficult to imagine a situation in which national security interests and treaty obligations are more clearly mismatched than with the ABM Treaty today, but its supporters insist that withdrawal is not just ill-advised but actually unthinkable. And the voices wailing loudest about changing this ossified agreement are the same ones urging us today to entangle ourselves in another treaty of unlimited duration.

Think of the ways in which the ABM Treaty is mismatched with our modern security needs. The treaty was conceived in a strategic context utterly unlike today's, a bipolar world in which two superpowers were engaged in both global rivalry and an accompanying buildup in strategic nuclear forces. Today, one of those superpowers no longer exists, and what remains of it struggles to secure its own borders against poorly armed militants.

The arms race that supposedly justified the ABM Treaty's perverse deification of vulnerability has not just halted, it's reversed, and no thanks to arms control. Today Russian nuclear forces are plummeting due not to the START II agreement—which Russia has refused to ratify for nearly 7 years—but to economic constraints and the end of the cold war. In fact, their forces are falling far faster than treaties can keep up; arms control isn't controlling anything—economic and strategic considerations are. Similar forces have led the United States to conclude that its forces can also be reduced. Thus, despite a strategic environment completely different from the one that gave birth to the ABM Treaty, its supporters stubbornly insist that we must remain a party to it.

In 1972, only the Soviet Union had the capability to target the United States with long-range ballistic missiles. Today, numerous rogue states are

diligently working to acquire long-range missiles with which to coerce the United States or deter it from acting in its interests, and these weapons are so attractive precisely because we have no defense against them—indeed, we are legally prohibited from defending against them by the ABM Treaty.

Technologically, too, the ABM Treaty is obsolete. The kinetic kill vehicle that destroyed an ICBM high over the Pacific Ocean on October 2 was undreamed of in 1972. So was the idea of a 747 equipped with a missile killing laser, which is under construction now in Washington state, or space-based tracking satellites like SBIRS-Low, so precise that they may make traditional ground-based radars superfluous in missile defense. Yet this ABM Treaty, negotiated three decades ago, stands in the way of many of these technological innovations that could provide the United States with the protection it needs against the world's new threats.

These new threats have led to a consensus that the United States must deploy a National Missile Defense system, and a recognition that we are behind the curve in deploying one. The National Missile Defense Act, calling for deployment of such a system as soon as technologically feasible, passed this body by a vote of 97–3, with similar support in the House. Just as obvious as the need for this capability is the fact that the ABM Treaty prohibits us from deploying it. Clearly, the ABM Treaty must be amended or jettisoned; the Russians have so far refused to consider amending it so withdrawal is the obvious course of action if United States security interests are to be served.

But listen to the hue and cry at even the mention of such an option. From Russia to China to France and even to here on the floor of the United States Senate, we have heard the cry that the United States cannot withdraw from the ABM Treaty because it has become too important to the world community. Those who see arms control as an end in itself inveigh against even the consideration of withdrawal, claiming passionately that the United States owes it to the world to remain vulnerable to missile attack. Our participation in this treaty transcends narrow U.S. security interests, they claim; we have a higher obligation to the international community. After all, if the United States is protected from attack, won't that just encourage others to build more missiles in order to retain the ability to coerce us, thus threatening the great god of strategic stability? That phrase, translated, means that citizens of the United States must be vulnerable to incineration or attack by biological weapons so that other nations in this world may do as they please.

Even though the ABM Treaty is hopelessly outdated and prevents the United States from defending its citizens against the new threats of the 21st century, supporters of arms control insist that withdrawal is unthinkable. Its very existence is too important to be overridden by the mere security interests of the United States.

Absurd as such a proposition sounds, it is the current policy of this administration and it is supported by the very same voices who now urge us to ratify this comprehensive test ban. The Clinton administration has been reluctantly forced by the Congress into taking serious action on missile defenses. It admits that the system it needs to meet our security requirements cannot be deployed under the ABM Treaty. Yet, so powerful are the voices calling on the United States to subjugate its own security interests to arms control that the administration is proposing changes to the ABM Treaty that—by its own admission—will not allow a missile defense system that will meet our requirements. It has declared what must be done as ''too hard to do'' and intends to leave the mess it has created for another administration to clean up. All because arms control becomes an end in itself.

That sorry state of affairs, Mr. President, is where we will end up if the Senate consents to ratification of the Comprehensive Test Ban Treaty. Those treaty supporters who are saying now, ''don't worry, there's an escape clause'' will be the same ones who, 5 or 10 years from now—when there's a problem with our stockpile and the National Ignition Facility is still not finished and we find out that we overestimated our ability to simulate the workings of a nuclear weapon—will be saying we dare not withdraw from this treaty because we owe a higher debt to the international community.

Mr. President, I don't represent the international community, I represent the people of my state. Our decision here must serve the best interests of the United States and its citizens. Our experience with the ABM Treaty is a perfect example of how arms control agreements assume an importance well beyond their contribution to the security of our nation. The Comprehensive Test Ban Treaty's unlimited duration is a virtual guarantee that this agreement will prevent us from conducting nuclear testing long past the point at which we decide such testing is necessary, should we so decide. As our ABM experience shows, we should take no comfort from the presence of a so-called ''supreme national interest'' clause.

I urge the defeat of this treaty.

Mr. President, the CTBT is nothing less than an ill-disguised attempt to unilaterally disarm the U.S. nuclear arsenal. We have repeatedly confirmed the need for nuclear weapons in the U.S. defense force posture. According to this administration's Secretary of Defense, ''nuclear forces are an essential element of U.S. security that serve as a hedge against an uncertain future and as a guarantee of U.S. commitments to allies.'' Most of us recognize this as a necessary, but awful, responsibility. Unfortunately, the CTBT actively undermines the Secretary of Defense's stated rationale for the U.S. nuclear arsenal.

For nuclear weapons to serve as a hedge against an uncertain future, they must be relevant to the threats we may face. As Iraq demonstrated during the gulf war, that threat is often a rogue regime armed with weapons of mass destruction. Hopefully, the threat of nuclear retaliation will deter a rogue regime from using WMD against United States forces and allies in the theater, as it did in the Iraqi case. However, some rogue regimes may not be moved by such concerns. Would North Korea, which appears otherwise content to let its people starve, balk at the prospect of United States nuclear retaliation/ and for that matter, is a United States threat to kill hundreds of thousands of oppressed North Korean civilian the proper response to North Korean WMD use? Is it a proportionate, morally acceptable threat to make? If it is not a threat we would carry out, how credible can it be? The answer to these questions lies in making sure that the U.S. nuclear arsenal is and remains relevant to the sorts of threats we will encounter in the ''uncertain future.''

Making the U.S. nuclear arsenal relevant to a world of rogue actors with dug-in, hardened shelters and WMD capabilities will likely require new weapons designs. In addition to improving the safety and reliability of our arsenal, new weapons designs tailoring explosive power to the threat will be crucial. For example, in some settings, biological weapons can be even more deadly than nuclear weapons. By releasing the agent into the atmosphere, a conventional attack on a biological weapons storage facility might cause more innocent deaths than it averted. It is possible that only a nuclear weapon is capable of assuring the destruction of a biological agent in some circumstances. The U.S. development of the B61–11 bunker buster nuclear weapon is evidence that, absent the political pressure for arms control, the U.S. arsenal needs these capabilities.

The CTBT will stop the United States from developing and deploying fourth generation nuclear weapons. Further, it will slowly degrade and destroy the nuclear weapons design infrastructure needed to produce new weapons designs. Thus any promise to withdraw from the CTBT in time of need becomes irrelevant; the capabilities we need won't be there. Without these new designs, nuclear weapons will ultimately cease to be a credible option for U.S. decisionmakers in all but a few very specific cases. Denying the United States the nuclear option is the true intent of the CTBT.

Do other countries recognize the utility of new weapons designs? Certainly.

Russia increasingly relies on its nuclear weapons for national security because its conventional forces are failing. Russia is almost certainly interested in developing what one Russian senior academic identified as ''ultralow-yield nuclear weapons with little effect on the environment.'' Our ability to detect and identify these sorts of test, which may resemble conventional explosions or small seismic events, with any degree of certainty is limited, and the cost of evading detection through decoupled underground tests, masking chemical explosions, etc., is not prohibitive. While the CTBT's proposed International Monitoring System (IMS) will add to the capabilities available through U.S. national technical means (NTM), it will still not provide definitive answers.

While less sophisticated than the Russian program, China has demonstrated that modernized and new weapons designs are on its agenda. Its aggressive intelligence-gathering operation aimed at the U.S. nuclear weapons complex should be clear evidence of that. China's willingness to freeze its nuclear modernization program simply to comply with a treaty should also be suspect—China has repeatedly demonstrated that it is willing to act contrary to its international commitments in areas of keen United States interest like the Missile Technology Control Regime (MTCR). ''Norms'' and diplomatic peer pressure will not dissuade China from nuclear testing. Based on these observations, what the CTBT will create is a frozen, degrading U.S. nuclear weapons program, improving Russian and Chinese arsenals, and a host of rogue regimes increasingly aware that the United States nuclear threat is deficient.

Let me conclude my remarks. I think as we close this debate, it is important to reflect for a moment on what the constitutional responsibilities of the Senate are. In binding the American people to international treaties, the Senate is a coequal partner with the President of the United States, whose people negotiate treaties which he signs and then sends to the Senate for its advice and consent.

It would help if he asked the Senate's advice before he requested our consent, but in this particular case his negotiators tried in certain circumstances to gain provisions in this treaty which eventually they concluded they could not get, and as a result, negotiated what Senator LUGAR of this body has called a treaty not of the same caliber as previous arms control treaties; a treaty that is flawed in a variety of ways he pointed out, including the fact it is not verifiable and it lacks enforceability.

My view is that the Senate can fulfill its constitutional responsibility not by being a rubber stamp to the administration but by in effect being quality control by sending a message that the U.S. Government, embodied in the Senate, will insist on certain minimum standards in treaties that will bind the American people. Particularly with respect to our national security, when we are talking about arms control, we will insist on those standards regardless of world opinion or what the lowest common denominator of nations may request.

This administration had the opportunity to negotiate a treaty of less than permanent duration. They originally tried a 10-year, opt-out provision but failed in that. They originally, at the request of the Joint Chiefs of Staff, were trying not to agree to a zero yield but to permit hydronuclear tests. But eventually they agreed to a zero yield. There were requests for better monitoring sites around the world, but our negotiators gave up on that as well.

My point is, in rejecting this treaty tonight the Senate will be strengthening the hand of our future negotiators who, in talking to their counterparts in the world, will be able to say the Senate is going to insist on certain minimum standards: That it be verifiable, it be enforceable, that it take the U.S. security interests seriously, and unless that is done we cannot possibly agree to these terms.

By rejecting this treaty this evening, I believe we will be sending a very strong message that as the leader of the world, the United States will insist on certain minimal standards to the treaties. Our negotiators in the future will be better able to negotiate the provisions. And in the future, the Senate will be in a position to ratify a treaty rather than having to reject what is clearly an inferior treaty.

I urge my colleagues to reject this treaty.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I yield 2 minutes to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 2 minutes.

Mr. LIEBERMAN. Mr. President, the good-faith efforts of people on both sides of the aisle to avoid a vote, knowing that there were not votes in the Senate to ratify this treaty, have obviously failed. The vote will occur soon, and the votes are not there to ratify the treaty. That, in my opinion, is profoundly unfortunate. There is plenty of blame to be passed all around for that result.

I think at this moment we all should not look backward but look forward, and particularly say to our friends and allies and enemies around the world that this vote tonight does not send a signal that the majority of the American people and their Representatives in Congress and in the Senate are not profoundly concerned about nuclear proliferation and are not interested in arriving at a treaty that genuinely will protect future generations from that threat.

At times in this debate I was heartened by statements, including those made by the current occupant of the Chair, the Senator from Nebraska, saying if the vote occurred, you would vote against the ratification tonight, but more work ought to be done and more thought ought to be given. I hope in the days ahead we will be able to reach across the partisan aisle, work together without time limitation or even timeframe, to see if we can find a way to build adequate support for the ratification of this treaty, or a treaty which will control the proliferation of nuclear weapons by prohibiting the testing of those weapons. I invite my colleagues from both parties to join with us in that effort in working together with our administration. I hope we can take from this experience the lessons of what we did not do this time and should do next time.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Delaware.

Mr. BIDEN. Mr. President, how much time remains in my control?

The PRESIDING OFFICER. The Senator from Delaware has 16 minutes 54 seconds remaining.

Mr. BIDEN. How much time remains in control of my friend?

The PRESIDING OFFICER. The Senator from North Carolina has 10 minutes remaining.

Mr. HELMS. Will the Senator forgive me; I overlooked Senator WARNER.

Mr. BIDEN. Surely.

Mr. WARNER. I thank my distinguished colleagues.

My dear friend and partner in the venture for a letter, Senator MOYNIHAN, addressed the letter in his remarks. First, we expressed it was an effort in bipartisanship by a large number of Senators—I but one; Senator MOYNIHAN two. This letter will be printed in the RECORD following the vote.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I have spoken to our leader. I am going to close the debate on our side. I will use any time up to the amount of time that I have available.

My friend from North Carolina knows—I guess when people listen to us on the air they must wonder. We go through this, ''my friend from North Carolina'' and ''distinguished Senator from.'' I imagine people, especially kids or youngsters in high school and college, must look at us and say: What are they talking about, unless they understand the need for good manners in a place where there are such strong differences, where we have such deep-seated differences on some issues, where I must tell you—and I am not being melodramatic—my heart aches because we are about to vote down this treaty. I truly think, I honestly believe that, in the 27 years I have been here, this is the most serious mistake the Senate has ever made—or is about to make.

But that does not detract from my respect for the Senator from North

Carolina, who not only is against the treaty, but wants to bring it up now, now, and vote it down. So I think it is important for the American people to understand. We have deep differences on this floor. In other places they have coups and they shoot each other. Because of the traditions of this body and the rules of the Senate, we live to fight another day.

My friend knows we came the same year; we came the same date; we came at the same time. I will promise him, and he will not be surprised, I will use every remaining day of this Congress to try to fight him on this issue—even though I am about to lose, we are about to lose, my position is about to lose—to try to bring this back up, try to push it, try to keep it alive. Because as the Parliamentarian pointed out, when you vote this treaty down today, it doesn't die; it goes to sleep. It goes back to bed. It jumps over that marble counter there, back over the desk to the Executive Calendar to be called up again.

I warn you all, I am going to be a thorn in your side, not that it matters much, but I am going to keep harping at it. I am going to keep beating up on you; I am going to keep talking about it; I am going to keep at it, keep at it, keep at it.

When we started this off, my objective was to get the kind of hearings—I know my friend says we have had hearings—the kind of hearings we have had on other significant treaties—10, 12, 15, 18 days of hearings. The ''sense of the Senate'' amendment that I was prepared to introduce two weeks ago called for Foreign Relations Committee hearings beginning this fall and final action by March 31, 2000.

That is what I was looking for because I truly believe that, were the American people and our colleagues able to hash this out in the way we designed this body to work, we would, in fact, find accommodation for all those concerns that 67 Senators might have; not 90, but probably 67, 68—70. I truly believe that. I truly believe that.

Instead, we got one quick week of hearings, with the Committee on Foreign Relations holding only one day of hearings dedicated to this treaty, the day after the committee was discharged of its responsibility.

That abdication of committee responsibility was perhaps only fitting, as most Republicans appear prepared to force this great country to abdicate its responsibility for world leadership on nuclear non-proliferation.

But let me say that in this floor debate, I have attempted at least to answer attacks leveled by treaty opponents. Neither side has been able to delve very deeply, however, given the time constraints and lack of balanced, I think, detailed knowledge on the part of our Senate.

For example, the distinguished Senator from Rhode Island and the Senator from Virginia are both friends. They are World War II vets. They have served a long time and they are among the two most honorable people I know. Senator CHAFEE—I assume he will forgive me for saying this—came up to me and said: JOE, check what I have here. Is this accurate, what I have here?

I said what I am about to say: It is absolutely accurate.

He said: But it is different from what my friend from Virginia said, Senator WARNER said.

I said: I love him, but he is flat wrong. He is flat wrong.

I don't think anybody is intentionally misleading anybody. I do think we haven't hashed this out.

For example, there is a condition that we have adopted by unanimous consent, part of this resolution of ratification we are about to vote on, the last section of which says:

> Withdrawal from the treaty: If the President determines that nuclear testing is necessary to assure with a high degree of confidence the safety and reliability of the United States nuclear weapons stockpile, the President shall consult promptly with the Senate and withdraw from the treaty.

He has no choice. He must withdraw.

My friend from Virginia characterizes this treaty as having no way out. If, however, the President is told by the National Laboratory Directors, by the Secretary of Defense, the Secretary of Energy, ''We can't guarantee any more, boss,'' he must inform us and he must withdraw.

That is an illustration of what I mean. Here are two honorable men, two men of significant experience, asking one another and asking each of their staffs: Which is right?

In one sense, it is clear what is right: we haven't had much time to talk about it. We haven't had much time to talk about it.

The debating points and counterpoints are too many to summarize in a short statement in the probably 12 minutes I have left. But the themes of this debate are clear and so are the fallacies that underlie the arguments of those who oppose the treaty, at least the arguments made most repeatedly on the floor.

The first theme of the treaty opponents is that, while our nuclear weapons stockpile may be—they don't say ''may'', they say ''is''—safe and is reliable today, there is no way to do without nuclear testing forever. That is the first theme that is promoted by the opponents.

This argument is based on a fallacy rooted in our nuclear weapons history. The history is that our nuclear testing has supported a trial-and-error approach to correcting deficiencies, rather than rooting our weapons in detailed scientific knowledge of how a nuclear reaction works.

The fallacy is that nuclear weapons must be subjected to full-up, ''integrated'' testing. That is a fallacy. The truth is, rarely do we fully test major systems. Rather, we test components or conduct less than full tests of complete systems.

As my colleagues know, a truly full test of a nuclear weapon would require that it be tested as a bomb or as a warhead, as it is intended to be, and exploded in the atmosphere. All the experts tell you that. That is the only true, absolute way you know what is going to happen: test it in the atmosphere.

As the Presiding Officer knows, we have done without atmospheric testing for 36 years. We accepted the supposedly degraded confidence in our nuclear stockpile that results from this lack of full-blown testing.

Why have we accepted that? Because we balanced the benefits of full-up atmospheric testing against its disadvantages, and it was clear that the benefits outweighed the negatives.

When listing the benefits, we also noted how well we could assure the systems performance without these full-up tests. When listing the disadvantages, we included cost, risk of collateral damage, environmental risk, radioactive fallout, and the diplomatic or military costs that would have been incurred if we had rejected or withdrawn from the Limited Test-Ban Treaty which was signed in 1963.

Similarly today, we have to consider both the benefits and the disadvantages of insisting upon the right to conduct underground nuclear testing. We should include in our calculus the fact that the Resolution of Ratification of this treaty requires the President to withdraw from the treaty if he ''determines that nuclear testing is necessary to assure, with a high degree of confidence, the safety and reliability of the United States nuclear weapons stockpile.''

Guess what? Every year now, under the law, the Secretary of Energy and the Secretary of Defense must not only go to the President, but must come to the Senator from Nebraska, the Senator from Delaware, the Foreign Relations Committee, the Armed Services Committee, and they must tell us, as well as the President, whether they can certify the continued safety and reliability of the stockpile. If they cannot certify, and if we adopt this Resolution of Ratification, the President has to withdraw from the treaty.

We will likely differ in our calculations of the balance between advantages and disadvantages of foreswearing underground nuclear testing. But we should all reject the fallacy that there is no substitute for continuing what we did in the past.

The second theme that opponents of the treaty keep putting out is that we have to reject this treaty because it is not perfectly verifiable. This argument is based upon a fallacy rooted in slogans and fear. The fear relates to the history of arms control violations by the Russians and the Soviet Union. The slogans are Ronald Reagan's election-year demand: Effective verification. And his later catch phrase: Trust but verify.

This body has never demanded perfect verification.

Consider the vote we had on the INF Treaty that eliminated land-based intermediate-range missiles. That treaty was signed by President Reagan. President Reagan, the same man who signed the treaty, also coined the phrase ''trust but verify.''

Was the INF Treaty perfectly verifiable? No. Nobody in the world suggested it was perfectly verifiable. Listen to what the Senate Intelligence Committee said before we voted on Ronald Reagan's INF Treaty. They said:

> Soviet compliance with some of the treaty's provisions will be difficult to monitor. The problem is exemplified by the unresolved controversy between the Defense Intelligence Agency and other intelligence agencies over the number of SS–20s in the Soviet inventory.

We did not even know how many SS–20s, intermediate-range missiles, they had. The Intelligence Committee went on to say:

> Ground-launched cruise missiles pose a particular difficult monitoring problem as they are interchangeable long-range, sea-based launch cruise missiles.

Which the INF Treaty did not ban. This was not verifiable. Where were all you guys and women when the Reagan treaty was up here? God love him: Trust but verify. I challenge anyone to come to the floor in the remaining minutes and tell me that the INF Treaty was perfectly verifiable.

I love this double standard. You wonder why some of us on this side of the aisle think this is about politics.

The fallacy is clear: Nobody really believes in perfect verification. The Senate approved Ronald Reagan's INF Treaty by a vote of 93–5, despite the fact that we knew the INF Treaty was far from verifiable. The legitimate verification questions are how well can we verify compliance and whether our national security will be threatened by any undetected cheating that could occur.

I say to my colleagues, we should end the pretense that only a perfectly verifiable treaty is acceptable. The only perfectly verifiable treaty is one that is impossible to be written.

Each side in this debate has agreed that the approval or rejection of this treaty could have serious consequences. I suggest that we pay some attention to each side's worst-case scenarios.

Opponents of the treaty have warned that a permanent ban on nuclear weapons tests could result in degraded confidence in the U.S. deterrent, perhaps leading other countries to develop their own nuclear weapons. Treaty supporters have warned that rejection of this treaty could lead to a more unstable world in which all countries were freed of any obligation to obey the Test-Ban Treaty.

Neither of these worst-case outcomes is very palatable. Any degraded foreign confidence in the U.S. deterrent would be limited, however, either by annual certification of our own high confidence in our nuclear weapons, or by prompt action to fix any problems—including mandatory withdrawal from this treaty if the President determined that testing was necessary.

Rejection of this treaty would not greatly increase the speed with which a nuclear test could be conducted, if one were necessary. The nuclear stockpile certification process already forces an annual decision on whether to resume testing, and the treaty would impost only a six-month delay after notice of our intent to withdraw. That means a total lag of 6 to 18 months between discovering a problem and being free to test—roughly what officials say is the minimum time that it takes to mount a serious nuclear weapons test, anyway.

By contrast, however, the worst-case scenario of Treaty supporters might not be so limited. As Larry Eagleburger, who served as Secretary of State at the end of the Bush Administration, wrote in Monday's Washington Times:

> The all-important effort of the United States to stem the spread of nuclear weapons around the world is about to go over a cliff unless saner heads in Washington quickly prevail.

Eighty years ago, this body rejected the Treaty of Versailles that ended the First World War. Woodrow Wilson's vision of a League of Nations to keep the peace was turned down by a Senate that did not want to accept such a U.S. responsibility in the world. While that vote was understood to be significant at the time, nobody could foresee that our refusal to take an active role in Europe's affairs would help lead to a Second World War only two decades later.

Today, eight years after the Cold War's end, the Senate is presented with a different kind of collective security proposition—an international treaty that can meaningfully reduce the danger that nuclear weapons will spread, a treaty enforced by an army of inspectors and a global system of sensors.

We cannot tell what the precise consequences of our actions are going to be this time, but the world will surely watch and wonder if we once again abdicate America's responsibility of world leadership, if we once again allow the world to drift rudderless into the stormy seas of nuclear proliferation.

World War II was a time of horror and heroism. A world of nuclear wars will bring unimagined horror and little room for the heroism of our fathers. We all pray that our children and grandchildren will not live in such a world.

Will the votes today have such a major, perhaps awful, consequence? We cannot say for sure, but I end by suggesting to all that the chance being taken by those who are worried about our ability to verify compliance and our ability to verify the stockpile is far outweighed by the chance we take in rejecting this treaty and saying to the entire world: We are going to do testing and we do not believe that you can maintain your interests without testing, so have at it.

We should all consider that this may be a major turning point in world affairs. If we should reject this treaty, we may later find that ''the road not taken,'' in Robert Frost's famous phrase, was, in fact, the last road back from the nuclear brink.

I heard, in closing—the last comment I will make—my friend say: Our allies will lose confidence in us if we ratify this treaty. The fact is, however, that Tony Blair called today and, to paraphrase, said: For God's sake, don't defeat this treaty. He is the Prime Minister of England, our No. 1 ally.

The German Chancellor said: Please ratify, in an open letter. The President of France, Jacques Chirac, said: Please ratify. So said our allies.

Larry Eagleburger's conclusion is one with which I shall end. His conclusion was:

> The whole point of the CTBT from the American perspective is get other nations to stop their testing activities and thereby lock-in—in perpetuity—the overwhelming U.S. advantage in weaponry. There is no other way to interpret a vote against this treaty than as a vote in favor of nuclear testing of other nations. It would stand on its head the model of U.S. leadership on nonproliferation matters we have achieved for over 40 years.
>
> If the Senate cannot bring itself to do the right thing and approve the treaty, then senators should do the next best thing and pull it off the table.

As I used to say in a former profession, I rest my case, but in my former profession, when I rested my case, I assumed I would win. I know I am going to lose here, but I will be back. I will be back. I yield the floor and reserve the remainder of time, if I have any.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, how much time do we have left on this side?

The PRESIDING OFFICER. The Senator from North Carolina has 9 minutes 30 seconds.

Mr. HELMS. Mr. President, my friend, Senator BIDEN, began with an allusion to the young people listening by television about how we call each other distinguish Senators and various other good things, and that is called courtesy. I call him a distinguished Senator, and I admire JOE BIDEN. He knows I do. I cannot outshout him. He has far more volume than I. I have used my windpipes a little bit longer than he has.

Let me tell you about JOE. He is a good guy. He is a good family man. He goes home to Delaware every night. He comes back in the morning. Sometimes he is not on time for committee meetings and other things, but we take account of that. But you can bank on JOE BIDEN in terms of his vote. He is going to vote liberal every time. I have never known him—and I say this with respect—to cast a conservative vote. And that is the real difference.

I believe it is essential that the Senate withhold its consent and vote to

defeat the Comprehensive Nuclear Test-Ban Treaty.

Mr. President, in the post-cold-war world, many of us have assumed that the U.S. nuclear deterrent is less relevant than before. I contend that it is more important than ever.

The level of threat posed by another nation has two parts—the nation's capabilities to inflict damage upon us, and the intent to do so. Since the end of the cold war, Russia's intent, clearly, is peaceful. This has not changed Russian nuclear capabilities, however. If Russia's government were to change to a hostile one tomorrow, the level of threat posed by Moscow would be even greater than it was during the cold war.

Unlike the United States, Russia has not stopped improving on its nuclear arsenal. The Russians have continued to modernize their nuclear arsenal with new warheads and new delivery systems, despite the end of the cold war. This modernization has been at tremendous economic expense and has probably entailed continued nuclear testing. I might also add that Russian nuclear doctrine has continued to evolve since the end of the cold war, and now Moscow relies even more on its nuclear deterrent for defense than it did before.

But, Russian is not the only potential threat. The greater danger may come, ultimately, from China. As you know, Chinese espionage has yielded great fruit, including United States nuclear weapons designs and codes, as well as intelligence on our strategic nuclear submarine force. China continued nuclear testing long after the United States undertook a self-imposed nuclear test moratorium in 1992. And, undoubtedly, it can continue secret nuclear testing without our being able to detect it.

Other threats also abound. One of the most serious is from North Korea, which remains in noncompliance with the Nuclear Nonproliferation Treaty and is continuing to build missiles that can be used for nuclear weapons delivery.

In this uncertain world, it is not enough to simply retain a nuclear arsenal. We need a true nuclear deterrent. A nuclear arsenal becomes a nuclear deterrent only when we have convinced potential enemies that we will use that arsenal against them if they attack us or our allies with weapons of mass destruction. This means we must do two things. First, we must maintain the arsenal in workable, reliable condition. Second, we must clearly communicate our willingness to use the arsenal. We must not forget: a weapon does not deter if your enemy knows that you won't use the weapon.

Nuclear testing, historically, has performed both the maintenance and communications functions. Testing kept the arsenal reliable and modern. Very importantly, it also signaled to potential enemies that we were serious about nuclear deterrence.

Some people might argue that our nuclear arsenal is as modern as it will ever need to be. I am not willing to make that argument because I know I can't predict the future. I have no way of knowing what technological advances our potential enemies may make. Perhaps they will make discoveries of countermeasures that make our delivery systems outmoded. Or, perhaps they will acquire ever more potent offenses, just as Iraq, Russia, and North Korea have acquired highly virulent biological weapons.

If the future does bring new challenges to our existing arsenal, I think we ought to be in a position to modernize our stockpile to meet those challenges. The directors of our nuclear weapons design laboratories have told us that we cannot modernize our weapons, for example, to take on the threat of biological weapons unless we can test. It therefore seems reasonable that we not deny ourselves the ability to test.

Again, some people may argue that we should join the CTBT and then pull out if we need to test. That would be terribly foolish. We all know how politically difficult it is to pull out of a treaty, no matter how strong the arguments are for doing so. It is better to not join in the first place.

In conclusion, let me reiterate my support for keeping our nuclear deterrent strong. The nuclear arsenal protects us against attacks from other nations that might use weapons of mass destruction against us. It tells them silently that the cost of any aggression is too high. We need to keep sending that signal to them, and nuclear testing will help us do that.

Mr. President nuclear deterrence was crucial to U.S. and allied security throughout the cold war, and it will be no less important in the future. The enormous benefit of America's nuclear deterrent is that it protects U.S. interests and safeguards the peace without the use of force.

It is clear that on several occasions, notably during the Cuban missile crisis, nuclear deterrence kept the cold war from becoming a shooting war. Now that the cold war is over, has nuclear deterrence become less important? The answer is no. During the first conflict of the post-cold-war period, the 1991 gulf war with Saddam Hussein, nuclear deterrence undoubtedly saved thousands, possibly tens of thousands of lives. How? Saddam Hussein was deterred from using his chemical and biological weapons because he feared the United States would retaliate with nuclear weapons. That is not my interpretation of the gulf war; it is what senior Iraqi leaders have said. The gulf war experience illustrates that as chemical, biological and nuclear weapons continue to proliferate, the U.S. nuclear deterrent will become even more vital to our security.

While Washington must be prepared for the possibility that nuclear deterrence will not always safeguard the peace, we must safeguard our capability to deter. President Clinton recognized this continuing value of nuclear deterrence in the White House's most recent presentation of U.S. national security strategy. A National Security Strategy for A New Century, I quote: ''Our nuclear deterrent posture is one of the most visible and important examples of how U.S. military capabilities can be used effectively to deter aggression and coercion . . .'' And, quote ''The United States must continue to maintain a robust triad of strategic forces sufficient to deter any hostile foreign leadership . . .''

The strategy of nuclear deterrence that for decades has played such a crucial role in preserving peace without resort to war would be damaged, perhaps beyond repair, in the absence of nuclear testing. Make no mistake, the CTBT would harm U.S. security by undermining the U.S. nuclear deterrent.

For the nuclear stockpile to underwrite deterrence it must be credible to foes. That credibility requires testing. To deter hardened aggressors who are seemingly impervious to reason, there is no substitute for nuclear testing to provide the most convincing demonstration of the U.S. nuclear stockpile and U.S. will to maintain nuclear deterrence.

The strategy of nuclear deterrence also requires that U.S. leaders have confidence that the nuclear stockpile will work as intended, is safe and reliable. Only testing can provide that confidence to U.S. leaders, and to our European and Asian allies who depend on the U.S. nuclear deterrent for their security. In the past, nuclear testing has uncovered problems in given types of weapons, and also assured that those problems were corrected, permitting confidence in the reliability of the stockpile.

The absence of testing would undermine both the credibility of the U.S. nuclear deterrent in the eyes of would-be aggressors and the confidence of U.S. leaders in the strategy of nuclear deterrence.

In addition, an effective strategy of nuclear deterrence requires that the nuclear stockpile be capable of deterring a variety of aggressors and challenges. New and unprecedented threats to United States security are emerging as a variety of hostile nations, including North Korea and Iran, develop mass destruction weapons and their delivery means. The U.S. nuclear deterrent must be capable against a wide spectrum of potential foes, including those who are desperate and willing to take grave risks. The nuclear stockpile inherited from the cold war is unlikely to be suited to effective deterrence across this growing spectrum of potential challengers. America's strategy of nuclear deterrence will become increasingly unreliable if the U.S. nuclear arsenal is limited to that developed for a very different time and challenger. Nuclear weapons of new designs inevitably will be necessary; and as the directors of both nuclear weapons design

laboratories have affirmed, nuclear testing is necessary to provide confidence in the workability of any new design. In short, nuclear testing is the key to confidence in the new weapons design that inevitably will be necessary to adapt our nuclear deterrent to a variety of new challengers and circumstances.

Finally, the U.S. strategy of nuclear deterrence cannot be sustained without a cadre of highly trained scientists and engineers. That generation of scientists and engineers that served successfully during the cold war is passing rapidly from the scene. Nuclear testing is critical to recruit, train, and validate the competence of a new generation of expert to maintain America's nuclear deterrent in the future.

Mr. President, there is no credible evidence that the CTBT will reduce nuclear proliferation. None of the so-called ''unrecognized'' nuclear states—India, Pakistan and Israel—will be convinced by this Treaty to give up their weapons programs. Most important, those states that are currently seeking nuclear weapons—including Iran, Iraq and North Korea a state that probably already has one of two nuclear weapons—will either not sign the Treaty or, equally likely, will sign and cheat. These countries have demonstrated the value they ascribe to all types of weapons of mass destruction and are not going to give them up because others pledge not to test. They also know that they do not need to test in order to have confidence in first generation weapons. The United States did not test the gun-assembly design of the ''little boy'' weapon in 1945; and the South Africans and other more recent proliferators did not test their early warhead designs.

Contrary to its advertised purpose, and in a more perverse and bizarre way, the CTBT could actually lead to greater proliferation not only by our adversaries but also by several key allies and friends who have long relied on the American nuclear umbrella as a cornerstone of their own security policy. In other words, if the CTBT were to lead to uncertainties that called into question the reliability of the U.S. nuclear deterrent, which it certainly will, the result could well be more rather than less proliferation.

The United States has for many years relied on nuclear weapons to protect and defend our core security interests. In the past, our nuclear weapons were the central element of our deterrent strategy. In today's world—with weapons of mass destruction and long-range missiles increasingly available to rogue states—they remain an indispensable component of our national security strategy. While serving as a hedge against an uncertain future with Russia and China, United States nuclear weapons are also essential in meeting the new threat of regional states armed with weapons of mass destruction. In fact, in the only contemporary experience we have with an enemy armed with chemical and biological weapons, there is strong evidence that our nuclear weapons played a vital role in deterring Saddam from using these weapons in a way that would have changed the face of the gulf war, and perhaps its outcome.

While the U.S. nuclear deterrent today inspires fear in the minds of rogue-type adversaries, U.S. nuclear capabilities will erode in the context of a CTBT. Inevitably, as both we and they watch this erosion, the result will be to encourage these states to challenge our commitment and resolve to respond to aggression. Much less concerned by the U.S. ability—and therefore its willingness—to carry out an overwhelming response, they will likely pursue even more vigorously aggression in their own neighborhoods and beyond. To support their goals, these states will almost certainly seek additional and ever more capable weapons of mass destruction—chemical, biological and nuclear—to deter American intervention with our conventional superiority. They may also be more willing to employ weapons of mass destruction on the battlefield in an effort to disrupt, impede, or deny the United States the ability to successfully undertake military operations.

By calling into question the credibility of the ''extended deterrent'' that our nuclear weapons provided for key allies in Europe and Asia, the CTBT could also spur proliferation of nuclear weapons by those states who have long relied on the U.S. nuclear guarantee. For over half a century, the United States has successfully promoted nonproliferation through the reassurance of allies that their security and ours were inseparable. U.S. nuclear weapons have always been a unique part of this bond. Formal allies such as Germany, Japan and South Korea continue to benefit from this protection. Should the U.S. nuclear deterrent become unreliable, and should U.S. allies begin to fear for their security having lost faith in the U.S. guarantee, it is likely that these states—especially those located in conflict-laden regions—would revisit the question of whether they need their own national deterrent capability.

Maintaining a reliable and credible nuclear deterrent has also contributed to the reassurance of other important friends in regions of vital interest. For instance, Taiwan and Saudi Arabia have to date shown considerable restraint in light of the nuclear, chemical and biological weapons proliferation in their region, in large part because they see the United States as committed and capable of coming to their defense. While strong security relations have encouraged Taipei and Riyadh to abstain from their own nuclear programs, an unreliable or questionable U.S. nuclear deterrent might actually encourage nuclear weapons development by these states.

In summary, by prohibiting further nuclear testing—the very ''proof'' of our arsenal's viability—the CTBT would call into question the safety, security, and reliability of U.S. nuclear weapons, as well as their credibility and operational utility. Consequently, should the United States move forward with ratification of the Treaty, it is likely to have the profound adverse effect of encouraging further proliferation of weapons of mass destruction. This would be in the most fundamental way detrimental to U.S. national security objectives.

Mr. President, a cornerstone of arms control is the ability of the U.S. government to verify compliance. In U.S. bilateral agreements such as the Strategic Arms Reduction Treaty, and the Intermediate Nuclear Forces Treaty, the Senate has insisted on provisions in the treaty that would provide for a combination of cooperative measures including on-site inspection, as well as independent national technical means of verification to monitor compliance. Such provisions have been almost entirely absent in multinational arms control agreements. It is not surprising that international agreements such as the Biological Weapons Convention, the Nuclear Non-Proliferation Treaty, the Missile Technology Control Regime, and the Chemical Weapons Convention are ignored by nations whose security calculation drives them to acquire weapons of mass destruction and their means of delivery. The CTBT is likely to sustain the tradition of noncompliance we have so widely observed with other multilateral arms control agreements. The problem with the CTBT is particularly acute because national technical means of verification do not exist to verify compliance. There is some relevant arms control history on this point.

In the 1980's, the United States negotiated a threshold test ban treaty with the former Soviet Union, FSU. This agreement limited nuclear tests to a specific yield measured in equivalent explosive energy in tons of TNT. Compliance with this agreement could not be verified by national technical means of verification. Very specific cooperative measures were required to render the agreement vulnerable to verification of compliance. Specifically, underground nuclear tests were limited to designated sites, and each side was required to permit the deployment of sensors in the region where tests were permitted to monitor such testing. These extraordinary measures emphasize the limitations of underground nuclear test monitoring. Tests that were not conducted at designated sites could not be reliably monitored. Moreover, even when we are confident we know where a test will be conducted, unless we have detailed knowledge of the local geological conditions and are able to deploy our own sensors near the site, the limits of modern science—despite the billions of dollars invested in various technologies for nearly half a century—cannot verify compliance with national undertakings concerning underground nuclear testing.

Since the early 1990's, Russian nuclear weapons scientists and engineers have been conducting experiments at a test site on the Novaya Zemlya Island in the Russian Arctic. Because these tests are conducted in underground cavities, it is beyond the limits of modern scientists to be certain that a nuclear test has not been conducted. Two such tests were carried out in September according to the Washington Post in its report on Sunday, October 3, 1999. No one in the Department of Energy, the Department of Defense, the CIA, or the White House knows what those tests were. Nor can they know. These could have been nuclear tests using a technique for emplacing the nuclear device in circumstances that will deny us the ability to know whether or not a nuclear test has been carried out.

A technique known as ''decoupling'' is a well understood approach to concealing underground nuclear tests. By suspending a nuclear device in a large underground cavity such as a salt dome or hard rock, the seismic ''signal'' produced by the detonation is sharply reduced as the energy from the detonation is absorbed by the rock or salt. The resulting ''signal'' produced by the blast of the detonation becomes difficult to distinguish from natural phenomena. Because decoupling is a simple, cheap, and reliable means of concealing nuclear tests, the United States insisted on a provision in the Threshold Test Ban Treaty that underground nuclear tests could only be undertaken in specific agreed-upon sites. The unfeasibility of monitoring compliance with a CTBT if a nation decides to use decoupling techniques to conceal nuclear tests. This has been acknowledged by the Intelligence Community. The Community's chief scientist for the Arms Control Intelligence Staff, Dr. Larry Turnbull stated last year.

The decoupling scenario is credible for many countries for at least two reasons: First, the worldwide mining and petroleum literature indicates that construction of large cavities in both hard rock and sale is feasible with costs that would be relatively small compared to those required for the production of materials for a nuclear device; second, literature and symposia indicate that containment of particulate and gaseous debris is feasible in both sale and had rock.

The reduction in the seismic ''signal'' can diminish the apparent yield of a nuclear device by as much as a factor of 70. The effectiveness of concealment measures means that potential proliferators can develop the critical primary stage of a thermonuclear (hydrogen) weapon. It can do so with the knowledge that science does not permit detection of a decoupled nuclear test in a manner that will permit verification of compliance with a CTBT or any other bilateral or multilateral arms control agreement intended to restrain nuclear testing.

How much risk must the United States continued to be exposed by these ill-thought out multilateral arms control agreements? We have been reminded of this problem recently. The Biological Weapons Convention has been advertised by the same people now advocating the CTBT to be a successful example of a universally subscribed codification of the rejection of biological weapons by the international community. What has happened in the three decades since its ratification? The treaty has in fact, been widely violated. Two dozen nations have covert biological weapons programs. The arms control community—recognizing the treaty's fundamentally flawed character—is now seeking to ''put toothpaste back in the tube'' by attempting to negotiate verification provisions 30 years after the fact. We know from the report of the Rumsfeld Commission last year that the technology of nuclear weapons has been widely disseminated—abetted by the declassification policies of the Department of Energy. The problem of nuclear proliferation is now beyond the grasp of arms control. Other measures to protect American security and the security of its allies from its consequences now must be identified, considered, and implemented. We simply have to face the fact that compliance with the CTBT cannot be verified and no ''fix'' is possible to save it. The scope and pace of the consequences of nuclear proliferation will be magnified if the CTBT is verified.

Mr. President, when Ronald Reagan said ''trust but verify'' he expressed what most Americans feel about arms control treaties that limit the tools of U.S. national security. They know we will abide scrupulously by our legal obligations and would like to live in a world where others do the same. But since we do not live in such a world, they expect us to avoid treaties whose verification standards are less demanding than our own compliance standards.

The Comprehensive Test Ban Treaty now before us for advice and consent would be a radical departure from traditional U.S. approaches to the cessation of nuclear testing. Despite its superficial attractiveness there are two enduring reasons why no previous administration has ever advocated a permanent, zero-yield test ban. The first is that we've never apologized for relying on low yield underground tests to assure the safety and reliability of our nuclear deterrent.

Others and I will have more to say about that issue, but right now I will focus on the second reason we've never catered to the anti-nuclear sentiments behind a zero-yield test ban. In the 1950's—when international nuclear disarmament really was a stated objective of U.S. policy—President Eisenhower's ''comprehensive'' test ban applied to tests above four or five kilotons. But after studying it for a few years he turned instead to nonproliferation and limited test ban proposals because he realized he could not assure verification of a test ban even at that threshold.

We understood back then that cheating would allow an adversary to modernize new weapons and confirm the reliability of existing ones. We knew we would never exploit verification loopholes for military advantage but were less sanguine about the forbearance of others. We knew that monitoring, detecting, and identifying noncompliance, let alone verifying it under international legal standards, was beyond our technical, diplomatic, and legal limits, and we were honest enough to say so.

And yet today we are told verification methods are good enough to enforce compliance by others with a permanent zero-yield test ban while we pursue unconstrained nuclear weapons modernization by other means ourselves. Mr. President, I know that science has not stood still over the past 40-plus years. Our monitoring methods have no doubt improved. But does that mean that from now until forever we can verify any nuclear test of any magnitude, conducted by anyone, anywhere? And—if we could—that we would be equipped to do something about it? The administration wisely stops short of such absolute claims, but asserts nevertheless that international verification methods are adequate for this treaty.

So I have to ask is it our means of detection and verification or our standards of foreign compliance that have ''evolved'' over the past 44 years? I realize that perfect verification is unachievable. The U.S. is party to many treaties—some good, some bad—that are less than 100% verifiable. But the administration's belief—that this CTBT is so important that we should bind ourselves forever to its terms anyway—does not flow logically from that premise.

Previous administration have proposed bans on nuclear tests above certain yields despite sub-optimal means of monitoring compliance by appealing to their ''effective'' rather than ''foolproof'' verification provisions. The Carter administration employed that standard to promote a ten-year ban on tests above two kilotons. They knew a lower threshold would stretch credulity despite the seemingly infinite elasticity of ''effective verification.''

Mr. President, ''effective verification'' is an intentionally vague political term-of-art, but as the old saying goes, we all ''know it when we see it.'' for the CTBT, it should mean we have high confidence that we can detect within hours or days any clandestine nuclear test that would provide a cheater with militarily significant weapons information.

If the administration attaches a different meaning to the term, we are entitled to know that. If not, we are entitled to know precisely what nuclear tests yields do provide militarily significant information, and whether the CTBT's verification system can detect them down to that level.

As they are pondering those questions, permit me to offer some assistance. Those who test new weapons and track the deterioration of old ones will tell you that Carter's two-kiloton threshold would have permitted scientifically valuable U.S. nuclear tests (which Clinton's CTBT would disallow) bearing directly on the reliability of our nuclear deterrent.

So, let me rephrase the question. Let's say evidence suggests a foreign test in, say, Novaya Zemlya, North Korea, Iran's territorial waters, or somewhere near the Tibetan mountains. Let's say it indicates an explosion of five kilotons—250 percent of what Carter would have allowed. Let's say the test did not take place in a ''decoupled'' cavity and, unlike the Pakistani test of May 1998, that the suspect state did not disable in-country seismic stations.

Now, will the IMS reliably detect that test within hours or days with high confidence? Will is promptly identify the test and its precise location? Will it quickly differentiate it from mining excavations and plant disasters?

And if it does: Will the requisite 30 members of the 51-member CTBT Executive Council immediately support an on-site inspection on the basis of that IMS input?

Will the Executive Council issue an inspection request even if the state in question was the last one inspected and cannot be challenged consecutively?

With the alleged cheater welcome a team of top caliber experts and escort them to the suspected location promptly on the basis of that input?

Will inspectors be allowed to use state-of-the-art inspection equipment in and around all suspect facilities on the basis of that input?

Let's say the IMS and Executive Council overcome all of those impediments and call for an on site inspection of the suspected state. Now, do you suppose a state that conducted a clandestine nuclear test might be prepared to exercise any of the following rights explicitly granted under the CTBT's ''managed access'' principle:

Deny entry to the inspection team [88(c)]? Refuse to allow representatives of the United States (as the challenging state) to accompany the inspectors [61(a)]? Delay inspectors' entry for up to 72 hours after arrival [57]? Permanently exclude a given individual from any inspections [22]? Veto the inspection team's use of particular equipment [51]? Declare buildings off-limits to inspectors [88(a); 89(d)]? Declare several four-square-kilometer sites off-limits to inspectors? [89(e); 92; 96]? Shroud sensitive displays, stores, or equipment [89(a)]? Disallow collection/analysis of samples to determine the presence or absence of radioactive products [89(c)]?

Mr. President, even if we truly believe that in certain cases, working diligently under CTBT rules, each of these impediments can be surmounted, I must ask:

Would it really be worth it for 5 kilotons? What if comparable events arise days, weeks, or months apart? What if new information bearing on the event arises after the elaborate inspection process has run its course? What if we develop comparable suspicions of the same state frequently? How many of these would it take before the United States is branded as a ''pest'' by the anti-nuclear crowd that is pushing this treaty? What if only our friends agree with our judgments? Or, perish the thought, if even our ''friends'' don't? How many pointless, frustrating, inconclusive OSI exercises would have to proceed our exercise of ''Safeguard F'' withdrawal rights?

In short, Mr. President, the CTBT is long on President Reagan's ''trust'' requirement, but fatally short on his ''verify'' requirement. I don't see how a single Senator can vote in favor of its ratification.

Mr. President, I want to clarify a point in regard to the Comprehensive Test Ban Treaty, and to set the record straight concerning the heritage of the treaty that the Senate is now considering.

The treaty before the Senate is not, as some have led us to believe, the product of nine administrations. Certainly Ronald Reagan, George Bush, Gerald Ford, Richard Nixon, and Dwight D. Eisenhower have no ties to this treaty. And, the administrations of John F. Kennedy, Lyndon Johnson and Jimmy Carter's never proposed this treaty. The fact is, no other administration has any tie whatsoever to the treaty that is being considered by the Senate. The administration would like you to think that the treaty has had decades of support. Not so. This treaty is all Bill Clinton's. No other administration has ever supported a zero yield, unlimited duration nuclear test ban treaty barring all tests.

Well, they'll say, the idea of limiting nuclear testing has been endorsed since the Eisenhower administration. Well, that may be, but supporting an idea and endorsing the specifics of a concrete proposal are two different things. President Clinton and I both support tax cuts. We both support missile defense. We even both say we're for maintaining a strong nuclear deterrent. It's in examining the specific tax cuts, missile defense proposals, and methods of maintaining our nuclear security that we differ.

President Eisenhower's name has been invoked here a number of times by Members supportive of the treaty. The implication is that Eisenhower is somehow the father of the CTBT. A review of the historical record reveals that President Eisenhower's administration proposed a test ban only of limited duration. Eisenhower only supported the test moratorium that began in 1958 because he was assured that the moratorium would retain American nuclear superiority and freeze the Soviets in an inferior position. He was very clear that the United States had to maintain a nuclear edge both in quality and quantity. I believe President Eisenhower would not have supported a treaty that gave others an advantage, as this treaty clearly does.

President Kennedy's views of a nuclear test ban were much the same as Eisenhower's. He did not support a zero yield test ban. In fact, hydronuclear tests were conducted secretly in the Nevada desert during President Kennedy's administration. He also did not support a ban of unlimited duration. Kennedy broke out of the testing moratorium after the Soviet Union tested on September 1, 1961. At that time the world was shocked that the Soviets were able to begin an aggressive series of 60 tests within 30 days. Equally shocking was the realization that the Soviets had been planning for the tests for at least six months, while at the same time negotiating with the United States to extend the test moratorium. The Kennedy and Johnson administrations did agree to the Limited Test Ban Treaty which banned nuclear blasts in the atmosphere, space, or under water, but not underground as the CTBT does.

President Nixon did not seek to ban nuclear tests, although he agreed to limit tests above 150 kilotons.

James Schlesinger, President Jimmy Carter's Secretary of Energy tell us that President Carter only sought a 10-year treaty and sought to allow tests of up to two kilotons.

Presidents Reagan and Bush did not pursue a comprehensive test ban of any kind or duration. Some point to President Bush's signing of the Hatfield/Exon/Mitchell legislation limiting the United States to a series of 15 underground tests before entering a ban on testing as evidence that President Bush supported this comprehensive test ban treaty. This is not correct. On the day he left office, President Bush repudiated the Hatfield legislation and called for continuation of underground nuclear testing. He said, I quote,

> The administration strongly urges Congress to modify this legislation urgently in order to permit the minimum number and kind of underground nuclear tests that the United States requires, regardless of the action of other states, to retain safe, reliable, although dramatically reduced deterrent forces.

That brings us to the Clinton administration. Only President Clinton has sought a zero yield, unlimited duration treaty, and he has not even held that position for the entirety of his administration. For the first 2½ years, this administration pursued a treaty that would allow some level of low yield testing. As recently as 1995, the Department of Defense position was that it could support a CTBT only if tests of up to 500 tons were permitted. As a concession to the non-nuclear states, the Clinton administration dropped that proviso and agreed to a zero yield test ban.

This treaty has no historical lineage. It is from start to finish President Clinton's treaty.

Mr. President, proponents of the CTBT are fond of pointing out that public opinion is strongly in favor of the treaty. This is not particularly a surprise because, in general, Americans support treaties that have been signed by their President. They assume that the U.S. Government would not participate in a treaty that is not in the nation's interest.

In this regard, I would like to make two points. First, the American public overwhelmingly supports maintenance of a strong U.S. nuclear deterrent. If people are given the facts about the importance of nuclear testing to that deterrent, I believe that their view of the CTBT would change dramatically. Second, the CTBT indeed is not in the nation's interests and it is up to us, as leaders, to explain to the people why. Let me first address Americans' attitudes toward their nuclear deterrent.

In June, 1998, the Public Policy Institute of the University of New Mexico truly non-partisan and professional groups conducted a nationwide poll on public views on security issues. Let me give you a few results of that poll:

Seventy-three percent view it as important or extremely important for the U.S. to retain nuclear weapons today.

Sixty-six percent view U.S. nuclear weapons as integral to maintaining U.S. status as a world leader.

Seventy percent say that our nuclear weapons are important for preventing other countries from using nuclear weapons against our country.

More than 70 percent say that it is important for the U.S. to remain a military superpower, with 45 percent saying that it is extremely important that we remain so.

Now, we all know that the measure of commitment to a given aim can sometimes best be gauged by willingness to spend money to achieve it. The poll asked, ''Should Government increase spending to maintain existing nuclear weapons in reliable condition?'' Fifty-seven percent support increased spending and 15 percent support present spending levels.

I will return to the subject of public opinion in a moment, but let me turn briefly to the issue of whether this treaty is in the nation's interest. If there were a test ban, we would not be able to know with certainty whether our nuclear weapons are as safe and reliable as they can be. On the other hand, Russia, China, and others might be able to continue nuclear testing without being detected. This is because the CTBT is simply not verifiable. What do you think the American people would think about that? Well, we have some data to tell us.

The University of New Mexico's poll asked: ''If a problem develops with U.S. nuclear weapons, is it important for the United States to be able to conduct nuclear test explosions to fix the problem?'' Fifty-four percent of the people said yes. Only 15.5 percent said no. The rest were undecided.

The poll also asked, ''How important do you think it is for the United States to be able to detect cheating by other countries on arms control treaties such as the comprehensive nuclear test ban? Over 80 percent said that it was important, with 40 percent saying that it is extremely important.

The bottom line here is that the American people want us to retain a strong nuclear deterrent. While they will also support good arms control measures, they expect the American leadership to do whatever is necessary to keep the deterrent strong. Let's not be fooled by simplistic yes-or-no answers to questions about the CTBT. This issue is more complex than that. We must simply give people the facts about this treaty. The CTBT would imperil our security.

I urge a vote against this treaty.

I yield back the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Does the Senator from Delaware have any time remaining?

The PRESIDING OFFICER. The Senator from Delaware has 1 minute 6 seconds remaining.

Mr. BIDEN. I do not wish to be the last to speak. I would like to use that 1 minute and ask unanimous consent that my friend be allowed to use any additional time he may want to use after that, because it is appropriate he should close.

I want to make a point in the minute I have.

This is about, as the Senator has honestly stated, more than the CTBT Treaty. It is about ending the regime of arms control. That is what this is about. If this fails, I ask you the question: Is there any possibility of amending the ABM Treaty? Is there any possibility of the START II or START III agreements coming into effect with regard to Russia? Is there any possibility of arms control surviving?

I think this is about arms control, not just about this treaty. I appreciate my friend's candor. That is one of the reasons I think it is such a devastating vote.

I yield back the remainder of our time. And I ask unanimous consent that the Senator from North Carolina be given an appropriate amount of time to respond, if he wishes.

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

Mr. HELMS. Mr. President, the yeas and nays have been ordered; is that right?

The PRESIDING OFFICER. Yes, they have.

Mr. HELMS. Let's vote.

The PRESIDING OFFICER. The question is on agreeing to the resolution to advise and consent to ratification of Treaty Document No. 105–28, the Comprehensive Nuclear Test-Ban Treaty. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD (when his name was called). Present.

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 325 Ex.]

YEAS—48

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Jeffords	Reid
Bryan	Johnson	Robb
Chafee	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Smith (OR)
Dodd	Landrieu	Specter
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Wellstone
Edwards	Levin	Wyden

NAYS—51

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Cochran	Helms	Smith (NH)
Collins	Hutchinson	Snowe
Coverdell	Hutchison	Stevens
Craig	Inhofe	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner

ANSWERED ''PRESENT''—1

Byrd

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 51, and one Senator responding ''present.'' Not having received the affirmative votes of two-thirds of the Senators present, the resolution is not agreed to, and the Senate does not advise and consent to the ratification of the treaty.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the Warner-Moynihan letter to the Majority and Minority leaders dated October 12, 1999, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 12, 1999.

Hon. TRENT LOTT
Majority Leader.
Hon. TOM DASCHLE
Democratic Leader.

U.S. Senate, Washington, DC.

DEAR MR. LEADERS: The Senate Leadership has received a letter from President Clinton requesting ''that you postpone consideration of the Comprehensive Test Ban Treaty on the Senate Floor.'' We write in support of putting off final consideration until the next Congress.

Were the Treaty to be voted on today, Senator Warner and Senator Lugar would be opposed. Senator Moynihan and Senator Biden

would be in support. But we all agree on seeking a delay. We believe many colleagues are of a like view, irrespective of how they would vote at this point.

We recognize that the Nation's best interests, the Nation's vital business, is and must always be the first concern of the Presidency and the Congress.

But we cannot foresee at this time an international crisis of the magnitude, that would persuade the Senate to revisit a decision made now to put off a final consideration of the Treaty until the 107th Congress.

However, we recognize that throughout history the Senate has had the power, the duty to reconsider prior decisions.

Therefore, if Leadership takes under consideration a joint initiative to implement the President's request—and our request—for a delay, then we commit our support for our Leaders taking this statesmanlike initiative.

REPUBLICANS

Warner, Lugar, Roth, Domenici, Hagel, Gordon Smith, Collins, McCain, Snowe, Sessions, Stevens, Chafee, Brownback, Bennett, Jeffords, Grassley, DeWine, Specter, Hatch, Voinovich, Gorton, Burns, Gregg, Santorum.

DEMOCRATS

Moynihan, Biden, Lieberman, Levin, Feingold, Kohl, Boxer, Cleland, Dodd, Wyden, Rockefeller, Bingaman, Inouye, Baucus, Hollings, Kennedy, Harry Reid, Robb, Jack Reed.

Mikulski, Torricelli, Feinstein, Schumer, Breaux, Bob Kerrey, Evan Bayh, John Kerry, Landrieu, Murray, Tim Johnson, Byrd, Lautenberg, Harkin, Durbin, Leahy, Wellstone, Akaka, Edwards.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senate can and should always act as the conscience of the Nation. Historians may well say that we did not vote on this treaty today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, today the United States Senate fulfilled its constitutional responsibility by voting on the Comprehensive Nuclear-Test Ban Treaty. Under the Constitution, the President and the Senate are co-equal partners when it comes to treaty-making powers. Positive action by both branches is required before a treaty can become the supreme law of the land. All Americans should know that I and my colleagues take this solemn responsibility with great pride, and we are very diligent in making sure that our advice and consent to treaties is treated with the utmost consideration and seriousness.

The Senate does not often refuse to ratify treaties, as borne out by the historical record. But the fact that the Senate has rejected several significant treaties this century underscores the important ''quality control'' function that was intended by the Framers of the Constitution. The Founding Fathers never envisioned the Senate would be a rubber stamp for flawed treaties. I and my colleagues would never allow this venerable institution to be perceived as—much less actually become—a mere rubber stamp for agreements negotiated by this or any other President. Instead, the Senate must dissect and debate every treaty to ensure that it adequately protects and promotes American security interests. The American people expect no less.

As has been pointed out by numerous experts before the Foreign Relations, Armed Services, and Intelligence Committees, and by many Senators in extended floor debate, this treaty does not meet even the minimal standards of previous arms control treaties. That is, it is ineffectual—even dangerous, in my judgment; it is unverifiable; and it is unenforceable. As one of my distinguished colleagues put it: ''the CTBT is not of the same caliber as the arms control treaties that have come before the Senate in recent decades.''

This treaty is ineffectual because it would not stop other nations from testing or developing nuclear weapons, but it could preclude the United States from taking appropriate steps to ensure the safety and reliability of the U.S. nuclear arsenal. That it is not effectively verifiable is made clear by the intelligence community's inability to state unequivocally the purpose of activities underway for some number of months at the Russian nuclear test site. Just last week, it was clear that they could not assure us that low-level testing was not taking place. The CTBT simply has no teeth.

Had the President consulted with more Senators before making the decision in 1995 to pursue an unverifiable, unlimited-duration, zero-yield ban on testing, he would have known that such a treaty could not be ratified. If he had talked at that time to Senator WARNER, to Senator KYL, to Senator LUGAR, to any number of Senators, and to Senator HELMS, he could have been told that this was not a verifiable treaty and that it was not the safe thing to do for our country.

I know some will ask, so what happens next? The first thing that must be done is to begin a process to strengthen U.S. nuclear deterrence so that no one—whether potential adversary or ally—comes away from these deliberations with doubts about the credibility of the U.S. nuclear arsenal.

To this end, I have written to Secretary of Defense Bill Cohen asking that he initiate a comprehensive review of the state of the U.S. nuclear weapons stockpile, infrastructure, management, personnel, training, delivery systems, and related matters. The review would encompass activities under the purview of the Department of Defense and the new, congressionally mandated National Nuclear Security Administration. The objective of this review would be to identify ways the administration and Congress jointly can strengthen our nuclear deterrent in the coming decades, for example, by providing additional resources to the Stockpile Stewardship Program on which Senator DOMENICI is so diligently working, and that exists at our nuclear weapons labs and production plants. I have offered to work with Secretary Cohen on the establishment and conduct of such a review, and I hope Secretary Cohen will promptly agree to my request.

Second, the Senate should undertake a major survey of the proliferation of weapons of mass destruction and associated means of delivery as we approach the new millennium. A key aspect of this review should be an assessment of whether or to what extent U.S. policies and actions (or inactions) contributed to the heightened proliferation that has occurred over the past 7 years. We know that from North Korea to Iran and Iraq, from China to Russia, and from India to Pakistan, the next President will be forced to confront a strategic landscape that in many ways is far more hostile and dangerous than that which President Clinton inherited in January, 1993. I call upon the relevant committees of jurisdiction in the Senate to properly initiate such a survey and plan to complete action within the next 180 days.

Finally, I am aware that the administration claims that rejection of the CTBT could damage U.S. prestige and signal a blow to our leadership. American leadership is vital in the world today but with leadership comes responsibility. We have a responsibility to ensure that any arms control agreements presented to the Senate for advice and consent are both clearly in America's security interests and effectively verifiable. The Comprehensive Test Ban Treaty failed on both of these crucial tests.

Today, among many other telephone conversations I had, I talked to former Secretary of Defense Dick Cheney, a man for whom I have the highest regard, a man who gave real leadership when he was at the Department of Defense, a man who would never advocate a position not in the best national security interests of the United States or in support of our international reputation. He told me he was convinced the treaty was fatally flawed, that it should be defeated, and in fact it would send a clear message to our treaty negotiators and people around the world that treaties that are not verifiable, that are not properly concluded, will not be ratified by the Senate. We will take our responsibility seriously and we will defeat bad treaties when it is in the best interest of our country, our allies, and more importantly for me, our children and their future.

I think we have taken the right step today. I note that this vote turned out to be a rather significant vote: 51 Senators voted against this treaty. Not even a majority was for this treaty. To confirm a treaty or ratify a treaty takes, of course, a two-thirds vote, 67 votes. They were not here. They were never here. This treaty should not have been pushed for the past 2 years. It was not ready for consideration and it was unverifiable and therefore would not be ratified.

I thank my colleagues on both sides of the aisle for their participation. I

thought the debate was spirited. It was good on both sides of the aisle. I appreciate the advice and counsel I received on all sides as we have gone through this process. It has not been easy but it is part of the job. I take this job very seriously. I take this vote very seriously. For today, Mr. President, we did the right thing for America.

I yield the floor.

LEGISLATIVE SESSION

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now proceed to legislative session and a period of morning business with Senators permitted to speak up to 10 minutes each.

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 2561

Mr. CRAPO. Mr. President, I ask unanimous consent that at 9:30 a.m. on Thursday, October 14, the Senate begin consideration of the DOD appropriations conference report; that it be considered read, and there be 60 minutes equally divided between Senator STEVENS and Senator INOUYE, or their designees, with an additional 10 minutes under the control of Senator MCCAIN. I further ask unanimous consent that following the use or yielding back of the time, the conference report be laid aside, and a vote on adoption occur at 4 p.m. on Thursday.

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

BIPARTISAN CAMPAIGN REFORM ACT OF 1999

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now begin consideration of Calendar No. 312, S. 1593.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAPO. Mr. President, before I yield the floor to the managers of this legislation, let me announce that there will be no further rollcall votes this evening. Tomorrow morning we hope to consider the Defense appropriations conference report under a short time agreement. However, that rollcall vote will be postponed to occur at 4 p.m. We will then resume consideration of the campaign finance reform bill on Thursday, and I hope that substantial progress can be made on that bill during tomorrow's session.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I mention to the majority leader it is now nearly 7:25 p.m. and at the request of the majority leader and the Senator from Kentucky, he wants to begin the debate and discussion on this very important issue. The agreement that the majority leader and I have is we will have 5 days of debate and discussion. I certainly hope he doesn't consider starting at 7:25 as a day of the debate and discussion. I ask him that.

Second, this is a very important issue. Even the staff is gone. Most Members have gone. The Senate majority leader knows that. Tomorrow we have scheduled a DOD discussion and vote which would be the first interruption—although we have just gotten started—followed by a vote on the Department of Defense appropriations bill. That could have been scheduled tonight and the vote have taken place.

I hope the majority leader will understand that I will not make an opening statement tonight. I will wait until tomorrow so I have the attention of my colleagues. If the Senator from Kentucky wants to make his statement, that is fine. I know from discussions with the Senator from Wisconsin he chooses to do the same thing.

I don't think an issue such as this should be initiated at 7:30 in the evening. However, I want to assure Senator LOTT that, once we have opening statements and once we get into the amending process and votes, I will be glad to stay as late as is necessary every night including all through the weekend, if necessary.

I don't think it is appropriate for anyone to say we demand opening statements tonight on the issue, and then tomorrow morning we go back to another bill off of the issue at hand. I hope the majority leader, who has been very cooperative in helping me and has been very cooperative in bringing up this issue, understands my point of view on this particular issue.

I yield the floor.

Mr. MCCONNELL. I say to my friend from Arizona, all I was hoping we could do, since this session of Congress is getting short and we have, in response to the requests of both the Senator from Arizona and the Senator from Wisconsin, taken this issue up this year in a way in which people can offer amendments, maybe we could at least get an amendment laid down tonight. Maybe there is a possibility of getting some kind of time agreement on an amendment for tomorrow so we can get into the debate.

I agree with the Senator from Arizona; I don't think there is any need for opening statements tonight. I am not planning on making one, but we desire to get started because we have a lot of Senators on both sides of the aisle desiring to offer amendments.

Mr. LOTT. So I can respond to comments of both Senators, and particularly for questions I was asked by Senator MCCAIN, I had a fixation on trying to get started on this bill today because I had committed to do so. I realize it is late, but I am sure the Senator understands how difficult it is to juggle the schedule.

We had originally thought the Comprehensive Test Ban Treaty would be voted on not today but last night or certainly earlier today. I am trying to juggle the appropriations conference reports, too. I was specifically asked by a couple of Senators to have the debate in the morning and then to have the vote at 4 o'clock.

Later this week, we have to have an interruption for the HUD–VA appropriations conference report. Next week, we will have to have interruptions for the Interior appropriations conference report. I have to keep bringing in the appropriations bills. I realize that it interrupts the flow of the debate. However, that is why I have learned around here the best thing to do is to get something going and just get started, get it up so it is the pending business, and we go about our business.

I took particular interest in the Senator's offer that maybe we even consider doing this on the weekend or maybe a Saturday. I think it would get a lot of attention. We are getting down to the end of the session and I have a lot of people pulling on me to do the Religious Persecution Act, the nuclear waste bill, bankruptcy, and trade bills. I need to try to take advantage even of a couple of hours on Wednesday night if we possibly can.

If both Senators are willing to at least get started, see if we can get an agreement, see if we can have opening statements, let's get started and we will be back on it at 10:30 in the morning. I will work with both or all sides to make sure this is fully debated and amendments are offered. Remember, we are going to have amendments and we are going to have a lot of discussion. We are going to have a lot of votes. I think it is time to go forward. I hope the Senator will cooperate with me as we try to get that done.

Mr. MCCAIN. Mr. President, let me say to the majority leader, I am in deep and sincere appreciation of his efforts to resolve all of these issues and the pending legislation. I remind him, however, that some months ago we did enter into an agreement that we would have 5 days of debate and amending on the bill. I know the majority leader will stick to that agreement. Starting at 7:30 at night is not, obviously, a day of debate and discussion. I understand we may have to be interrupted. However, I also say again we expect to have the agreement adhered to.

I am deeply concerned about nuclear waste and religious freedom and all of the other issues, but we did have an agreement on this particular issue. I intend to see that we can do our best to adhere to that agreement.

Mr. LOTT. I say to the Senator, we will proceed on Carroll County, MS, time. Do you understand that?

Mr. MCCAIN. I thank the Senator from Mississippi. I am glad to entertain whatever proposal the Senator from Kentucky has at this time. I intend, along with the Senator from Wisconsin, to wait until tomorrow for our

opening statements. I know there are a number of other Senators who want to make opening statements on this very important issue.

I am sure whatever agreement the Senator from Kentucky and I, along with the Senator from Wisconsin, might want to enter into would clearly take into consideration that there will be a number of opening statements that a number of Senators will have to make.

I yield the floor.

Mr. FEINGOLD. I certainly have no objection to the Senator from Kentucky laying down an amendment. Before he does that, I do make one comment on the colloquy I just listened to.

It is my understanding, based on the agreement we have with the majority leader—I just want to reiterate what Senator MCCAIN said—that this was to be a 5-day debate. The critical issue here is on what day the cloture motion can be filed. It is certainly my understanding, based on the discussion we just had, the cloture motion can't be filed until Monday, meaning the cloture vote couldn't occur before Wednesday. That is how I am going to proceed, and I assume that is the good faith understanding.

This agreement was not hammered out of pure good faith. This was based, as it should be in the Senate, on our willingness to withdraw an amendment from a piece of legislation at another critical time when the Senate's business was pressing.

I certainly intend to give an opening statement. This bill is not different from any other major piece of legislation. In fact, I argue it is one of the most important bills we can take up. It is important it be set out properly, and I certainly intend to make an opening statement tomorrow as well.

PRIVILEGE OF THE FLOOR

Finally, I ask unanimous consent the following staff members be permitted the privilege of the floor during the consideration of S. 1593, campaign finance reform legislation: Bob Schiff, Mary Murphy, Kitty Thomas, Tom Walls, Sumner Slichter, and Marla Kanemitsu.

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

The Senator from Kentucky.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business, with Senators permitted to speak up to 10 minutes each.

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

CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

REVISIONS TO THE 2000 SENATE APPROPRIATIONS COMMITTEE ALLOCATIONS, PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	534,241,000,000	552,763,000,000
Violent crime reduction fund	4,500,000,000	5,554,000,000
Highways		24,574,000,000
Mass transit		4,117,000,000
Mandatory	321,502,000,000	304,297,000,000
Total	869,243,000,000	891,305,000,000
Adjustments:		
General purpose discretionary	+7,200,000,000	+4,817,000,000
Violent crime reduction fund		
Highways		
Mass transit		
Mandatory		
Total	+7,200,000,000	+4,817,000,000
Revised Allocation:		
General purpose discretionary	550,441,000,000	557,580,000,000
Violent crime reduction fund	4,500,000,000	5,554,000,000
Highways		24,574,000,000
Mass transit		4,117,000,000
Mandatory	321,502,000	304,297,000,000
Total	876,443,000,000	896,122,000,000

REVISIONS TO THE 2000 BUDGET AGGREGATES, PURSUANT TO SECTION 311 OF THE CONGRESSIONAL BUDGET ACT

	Budget authority	Outlays	Deficit
Current Allocation:			
Budget Resolution	1,438,190,000,000	1,424,145,000,000	−16,063,000,000
Adjustments:			
Emergencies	+7,200,000,000	+4,817,000,000	−4,817,000,000
Revised Allocation:			
Budget Resolution	1,445,390,000,000	1,428,962,000,000	−20,880,000,000

EXPLANATION OF VOTES

Mr. DODD. Mr. President, I was necessarily absent due to a family medical emergency during Senate action on rollcall votes No. 317 through 322.

Had I been present for the votes, I would have voted as follows. On rollcall vote No. 317, the motion to table Senate amendment 1861, an amendment to ensure accountability in programs for disadvantaged students, I would have voted not to table. On rollcall vote No. 318, Senate amendment 1842, an amendment to express the sense of the Senate regarding the importance of determining the economic status of former recipients of temporary assistance to needy families, I would have voted for the amendment. On rollcall vote No. 319, the motion to table Senate amendment 1825, an amendment to prohibit the use of funds for the promulgation or issuing of any standard relating to ergonomic protection, I would have voted against tabling the amendment. On rollcall vote No. 320, the motion to table Senate amendment 1844, an amendment to limit the applicability of the Davis-Bacon Act in areas designated as disaster areas, I would have voted to table the amendment. On rollcall vote 321, final passage of S. 1650, an original bill making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, I would have voted for passage of the bill, albeit with reservations about specific provisions of the bill. Finally, on rollcall vote 322, the

motion to invoke cloture on the conference report on H.R. 1906, the Agriculture Appropriations Act, I would have voted against cloture.

NOTICE OF INTENT TO AMEND THE RULES

Mr. McCONNELL. Mr. President, I hereby give notice in writing that I intend to offer an amendment to the Standing Rules of the Senate that would require any Senator to report to the Select Committee on Ethics any credible information available to him or her that indicates that any Senator may have: (1) violated the Senate Code of Office Conduct; (2) violated a law; or (3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Senators. Such allegations or information may be reported to the chairman, the vice chairman, a committee member, or the staff director of the Select Committee on Ethics.

The material follows:

AMENDMENT NO. —

On page ____, after line ____, insert the following:

SEC. ___. REQUIRING SENATORS TO REPORT CREDIBLE INFORMATION OF CORRUPTION.

The Standing Rules of the Senate are amended by adding at the end the following:

''RULE XLIV

''REQUIRING SENATORS TO REPORT CREDIBLE INFORMATION OF CORRUPTION

''(a) A Senator shall report to the Select Committee on Ethics any credible information available to him or her that indicates that any Senator may have—

''(1) violated the Senate Code of Office Conduct;

''(2) violated a law; or

''(3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Senators.

''(b) Information may be reported under subsection (a) to the Chairman, the Vice Chairman, a Committee member, or the staff director of the Select Committee on Ethics.''.

SEC. ___. BRIBERY PENALTIES FOR PUBLIC OFFICIALS.

Section 201(b) of title 18, United States Code, is amended by inserting before the period at the end the following: '', except that, with respect to a person who violates paragraph (2), the amount of the fine under this subsection shall be not less than $100,000, the term of imprisonment shall be not less than 1 year, and such person shall be disqualified from holding any office of honor, trust, or profit under the United States''.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, October 12, 1999, the Federal debt stood at $5,660,733,437,442.56 (Five trillion, six hundred sixty billion, seven hundred thirty-three million, four hundred thirty-seven thousand, four hundred forty-two dollars and fifty-six cents).

Five years ago, October 12, 1994, the Federal debt stood at $4,686,727,000,000 (Four trillion, six hundred eighty-six billion, seven hundred twenty-seven million).

Ten years ago, October 12, 1989, the Federal debt stood at $2,869,151,000,000 (Two trillion, eight hundred sixty-nine billion, one hundred fifty-one million).

Fifteen years ago, October 12, 1984, the Federal debt stood at $1,572,268,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-eight million) which reflects a debt increase of more than $4 trillion—$4,088,465,437,442.56 (Four trillion, eighty-eight billion, four hundred sixty-five million, four hundred thirty-seven thousand, four hundred forty-two dollars and fifty-six cents) during the past 15 years.

LABOR–HHS–EDUCATION APPOINTMENTS

Mr. KENNEDY. Mr. President, in the interest of moving this appropriations bill forward, I will withdraw my amendment to increase the funding for the successful GEAR-UP program. However, I urge the conferees to fund this program at $240 million—- $60 million over the Senate bill—so that now needy students can get the support they need to attend college.

More than 130,000 students will be denied services if GEAR UP is funded at $180 million rather than at the President's request of $240 million. $154 million is needed just to fully fund continuation grants for this year's grantees. We must uphold our commitment to these students, and extend the opportunity that this program offers to every needy student.

This year, 678 applications for both state and local partnerships were received and we were only able to fund 185—only 1 out of 4 applications. We have to do more to help children early so that college is accessible for every child.

Many low-income families do not know how to plan for college, often because they have not done it before. We should do more to ensure that schools and communities can provide the academic support, early college awareness activities, and information on financial aid and scholarships so that students and their families can plan for a better future. We must encourage our young people to have high expectations, to stay in school, and to take the necessary courses so that they can succeed in college. We cannot abandon the five-year commitment that we made to these families last year.

I commend my colleagues on the appropriations committee for making hard choices between important programs. But, I urge you to give GEAR UP your highest consideration in conference.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON TELECOMMUNICATIONS PAYMENTS PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES—MESSAGE FROM THE PRESIDENT—PM 64

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114, 110 Stat. 785, I transmit herewith a semiannual report ''detailing payments made to Cuba . . . as a result of the provision of telecommunications services'' pursuant to Department of the Treasury specific licenses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, October 13, 1999.

MESSAGES FROM THE HOUSE

At 12:48 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 322. An act to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 800. An act to promote and enhance public safety through the use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 20. An act to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York.

H.R. 643. An act to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building.''

H.R. 748. An act to amend the act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historic Parks Advisory Commission.

H.R. 1374. An act to designate the United States Post Office building located at 680

State Highway 130 in Hamilton, New Jersey, as the ''John K. Rafferty Hamilton Post Office Building.''

H.R. 1615. An act to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment.

H.R. 1665. An act to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.

H.R. 1791. An act to amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement.

H.R. 1932. An act to authorize the President to award a gold medal on behalf of the Congress to Father Theodore M. Hesburgh, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

H.R. 2130. An act to amend the Controlled Substances Act to add gamma hydrozybutyric acid and ketamine to the schedules of controlled substances, to provide for a national awareness campaign, and for other purposes.

H.R. 2357. An act to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the ''Louise Stokes Post Office.''

H.R. 2460. An act to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the ''Jay Hanna 'Dizzy' Dean Post Office.''

H.R. 2591. An act to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the ''William H. Avery Post Office.''

H.R. 3036. An act to restore motor carrier safety enforcement authority to the Department of Transportation.

The message further announced that pursuant to section 4(b) of Public Law 94–201 (20 U.S.C. 2103 (b)) the Speaker appoints the following individuals from private life to the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House: Ms. Kay Kaufman Shelemay of Massachusetts to fill the unexpired term of Mr. David W. Robinson, and Mr. John Penn Fix, III, of Washington to a 6-year term.

ENROLLED BILLS SIGNED

At 6:23 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 800. An act to promote and enhance public safety through the use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

S. 322. An act to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

H.R. 1906. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 560. An act to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceding July 1997.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 20. An act to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York; to the Committee on Energy and Natural Resources.

H.R. 643. An act to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building''; to the Committee on Governmental Affairs.

H.R. 748. An act to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historic Parks Advisory Commission; to the Committee on Energy and Natural Resources.

H.R. 1374. An act to designate the United States Post Office building located at 680 State Highway 130 in Hamilton, New Jersey, as the ''John K. Rafferty Hamilton Post Office Building''; to the Committee on Governmental Affairs.

H.R. 1615. An act to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment; to the Committee on Energy and Natural Resources.

H.R. 1791. An act to amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement; to the Committee on the Judiciary.

H.R. 2357. An act to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the ''Louise Stokes Post Office''; to the Committee on Governmental Affairs.

H.R. 2460. An act to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the ''Jay Hanna 'Dizzy' Dean Post Office''; to the Committee on Governmental Affairs.

H.R. 2591. An act to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the ''William H. Avery Post Office''; to the Committee on Governmental Affairs.

MEASURE PLACED ON THE CALENDAR

The following bill was read twice and ordered placed on the calendar.

H.R. 1665. An act to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on October 13, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 323. An act to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. ROTH, for the Committee on Finance:

James G. Huse, Jr., of Maryland, to be Inspector General, Social Security Administration.

Neal S. Wolin, of Illinois, to be General Counsel for the Department of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5572. A communication from the Under Secretary of the Navy, transmitting, pursuant to law, a report relative to a study of certain functions performed by military and civilian personnel in the DoN for possible performance by private contractors; to the Committee on Armed Services.

EC–5573. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Congressional Medal of Honor'' (DFARS Case 98–D304), received October 8, 1999; to the Committee on Armed Services.

EC–5574. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Brand Name or Equal Purchase Descriptions'' (DFARS Case 99–D023), received October 8, 1999; to the Committee on Armed Services.

EC–5575. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Returned and Canceled Checks'' (RIN2900–AJ61), received October 5, 1999; to the Committee on Veteran's Affairs.

EC–5576. A communication from the Attorney, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Collaborative Procedures for Energy Facility Applications'' (Order No. 608, 64 Fed. Reg. 51, 209 {Sept. 22, 1999}, III FERC Stats. & Regs. Section 61,080 {Sept. 15, 1999}), received October 5, 1999; to the Committee on Energy and Natural Resources.

EC–5577. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the scientific and clinical status of organ transplantation; to the Committee on Health, Education, Labor, and Pensions.

EC–5578. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the National Institutes of Health; to the Committee on Health, Education, Labor, and Pensions.

EC–5579. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in

the amount of $50,000,000 or more to French Guiana; to the Committee on Foreign Relations.

EC–5580. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the United Nations; to the Committee on Foreign Relations.

EC–5581. A communication from the Administrator, Agency for International Development, transmitting, pursuant to law, a report relative to famine prevention and freedom from hunger for fiscal year 1998; to the Committee on Foreign Relations.

EC–5582. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to compliance with the Antiterrorism and Effective Death Penalty Act; to the Committee on the Judiciary.

EC–5583. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5584. A communication from the Chairman, Farm Credit Administration, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5585. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a rule entitled ''Prompt Payment (5 CFR 1315)'' (RIN03–AB47), received October 5, 1999; to the Committee on Governmental Affairs.

EC–5586. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees' Group Life Insurance: Court Orders'' (RIN3206–AI49), received October 8, 1999; to the Committee on Governmental Affairs.

EC–5587. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Voluntary Early Retirement Authority'' (RIN3206–AI25), received October 7, 1999; to the Committee on Governmental Affairs.

EC–5588. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Audit of Advisory Neighborhood Commission 3E for the Period October 1, 1995 through September 30, 1998''; to the Committee on Governmental Affairs.

EC–5589. A communication from the Director of Congressional Affairs, U.S. Trade and Development Agency, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5590. A communication from the Senior Benefits Programs Planning Analyst, Western Farm Credit Bank, transmitting, pursuant to law, a report entitled ''Annual Report for the Eleventh Farm Credit District Employees' Retirement Plan for the Year Ending December 31, 1998''; to the Committee on Governmental Affairs.

EC–5591. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for August 1999; to the Committee on Governmental Affairs.

EC–5592. A communication from the Writer-Editor, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice in Permit Proceedings; Technical Amendments'' (RIN1512–AB91), received October 8, 1999; to the Committee on Finance.

EC–5593. A communication from the Writer-Editor, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments'' (RIN1512–AC00), received October 8, 1999; to the Committee on Finance.

EC–5594. A communication from the Writer-Editor, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Delegation of Authority'' (RIN1512–AB94), received October 8, 1999; to the Committee on Finance.

EC–5595. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to extra billing in the Medicare Program; to the Committee on Finance.

EC–5596. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Medical Savings Accounts-Number'' (Announcement 99–95), received September 30, 1999; to the Committee on Finance.

EC–5597. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 832 Discount Factors for 1999'' (Revenue Procedure 99–37), received September 30, 1999; to the Committee on Finance.

EC–5598. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 846 Discount Factors for 1999'' (Revenue Procedure 99–36), received September 30, 1999; to the Committee on Finance.

EC–5599. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Optional Standard Mileage Rates 2000'' (Revenue Procedure 99–38), received October 5, 1999; to the Committee on Finance.

EC–5600. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Form 941 E-File Program'' (Revenue Procedure 99–39), received October 7, 1999; to the Committee on Finance.

EC–5601. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''William and Helen Woodral v. Commissioner'' (112 T.C. 19{1999} Dkt. No. 6385–9), received October 8, 1999; to the Committee on Finance.

EC–5602. A communication from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Interest on Underpayments and Overpayments of Customs Duties, Taxes, Fees and Interest'' (RIN1515–AB76), received October 8, 1999; to the Committee on Finance.

EC–5603. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Kingdom of Thailand; to the Committee on Banking, Housing, and Urban Affairs.

EC–5604. A communication from the Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Commerce Control List; Medical Products Containing Biological Toxins: ECCN 28351'' (RIN0694–AB85), received October 7, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5605. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 64 FR 53931; 10/05/99'', received October 8, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5606. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 64 FR 53933; 10/05/99'' (FEMA–7296), received October 8, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5607. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 64 FR 53938; 10/05/99'', received October 8, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5608. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 64 FR 53939; 10/05/99'', received October 8, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5609. A communication from the General Counsel, Department of Commerce transmitting a draft of proposed legislation relative to the Trademark Act of 1946; to the Committee on the Judiciary.

EC–5610. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation relative to the administration and enforcement of various laws; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5611. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sweet Cherries Grown in Designated Counties in Washington; Change in Pack Requirements—Correction'' (Docket No. FV99–923–1 FIR), received October 7, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5612. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''School Nutrition Programs: Nondiscretionary Technical Amendments'', received October 7, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5613. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Rhizobium Inoculants: Exemption from the Requirement of a Tolerance'' (FRL #6380–4), received October 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–365. A resolution adopted by the California-Pacific Annual Conference of the United Methodist Church relative to the United Nations; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 492. A bill to amend the Federal Water Pollution Act to assist in the restoration of the Chesapeake Bay, and for other purposes. (Rept. No. 106–181).

S. 1632. A bill to extend the authorization of appropriations for activities at Long Island Sound (Rept. No. 106–182).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 2724. A bill to make technical corrections to the Water Resources Development Act of 1999 (Rept. No. 106–183).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 1720. A bill for the relief of Mrs. Ruth Hairston of Carson, California by the waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity; to the Committee on Governmental Affairs.

By Mr. COVERDELL:

S. 1721. A bill to provide protection for teachers, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 1722. A bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any 1 State, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 1723. A bill to establish a program to authorize the Secretary of the Interior to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 1724. A bill to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for agricultural import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. Res. 202. A resolution recognizing the distinguished service of John E. Cook of Williams, Arizona; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1720. A bill for the relief of Mrs. Ruth Hairston of Carson, California by the waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity; to the Committee on Governmental Affairs.

PRIVATE RELIEF LEGISLATION

● Mrs. FEINSTEIN. Mr. President, I am offering today legislation to assist Mrs. Ruth Hairston, of Carson, California. Identical legislation has passed the House without objection under the sponsorship of Representative JUANITA MILLENDER-MCDONALD. I am pleased to support this effort in the Senate.

Mrs. Hairston requires this extreme step in order to be able to pursue a federal court appeal of the Merit Systems Protection Board (# CSF 2221413), which denied Mrs. Hairston's eligibility for an annuity following the retirement and untimely death of her former husband. The legislation does not require the annuity, but will only permit the filing of an appeal with the United States Court of Appeals. As a result, Mrs. Hairston will be permitted to challenge the denial on the merits, rather than accept the denial due to the failure to file an appeal within thirty days.

I would briefly like to describe the facts that warrant this legislation.

Mr. Paul Hairston retired in 1980, electing a survivor annuity for Mrs. Hairston to receive one-half the retirement benefit under the settlement terms. Mr. and Mrs. Hairston began receiving benefits in 1988.

The Merit Systems Protection Board, which reviews Civil Service retirement claims, concluded Mr. Hairston had failed to register Mrs. Hairston for survivors benefits following passage of 1985 law, renewing the survivor annuity previously selected in 1985. As a result the spousal survivor benefits for Mrs. Hairston were canceled. Following Mr. Hairston's death in 1995, Mrs. Hairston's benefits, her portion of his retirement benefit under the divorce settlement, ceased. Mrs. Hairston was denied eligibility as a surviving spouse, but did not challenge or appeal the denial of eligibility, due to hospitalization and poor health.

I am pleased to introduce this private legislation to assist my constituent Mrs. Ruth Hairston. While this legislation represents an extraordinary measure, the step is necessary in order to permit her to appeal the denial of eligibility by the Merit Systems Protection Board in federal court. As I have previously stated, this legislation does not require any specific outcome. The federal court will review the appeal with all the rigor the case deserves. However, Mrs. Hairston will receive her day in court and the opportunity to challenge the decision by the Merit Systems Protection Board to deny her eligibility.

I understand Mrs. Hairston is under considerable financial pressure and could face foreclosure on her home. I am pleased to try to assist Mrs. Hairston in her appeal. Mr. President, I hope you and the subcommittee will support this bill so that Mrs. Hairston may begin to rebuild her life.●

By Mr. COVERDELL:

S. 1721. A bill to provide protection for teachers, and for other purposes; to the Committee on the Judiciary.

THE TEACHER LIABILITY PROTECTION ACT OF 1999

● Mr. COVERDELL. Mr. President, I rise today to introduce the Teacher Liability Protection Act of 1999. This legislation provides limited immunity for teachers, principals and other education professionals who take reasonable measures to maintain order and discipline in America's schools and classrooms in order to create a positive education environment. In other words, it allows teachers to do what is necessary to provide an environment conducive to learning without fear of being sued. This bill allows teachers to control their classrooms. It allows teachers to teach.

The ability of teachers and principals to teach, inspire and shape the intellect of our Nation's students is hindered by frivolous lawsuits and litigation. By creating a national standard for protecting teachers and education professionals through limited civil liability immunity, we allow teachers to teach, and we help our children to learn.

Mr. President, we must give educators the resources they need to educate our children, and these resources include the legal protection necessary to do their job and maintain a safe classroom. Principals must be able to control the schools, teachers must be able to control classrooms. Unruly and unmanageable children must not be allowed to endanger, intimidate or harm other students. It is our responsibility, as members of the United States Senate, to give teachers the legal protections necessary to provide a safe learning environment for all children in their care. We must give teachers the freedom they need to responsibly handle potentially dangerous situations without the fear of frivolous legal reprisals.

Based on the Volunteer Protection Act of 1997, which I introduced and which was signed into law, the Teacher Liability Protection Act would create a national standard to protect every teacher in the country, but would not override any state law that provides greater immunity or liability protection. This bill recognizes the authority of the states on these matters and allows them to opt out of the coverage and provide teachers with a higher or lower level of liability protection if they so choose.

This bill also recognizes that millions of parents across the nation depend upon teachers, principals and other school professionals for the educational development of their children. it affirms the fact that most teachers are hard-working professionals who care deeply for our children and go to extraordinary lengths to help them learn. However, this bill does not protect a teacher when he or she engages in wanton and willful misconduct, a criminal act or violations of State and

Federal civil rights laws. It simply protects teachers who undertake reasonable actions to maintain order, discipline and an appropriate learning environment as the public and society expect them to do.

I invite my colleagues to support this important and meaningful legislation and to give our Nation's teachers the freedom they need to educate our children.●

By Mr. THOMAS (for himself and Mr. ENZI):

S. 1722. A bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any 1 State, and for other purposes; to the Committee on Energy and Natural Resources.

TRONA MARKET COMPETITION ACT OF 1999

Mr. THOMAS. Mr. President, I rise today to introduce a bill which revises an outdated and constricting statute for the number of federal sodium leases which can be held by any single producer within a state. This limitation is damaging the economic viability of an environmental responsible and critical mining industry for our country. The soda ash industry has been operating under the present acreage limitation for five decades. This cap for lease holdings is the oldest acreage limitation under the Mineral Leasing Act. In fact, sodium is the only mineral subject to the Act which has not had an increase since the law was amended in 1948. It is out of date with the competitive and technological advances in the industry and needs to be changed as we move into the next century.

Specifically this legislation provides the Secretary of the Interior with discretion to increase the federally held acreage of individual sodium producers; the same additional discretionary authority he has had for some time for other mineral categories affected by this law. It would increase the current limitation from 15,360 acres per producer, to 30,720 acres.

The Mineral Leasing Act set forth these limits to ensure that no single entity can control too much of any single mineral reserve. This remains an important objective. A lease limitation ensures that there is sufficient competition, while providing an incentive for development of these reserves and ensures a reasonable rate of return to the Federal Treasury. My bill is consistent with these objectives and seeks only to conform the present limitation to current economic and international conditions. Indeed I am pleased that this bill has the full support of the Wyoming Mining Association, including smaller sodium lease holders, who have traditionally been concerned increasing acreage.

Mr President, I offer this bill after carefully reviewing the need for it in light of current conditions affecting the soda ash industry in my state. In my examination, I have been reminded that U.S. soda ash producers, four (of five) of which are in our state, are extremely competitive with one another for a relatively flat domestic market. And, they are also faced with stiff international competition.

I believe this legislation is necessary to sustain the global competitiveness of the U.S. soda ash industry. Since our state is blessed with the largest known deposits of trona in the world, I am proud to say that the United States sodium industry is also the world's low cost supplier of soda ash. U.S. produced soda ash, critical to glass manufacture, is accountable for a $400 million positive contribution to our balance of trade. Today, the U.S. soda ash industry comprises five active producers—four in my home state—generating some 12 million tons of soda ash per year, or approximately a third of the world's demand.

But I have learned we cannot take these producers for granted. Like so many other industries basic to our economy such as steel, paper, aluminum, copper, and so on, the soda ash mines must take the measures necessary to stay competitive. I know, as Chairman of the Foreign Relations Subcommittee on East Asian and Pacific Affairs, that many countries have make it difficult to export U.S. soda ash. They have erected tariff and non-tariff barriers to support their own less efficient domestic producers.

For this season, U.S. producers have formed the American Natural Soda Ash Corporation (ANSAC), in recognition that the growth of U.S. soda ash is dependent on its ability to effectively export. ANSAC is the sole authorized exporter of soda ash and is wholly owned by the six U.S. sodium producers. It accounts for the employment of some 20,000 people in the U.S. and exports more than $400 million in soda ash to 45 different countries.

This is but one example of how our domestic industry has taken the steps necessary to compete effectively abroad. In addition, the producers in my state are making major investments in moderizing their facilities and sustaining the level of capital investment necessary to continue to be competitive both at home and abroad. The start-up cost for a new soda ash operation is estimated to be at least $350 million, and to develop a world class mine, $150 million. This is largely due to the fact that soda ash is mined underground and thus requires a sophisticated processing plant to turn raw ore into the finished products. This is simply the reality of what is required to stay competitive.

At this cost a new entrant, as well as existing producers, must have a predictable ''mine plan.'' A primary component of such a plan is a predictable level of reserves that will last several decades. The legislation I am introducing today would help provide this predictability by giving the Secretary the discretion to raise lease limits on a case-by-case basis if the producer can show it is in need of additional reserves to maintain its operations.

Producers need to know of mine expansion is possible in order to develop structural design plans which are safe, efficient and maximize the large economic outlays. This is the predictability that any manufacturer needs when contemplating a major capital investment. And in the end, it is the capital required, rather than the acreage available, the must be weighed by new entrants.

I would like to note that despite consolidated in the Wyoming trona patch, there is an anticipated new entrant to the soda ash business in our neighboring state of Colorado. Moreover, in Wyoming, six other leaseholders have substantial holdings that could be translated into active production. This bill does not discourage their entry. In fact, by raising the current cap on acreage holdings, it creates an incentive for additional purchase by these holders, one of whom already exceeds the existing limitation.

Raising the acreage limitation for trona is also consistent with good environmental and safety practices followed by this industry. Much of the currently mined out acreage is essential to proper ventilation of ongoing operations and therefore critical mine safety. In addition, the mechanically mined out sections are also available for proper tailings disposal, thus avoiding environmental degradation elsewhere. This is a practice encouraged by our Wyoming State Department of Environmental Quality.

In summary, Mr. President, the bill I am introducing today provides critical changes in existing statutes in order to sustain the economic viability of an environmental responsible and critical mining industry in our country. The current sodium lease limitation is approximately one-third of the per state Federal lease cap for coal potassium, and one-sixteenth the lease acreage cap for oil and gas. After passing the Mineral Leasing Act in 1948, Congress and the Bureau of Land Management have revised acreage limits for other minerals to meet the needs of these industries consistent with good mining and environmental practices. In light of the conditions I have described, I believe it is time we recognize the need to update the lease limitation for the trona industry as well.

I thank you for the time and opportunity to discuss this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1722

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE.

This Act shall be entitled the ''Trona Market Competition Act of 1999''.

SEC. 2. SODIUM MINING ON FEDERAL LAND.

(a) FINDINGS.—Congress finds that—

(1) Federal land contains commercial deposits of trona, the world's largest deposits

of trona being located on Federal land in southwestern Wyoming;

(2) trona is mined on Federal land through Federal sodium leases under the Act of February 25, 1920 (commonly known as the ''Mineral Leasing Act'') (30 U.S.C. 181 et seq.);

(3) the primary product of trona mining is soda ash (sodium carbonate), a basic industrial chemical that is used for glassmaking and a variety of consumer products, including baking soda, detergents, and pharmaceuticals;

(4) the Mineral Leasing Act sets for each leasable mineral a limitation on the amount of acreage of Federal leases any 1 producer may hold in any 1 State or nationally;

(5)(A) the present acreage limitation for Federal sodium leases has been in place for over 5 decades, since 1948, and is the oldest acreage limitation in the Mineral Leasing Act;

(B) over that time, Congress or the Bureau of Land Management has revised the acreage limits applicable to other minerals to meet the needs of the respective industries; and

(C) currently the sodium lease acreage limit of 15,360 acres per State is approximately ⅓ of the per-State Federal lease acreage limit for coal (46,080 acres) and potassium (51,200 acres) and 1/16 of the per-State Federal lease acreage limit for oil and gas (246,080 acres);

(6) 3 of the 4 trona producers in Wyoming are operating mines on Federal leaseholds that contain total acreage close to the sodium lease acreage ceiling;

(7) the same reasons that Congress cited in enacting increases per State lease acreage caps applicable in the case of other minerals—the advent of modern mine technology, changes in industry economics, greater global competition, and the need to conserve Federal resources—apply to trona;

(8) existing trona mines require additional lease acreage to avoid premature closure, but those mines cannot relinquish mined-out areas to lease new acreage because those areas continue to be used for mine access, ventilation, and tailings disposal and may provide future opportunities for secondary recovery by solution mining;

(9) to enable them to make long-term business decisions affecting the type and amount of additional infrastructure investments, trona producers need certainty that sufficient acreage of leasable trona will be available for mining in the future; and

(10) to maintain the vitality of the domestic trona industry and ensure the continued flow of valuable revenues to the Federal and State governments and of products to the American public from trona production on Federal land, the Mineral Leasing Act should be amended to increase the acreage imitation for Federal sodium leases.

(b) AMENDMENT.—Section 27(b)(2) of the Act of February 25, 1920 (30 U.S.C. 184(b)(2)), is amended by striking ''fifteen thousand three hundred and sixty acres'' and inserting ''30,720 acres''.

Mr. ENZI. Mr. President, today I join Senator THOMAS in the introduction of S. 1722, a bill to increase the federal statutory acreage limitation for domestic trona producers. This legislation will bring the federal statutory acreage limitation for trona more in line with acreage limitations for other mineral commodities and will allow American trona producers to remain competitive in the international marketplace well into the twenty-first century.

This legislation will make a small but important change in the federal Mineral Leasing Act that would allow the Secretary of the Interior, at his discretion, to permit a person or corporation to hold sodium leases on federal land of up to 30,720 acres in any one State. This is a two-fold increase over the current discretionary acreage limitation of 15,360 acres. The current limit was established over 50 years ago while the acreage limitation of other minerals, including coal, potassium, and oil and gas, have been increased considerably during that same time in order to meet the needs of these industries. By increasing the federal acreage limitation for trona, Congress will take an important step to ensure future productivity and international competitiveness of an industry that has great importance for the State of Wyoming and the United States. This legislation will in turn benefit the federal government through continued royalties derived from soda ash mined on federal land.

Mr. President, the State of Wyoming has long depended on the mineral industry as a vital part of its economy. Since one-half of our state is comprised of federal land, private companies must temporarily lease portions of this land in order to extract minerals that benefit the entire country, and indeed, the entire world. The mining of natural soda ash, or trona, is an integral part of the state's economy, especially for those who live in southwestern Wyoming. This trona is mined and converted to refined soda ash (sodium carbonate) which is used in the production of glass, detergents, pharmaceuticals, and other sodium chemicals. Currently, three of the four trona producers in Wyoming are operating mines on federal leaseholds that contain total acreage close to the discretionary sodium lease acreage ceiling. By increasing this federal limit, we will give Wyoming producers the certainty they need to continue and expand their substantial capital investments in the State of Wyoming and allow America to remain competitive in this important mineral industry. This acreage increase represents a modest, responsible modification to the Mineral Leasing Act that takes modern economic realities into account without deterring the entry of new companies into the domestic market for mineable trona.

I urge my colleagues to support the swift passage of this modification to the Mineral Leasing Act in order to ensure stability, growth, and continued international competitiveness of America's trona industry.

By Mr. BAUCUS:

S. 1724. A bill to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for agricultural import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws; to the Committee on Finance.

THE AGRICULTURE IMPORT SURGE RELIEF ACT

Mr. BAUCUS. Mr. President, I rise today to introduce the Agriculture Import Surge Relief Act of 1999.

This year's harvest is nearly over in Montana and the rest of the country. But instead of breathing a sigh of relief after a summer of hard work, many of our farmers are holding their breath, wondering whether they will even be able to farm next year. With prices at a 50-year low, global oversupply and unpredictable surges in imports, our rural communities continue to face crisis.

We in the Senate have been working hard to address this triad of problems. Today, I would like to offer a partial solution to the trade angle—the Agriculture Import Surge Relief Act. This Act addresses surges in agricultural imports.

For a variety of reasons, including overcapacity overseas, misaligned exchanges rates, and low international commodity prices, we may find a sudden, sharp, and unpredictable increase in import levels of particular agricultural product. This type of sudden rise in import levels damage the heart of our economy and our farm communities.

We must do a better job of monitoring these surges so that we see them as soon as they start. And we must do a better and faster job of responding to these surges to provide relief to our producers before they go out of business.

The Agriculture Import Surge Relief Act targets these goals by making several critical improvements in Section 201 of U.S. trade law.

Section 201 is the so-called ''safeguard'' provision that is designed to prevent serious disruption of our domestic industry because of imports. It is also the very provision that was used by U.S. lamb producers earlier this year to find relief from a surge in lamb imports from Australia and New Zealand. I am pleased that U.S. lamb producers prevailed; but it cost them dearly—in both time and money. Unlike other industries, agriculture is extraordinarily time sensitive. A year-long case can find many producers driven out of business before it ends.

It is also important to note that Section 201 is not a protectionist measure. It is a short-term mechanism used to get an ''injured'' American industry back on its feet and competing again. I consider Section 201 as a ''breathing room'' provision. That is, it gives temporary relief to a domestic industry by providing for a short-term restraint on imports that have surged into the United States.

My bill proposes four changes to the way we anticipate and respond to surges in agriculture.

First, the Act amends Section 201 of the Trade Act of 1974 to be more responsive to import surges—for any industry.

Like the Import Surge Relief Act I introduced last May, co-sponsored by

Senator LEVIN, this bill eases Section 201's overly strict injury standard. No longer will American industry have to comply with a standard higher than that of our international trading partners. They will simply have to prove an increase in imports over a short period of time which cause or threaten to cause serious injury to the domestic market.

The Act also speeds up the process for addressing import surges. Recently, I hosted a town hall meeting in Kalispell, Montana. Many agriculture leaders expressed their concern that the process of responding to surges is just too long. The same message came through loud and clear last week when a record number of us in the Congress testified before the International Trade Commission regarding imported Canadian cattle. Relief that is too late can mean the devastation of an industry—and the devastation of Rural America.

My bill would cut the time in half for this process and give the ITC Commissioners the ability to make decisions on an expedited basis.

It will also bring credibility to the final decision-making process. As we learned in the lamb case, the President has the ultimate decision-making authority. This means he can accept, change or reject recommendations from the International Trade Commission based on information above and beyond the evidence presented during the laborious hearings.

My bill requires that the President, in deciding whether to take action, focus more than he has in the past on the beneficial impact of a remedy, rather than on the negative impact on other industries. And in do so, he must make provisional relief available on an urgent basis.

Second, the Act establishes an Agricultural Products Import Monitoring and Enforcement Program. The program shall: Promote and defend US policy with respect to import safeguards and countervailing or anti-dumping duty actions if challenged in the World Trade Organization, identify foreign trade-distorting measures, and develop policies and responsive actions to address such measures.

Finally, the bill provides an early warning system. We simply cannot wait until we see that an American industry is devastated. We must be able to project ahead, understand the threats facing an industry, and then consider quickly what type of action to take, if any.

My bill requires the Secretary of Commerce to monitor imports and report its findings on a quarterly basis until 2005. This is absolutely critical to take rapid action.

Finally, with the next round of the World Trade Organization talks approaching, the expiration of the Farm Bill, and uncertainties in global financial markets, anything can happen. U.S. industry, and our farm communities, however, should not bear the brunt.

The Agricultural Import Surge Relief Act will begin to bring stability and predictability back to the system. I urge my colleagues to support this proposal.

ADDITIONAL COSPONSORS

S. 178

At the request of Mr. INOUYE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 178, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 381

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 381, a bill to allow certain individuals who provided service to the Armed Forces of the United States in the Philippines during World War II to receive a reduced SSI benefit after moving back to the Philippines.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 777

At the request of Mr. FITZGERALD, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 777, a bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

S. 805

At the request of Mr. DURBIN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 1133

At the request of Mr. GRAMS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1327

At the request of Mr. CHAFEE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1327, a bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

S. 1369

At the request of Mr. JEFFORDS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1369, a bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes.

S. 1448

At the request of Mr. HUTCHINSON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1478

At the request of Mr. DASCHLE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1478, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 1483

At the request of Mr. REID, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1483, a bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers.

S. 1500

At the request of Mr. HATCH, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1515

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1515, a bill to amend the Radiation Exposure Compensation Act, and for other purposes.

S. 1563

At the request of Mr. ABRAHAM, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S.

1563, a bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.

S. 1592

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1592, a bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes.

S. 1609

At the request of Mrs. HUTCHISON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1609, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare Program.

S. 1619

At the request of Mr. DEWINE, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1626

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1626, a bill to amend title XVIII of the Social Security Act to improve the process by which the Secretary of Health and Human Services makes coverage determinations for items and services furnished under the Medicare Program, and for other purposes.

S. 1644

At the request of Mr. ABRAHAM, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1644, a bill to provide additional measures for the prevention and punishment of alien smuggling, and for other purposes.

S. 1652

At the request of Mr. CHAFEE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1652, a bill to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

SENATE RESOLUTION 118

At the request of Mr. REID, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of Senate Resolution 118, a resolution designating December 12, 1999, as ''National Children's Memorial Day.''

SENATE RESOLUTION 190

At the request of Mr. CAMPBELL, the names of the Senator from Florida (Mr. MACK) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of Senate Resolution 190, a resolution designating the week of October 10, 1999, through October 16, 1999, as the ''National Cystic Fibrosis Awareness Week''.

SENATE RESOLUTION 202—RECOGNIZING THE DISTINGUISHED SERVICE OF JOHN E. COOK OF WILLIAMS, ARIZONA

Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 202

Whereas John E. Cook has recently retired from the National Park Service after 43 years of distinguished service to the United States and the people of the western region of the Nation;

Whereas John E. Cook most recently served 87 park units in 8 western States, stretching from the Canadian border to Mexico, as Director of the Intermountain Region of the National Park Service;

Whereas John E. Cook is in the third of 4 generations from the Cook family who have served the National Park Service with enthusiasm and dedication;

Whereas John E. Cook's father, John O. Cook, and his grandfather, John E. Cook, served the National Park Service in the southwestern region, and his daughter Kayci Cook, currently serves as superintendent of Fort McHenry National Monument and Historic Shrine in Baltimore;

Whereas John E. Cook began his National Park Service career as a mule skinner at what is now Saguaro National Park;

Whereas John E. Cook, who is of Cherokee descent, speaks Navajo, and has worked diligently to promote Native American understanding;

Whereas John E. Cook has held 4 regional directorships, 1 deputy regional directorship, and 5 superintendencies within the National Park Service, and has proven to be a strong manager of people and parks, linking cultural and natural resource management; and

Whereas the citizens of the United States and the National Park Service owe John E. Cook a debt of gratitude and wish to congratulate him on his well-deserved retirement: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates John E. Cook for 43 years of service to the National Park Service;

(2) acknowledges the admiration and affection that John E. Cook's friends share for him; and

(3) recognizes the pride and high standard of workmanship exhibited by John E. Cook for 43 years.

AMENDMENTS SUBMITTED

BIPARTISAN CAMPAIGN REFORM ACT OF 1999

THOMPSON AMENDMENT NO. 2292

(Ordered to lie on the table.)

Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

At the end of the bill, add the following:

SEC. 6. MODIFICATION OF CONTRIBUTION LIMITS.

(a) INCREASE IN INDIVIDUAL LIMITS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (A), by striking ''$1,000'' and inserting ''$3,000'';

(2) in subparagraph (B), by striking ''$20,000'' and inserting ''$60,000''; and

(3) in subparagraph (C), by striking ''$5,000'' and inserting ''$15,000''.

(b) INCREASE IN AGGREGATE INDIVIDUAL LIMIT.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking ''$25,000'' and inserting ''$75,000''.

(c) INCREASE IN MULTICANDIDATE LIMITS.—Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (A), by striking ''$5,000'' and inserting ''$15,000'';

(2) in subparagraph (B), by striking ''$15,000'' and inserting ''$45,000''; and

(3) in subparagraph (C), by striking ''$5,000'' and inserting ''$15,000''.

(d) INDEXING OF INCREASED LIMITS.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(1) in the second sentence of paragraph (1), by striking ''subsection (b) and subsection (d)'' and inserting ''subsections (a), (b), and (d)''; and

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) the term 'base period' means—

''(i) in the case of subsections (b) and (d), calendar year 1974; and

''(ii) in the case of subsection (a), calendar year 1999.''.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on October 14, 1999, in SR–328A at 9 a.m. The purpose of this meeting will be to discuss risk management and crop insurance.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing has been scheduled for Thursday, October 21, 1999, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the issues related to land withdrawals and potential National Monument designations using the Antiquities Act, or Federal Land Policy and Management Act (FLPMA).

The hearing will address a number of issues, including public notice and participation, the role of Congress, and the application of other laws such as the Administrative Procedure Act and the National Environmental Policy Act.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mike Menge (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, October 13, for purposes of conducting a joint committee hearing with the Committee on Governmental Affairs, which is scheduled to begin at 10 a.m. The purpose of this oversight hearing is to receive testimony on the Department of Energy's implementation of provisions of the Department of Defense Authorization Act which create the National Nuclear Security Administration.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Wednesday, October 13, at 10 a.m., Hearing Room (SD–406), on issues relating to the Clean Water Act, including the following bills:

S. 669, Federal Facilities Clean Water Compliance Act of 1999;

S. 188, Water Conservation and Quality Incentives Act; and

S. 1706, Water Regulation Improvement Act of 1999.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''Pain Management and Improving End-of-Life Care'' during the session of the Senate on Wednesday, October 13, 1999, at 9:30 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, October 13, 1999, at 9:30 a.m., to mark up S. 964, the Cheyenne River Sioux Tribe Equitable Compensation Act and S. 1508, the Indian Tribal Justice Systems Legal and Technical Assistance Act of 1999 followed by a hearing on S. 1507, the ''Native American Alcohol and Substance Abuse Program Consolidation Act of 1999.''

The hearing will be held in room 485, Russell Senate Building.

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

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a closed hearing on Wednesday, October 13, 1999, beginning at 10 a.m., in Room S407, the Capitol.

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

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on October 13, 1999, at 9:30 a.m., for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 13, 1999, at 10:15 a.m., to hold a hearing.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources by granted permission to meet during the session of the Senate on Wednesday, October 13, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 167, a bill to extend the authorization for the Upper Delaware Citizens Advisory Council and to authorize construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River, New York and Pennsylvania; S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes; S. 497, a bill to redesignate Great Kills Part in the Gateway National Recreation Area as ''World War II Veterans Park at Great Kill''; H.R. 592, an act to designate a portion of Gateway National Recreation Area as ''World war II Veterans Park at Miller Field''; S. 919, a bill to amend the Quininebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; H.R. 1619, an act to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor act of 1994 to expand the boundaries of the Corridor; S. 1296, a bill to designate portions of the lower Delaware Valley River and associated tributaries as a component of the National Wild and Scenic Rivers System; S. 1336, a bill to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by New York State, and for other purposes; and S. 1569, a bill to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

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

SUBCOMMITTEE ON SEAPOWER

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, October 13, 1999, in open session, to recieved testimony on force structure impacts on fleet and strategic lift operation.

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

ADDITIONAL STATEMENTS

TRIBUTE TO COLONEL RANDALL D. BOOKOUT

● Mr. SHELBY. Mr. President, I wish to recognize and pay tribute to Colonel Randall D. Bookout, Chief, Senate Liaison Division, Office of the Chief of Legislative Liaison for the U.S. Army, who will retire on January 1, 2000. Colonel Bookout's career spans 27 years during which he has distinguished himself as a soldier, leader and friend of the United States Senate.

An Ohio native, Colonel Bookout graduated from the United States Military Academy in 1972 and was commissioned as a lieutenant in the Infantry Branch of the U.S. Army. During his career, he has commanded at the platoon through the battalion levels, where he ably trained and led America's soldiers at home and overseas. In Fort Wainwright, Alaska, he commanded the 4th Battalion, 9th Infantry Regiment, ''The Manchus.'' He has also served in command and staff positions at Fort Carson, Colorado, the United States Military Academy at West Point, New York, the Pentagon and overseas in Panama and Korea. Prior to assuming his current duties, he served as the Aide de Camp to the Secretary of the Army.

Since January 1996, Randy Bookout has served with distinction as the Chief of the Army's Senate Liaison Office where he has superbly represented the Chief of Legislative Liaison, the Chief of Staff, Army and the Secretary of the Army, as well as promoting the interests of the soldiers and civilians of the Army. His professionalism, mature judgment, sage advice and inter-personal skills have earned him the respect and confidence of the Members of Congress and Congressional staffers with whom he has worked on a multitude of issues. In over four years on the Hill, Randy Bookout has been a true friend of the U.S. Congress. Serving as the Army's primary point of contact for all Senators, their staffs and Congressional Committees, he has assisted Congress in understanding Army policies, actions, operations and requirements. As a result, he and his staff have been extremely effective in providing prompt, coordinated and factual replies to all inquiries and matters involving Army issues. In addition, he

has provided invaluable assistance to Members and their staffs while planning, coordinating and accompanying Senate delegations traveling worldwide to over sixty countries. His substantive knowledge of the key issues, keen legislative insight, and ability to effectively advise senior members of the Army leadership directly contributed to the successful representation of the Army's interests before Congress.

Throughout his career, Colonel Randy Bookout has demonstrated his profound commitment to our Nation, his selfless service to the Army, a deep concern for soldiers and their families, and a commitment to excellence. Colonel Bookout is a consummate professional whose performance, in over 27 years of service, has personified those traits of courage, competency and integrity that our Nation has come to expect from its professional Army officers.

Mr. President, I ask my colleagues to join me in thanking Colonel Bookout for his honorable service to the U.S. Army and the people of the United States. We wish him and his family Godspeed and all the best in the future.●

CELEBRATING THE 250TH ANNIVERSARY OF KAHAL KADOSH BETH ELOHIM

● Mr. HOLLINGS. Mr. President, it is a pleasure for me to recognize today the congregation of Kahal Kadosh Beth Elohim in Charleston, S.C. as it celebrates its 250th anniversary on October 23 1999.

Beth Elohim is the fourth oldest Jewish congregation in the United States. The congregation still worships in a synagogue built in 1840–41 in the Greek Revival style, making it the oldest synagogue in continuous use in the United States. In 1980, the building was designated a National Historic Landmark.

Jewish settlers arrived in Charleston as early as 1695 and by 1749 were numerous enough to organize the present congregation of Beth Elohim, then known as Holy Congregational House of God. These settlers were attracted by South Carolina's civil and religious liberty as well as the economic opportunities the colony offered. In 1792, construction of the synagogue began. The structure stood until being destroyed in the Charleston fire of 1838. The visiting General Marquis de Lafayette observed the original building to be ''spacious and elegant.''

Beth Elohim also holds the distinction of being the cradle of Reform Judaism in the United States. In 1824, a group of progressive members of the congregation petitioned for a shortened Hebrew ritual, English translation of prayers and a sermon in English. Their petition being denied, they decided to organize The Reformed Society of Israelites. It was a short-lived society, but when the members returned to the congregation at Beth Elohim, their practices and principles influenced the worship service there and today still form the basis of Reform Judaism. During the construction of the new temple in 1840, an organ was installed, encased in mahogany to complement the building's interior. Said to have 700 pipes and costing $2,500, the organ provided the first instrumental music used in worship in any synagogue in America.

Many members of K.K. Beth Elohim have been distinguished city, state and national leaders, including early congregant Moses Lindo, who before the Revolution helped to develop the cultivation of indigo. Joseph Levy, veteran of the Cherokee War of 1760–61, was probably the first Jewish military officer in America. Almost two dozen men of Beth Elohim served in the American Revolution, most notably Francis Salvador who, as a delegate to the South Carolina Provincial Congresses of 1775–1776, was one of the first Jews to serve in the American legislature. The blind poet Penina Moise was a famous early superintendent of the Jewish Sunday School at Beth Elohim.

Today, Beth Elohim is led by Rabbi Anthony David Holz and Rabbi Emeritus William A. Rosenthall. The congregation continues to function as a vital part of the Charleston community and deserves many congratulations on reaching this milestone—250 years of rich history.●

BILL WOLFF

● Mr. BURNS. Mr. President, I rise today to recognize the efforts of a group of farmers in eastern Montana who pulled together following a tragic accident to help the Family of Bill Wolff harvest their crops.

Sadly, the Wolff family suffered a terrible loss on September 10, when a farming accident claimed Bill's life. In the midst of this tragedy, Bill's neighbor's gathered in an impressive effort to help the Wolff family harvest their grain.

In all more than 20 trucks and 12 combines arrived in Glendive to assist in the harvest. Working simultaneously, the combines were able to cut 135 acres per hour and bring in the harvest for the Wolff family.

Jim Wolff, one of Bill's nephews said, ''After experiencing the great teamwork here today, it's going to be difficult to go home and finish my own harvest by myself.'' In addition, many neighbors mirrored Jim's sentiment and expressed a sense of privilege that they were able to join with the Wolff family during their time of need.

Montanans are truly a special breed of people—always quick to lend a hand to others. It says so much that these people took time away from their own extremely hectic harvest schedules to help the Wolffs, and I commend them for it. Their selflessness serves as an example of us all.

I also extend my most sincere sympathies to the Wolf family. As evidenced by the outpouring of support from his neighbors. Bill was a man who was loved by a great many people and his loss will be shared by them also.●

INSTALLATION OF WILLIAM GORDON

● Mr. BINGAMAN. Mr. President, on Sunday William C. Gordon was installed as the 16th President of the University of New Mexico.

A psychologist by training, Dr. Gordon came to New Mexico by way of Wake Forest University, and Rutgers, where he earned his Ph.D. He taught at the State University of New York before moving to Albuquerque more than twenty years ago. Serving as a Professor of Psychology, then as chairman of the department, he became Dean of the College of Arts and Sciences. From there he became the Provost and Vice President for Academic Affairs and then assumed the job of interim president. It was during that period, and after a national search had been conducted, that he himself was named President in March of this year.

Distinguished and well respected, Dr. Gordon has worked diligently throughout his administrative career to improve the university not only for the students and faculty, but for the staff and the wider community. He has sought to improve both the education people are getting, and the way they are getting it. The University of New Mexico is our state's largest institution of higher learning. The potential this represents is not lost on Dr. Gordon, and we look to him for leadership well into the 21st century.●

TRIBUTE TO SERGEANT MAJOR GORDON R. TAFT, UNITED STATES ARMY

● Mr. SHELBY. Mr. President, I rise today to pay tribute to Sergeant Major Gordon R. ''Randy'' Taft, United States Army, a native of Decatur, Alabama, who is retiring this month from active duty after twenty-six years of distinguished service to the country. Sergeant Major Taft, who currently serves as the Senior Enlisted Advisor to the Director of the Defense Logistics Agency in Fort Belvoir, Virginia, has devoted his professional life to supporting the personal, administrative, and logistics needs of military men and women assigned around the world in defense of our freedom. His accomplishments are many and his reputation for leading and developing young soldiers is legendary. Randy Taft's selfless contributions to the National Defense will be missed, so as he transitions to new opportunities, I want to say thanks to him on behalf of a grateful Nation.

Sergeant Major Taft's numerous military awards and decorations reflect the tremendous impact he has had on the lives of America's fighting men and women. His decorations include the Legion of Merit, the Meritorious Service Medal, the Army Commendation Medal, and the Humanitarian Service

Medal. But the medals and certificates do not say it all. Like all Sergeants Major in their day-to-day activities and accomplishments, Randy Taft has served as a positive role model for a whole generation of the Army's finest soldiers. Whether he was serving as a personnel specialist, a platoon sergeant, a recruiter, a member of the Army's premier Honor Guard, or as the Senior Enlisted Advisor for the 44,000 person Defense Logistics Agency, he has led by example. His greatest accomplishments are the young soldiers he has helped mold into the kind of citizens this country can be proud to call our Army.

Mr. President, I am proud and honored to congratulate Sergeant Major Randy Taft upon the occasion of his retirement from the United States Army.●

SET A GOOD EXAMPLE

● Mr. CLELAND. Mr. President, these are difficult times for our nation's children as they watch their peers turn to violence, drugs, truancy and gang membership. If one were to believe the evening news, there appears to be little good news coming from our schools. But I rise before my colleagues today to share with them some good news. Thunderbolt Elementary School in Savannah, Georgia, has been recognized by the Concerned Businessmen's Association of America as violence-free and the ''Best Example in America'' of what a safe and drug-free school should be.

Thunderbolt Elementary is the only school out of the 10,600 which enrolled in the national ''Children's Set a Good Example'' Competition during the past 12 years to win the national award three times in a row. Additionally, Thunderbolt has also been chosen this year by the judges of the first ''Best of the Best'' competition, which will be held just once every ten years, as the best of the best elementary schools in America.

The war against drug abuse, violent crime, illiteracy and intolerance is a multifaceted battle being fought in every sector of our community. It is a war that ravages our streets and has kids killing other kids. Too many of our children have become casualties of this epidemic. We as a society must apply proven, workable methods if we are to salvage our youth and rid our cities of those social ills. Positive counter peer pressure could be more effective than authoritarian efforts when it comes to influencing youth away from drug abuse and gang involvement and I am so proud of Thunderbolt Elementary for showing this to be true.

The work that the students at Thunderbolt have done is inspiring and I hope that they will be an example to other students around the country.●

RUSSELL W. PETERSON HONORED WITH FIRST-EVER ''LIFETIME ACHIEVEMENT AWARD'' BY CREATIVE GRANDPARENTING, INC.

● Mr. BIDEN. Mr. President, I rise today to honor the lifetime achievements of a man with truly a lifetime of achievements.

Russell W. Peterson served as Governor of Delaware from 1968–1972, restoring peace on the streets of Delaware's largest city in the wake of the tumultuous 1968 summer riots—as he overcame decades of resistance to implement a sweeping overhaul of State government. Russ Peterson is known to Delawareans as the father of the state's landmark Coastal Zone Act, just as he is renowned nationally as one of our country's leading environmentalists.

I will go into more detail of his many accomplishments, however, the reason I pay tribute to him today is for his recognition—not only as a statesman, environmentalist and civil rights leader—but as a grandfather! Delaware's Creative Grandparenting, Inc. has awarded Russell W. Peterson its first-ever ''Lifetime Achievement Award.'' Peterson, a grandfather of 17 and father of four, deserves every accolade bestowed upon him.

When Russ Peterson was elected Governor of Delaware in 1968, the National Guard patrolled the streets of Wilmington. As he promised, the day Peterson was sworn in as Governor, the National Guard was pulled from the streets. As a 27-year-old New Castle County Councilman first elected that same year in 1968, I assure you Governor Peterson's leadership and steady stewardship made a lasting impression upon me. I am proud to call him a friend.

As Governor, he bucked resistance and reformed Delaware's arcane Commission form of Government into a Cabinet form of government. He convinced the General Assembly to streamline 112 Commissions into ten department leaders. It was nothing short of a revolution!

His greatest accomplishment came in June, 1972, when he single-handedly pushed through the landmark Coastal Zone Act, which forever prohibits development along Delaware's precious coastal zone. Yes, he's the man who proclaimed ''to hell with Shell,'' as he fought efforts by oil refineries to further develop on the Delaware River. The Coastal Zone Act shall forever stand as a monument to Russ Peterson in my State.

Governor Peterson also signed Delaware's Fair Housing Act into law and appointed the first female to the Delaware bench—Family Court Judge Roxana C. Arsht. And in July, 1972, he signed into law a major revision of the Delaware Code, which is important for what was not included. The Whipping Post! From 1669–1952, more than 1,600 men were flogged at the whipping post. Delaware was the last State to eliminate this barbaric punishment, thanks to Russ Peterson.

After leaving office in 1972, Russ served as an advisor to Presidents and held numerous prestigious environmental positions. He was named Vice-Chair of Governor Nelson Rockfeller's National Commission on Critical Choices of America. Then, he chaired President Ford's Council on Environmental Quality. In 1976, Peterson became President of New Directions, a world-wide citizens' lobby group. In 1978, he was tapped to be the director of the congressional Office of Technological Assessment. He secured his worldwide reputation as an environmentalist as the President of the National Audubon Society.

Mr. President, I consider myself very fortunate to call him a friend. I am honored that just last week, Governor Peterson took the time to write me a handwritten note to say he was ''proud that you are my Senator.'' That sort of praise from such an accomplished man is humbling.

Russ Peterson, my friend, you have a lot of living yet to do and more accomplishments yet to come. Today, though, we honor your lifetime of achievements.●

NATIONAL SAVE SCHOOLS FROM VIOLENCE DAY

● Mrs. LINCOLN. Mr. President, I have spoken several times this year about the need for our Nation to address juvenile violence. Today, I would like to commend another group that has joined the call to end violence. The American Medical Association Alliance has designated today as National SAVE Schools from Violence Day, and I would like to praise their efforts.

The AMA Alliance SAVE (Stop America's Violence Everywhere) campaign began in 1995 and comprises a grassroots effort of 700 local and state-level projects to curb violence. Through the campaign, the Alliance has created unique workbooks and activities for use as conflict resolution tools in classrooms across the country. One of their themes, Hands are not for hitting, catches children's attention by challenging them to come up with other uses for their hands. Rather than seeing their hands as weapons, children are reminded that their hands can be used for hugging, collecting bugs or coloring with crayons.

Another campaign theme, I Can Choose, teaches children that they can choose their attitudes and behavior. Other projects including I Can Be Safe and Be a Winner have been distributed nationwide.

Using its Hands are not for hitting campaign and others like it, the AMA is working to call attention to school safety and the way children interact. Nationally, the AMA hopes to reach 1 million children by the year 2000 with activities that help them manage anger and build self-esteem. This type of private sector involvement represents a key building block in our nation's commitment to providing a safe learning environment for our children.

Many of my colleagues know that I introduced the Safe Schools Act of 1999 to provide resources to public schools so they can remain safe and strong cornerstones of our communities. As we move into the 21st century, we must adapt our approach to education to meet the changing needs of students, teachers and parents.

Although I am one of the youngest members of the Senate, I grew up in Helena, Arkansas during what seemed to be a much simpler time. Our parents pulled together to make everyone's education experience a success. Students came to school prepared to learn. Teachers had control of their classroom. The threat of school violence was virtually non-existent.

Now, more than twenty years later, things are different—very different. Our children are subjected to unprecedented social stresses including divorce, drug and alcohol abuse, child abuse, poverty and an explosion of technology that has good and bad uses.

These stresses exhibit themselves in the behavior of teenagers, as well as in our young children. Increasingly, elementary school children exhibit symptoms of substance abuse, academic underachievement, disruptive behavior, and even suicide.

Although school shootings will probably not occur in a majority of our schools, each time we witness a tragedy like Jonesboro or Littleton, it makes us wonder if the next incident will be in our own home towns.

This is a very complex problem and there is no one single answer. It will take more than metal detectors and surveillance cameras to prevent the tragedies occurring in our schools. I believe the Safe Schools Act reflects the needs and wishes of students, parents, teachers and school administrators.

Unfortunately, there are not nearly enough mental health professionals working in our nation's schools. The American School Health Association recommends that the student-to-counselor ratio be 250:1. In secondary schools, the current ratio is 513:1. In elementary schools, the student-to-teacher ratio exceeds 1000:1.

Students today bring more to school than backpacks and lunchboxes—many of them bring severe emotional troubles. It is critical that schools be able to help our troubled students by teaching children new skills to cope with their aggression.

So, I commend the AMA Alliance for designating today as National SAVE Schools from Violence Day and encourage students, teachers, parents and the community to work together to make our schools safe.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 106–14

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following convention transmitted to the Senate on October 13, 1999 by the President of the United States:

Food Aid Convention 1999, Treaty Document 106–14.

I further ask that the convention be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Food Aid Convention 1999, which was open for signature at the United Nations Headquarters, New York, from May 1 through June 30, 1999. The Convention was signed by the United States June 16, 1999. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Convention.

The Food Aid Convention 1999 replaces the Food Aid Convention 1995. Donor members continue to make minimum annual commitments that can be expressed either in the quantity or, under the new Convention, the value of the food aid they will provide to developing countries.

As the United States has done in the past, it is participating provisionally in the Food Aid Committee. The Committee granted the United States (and other countries) a 1-year extension of time, until June 30, 2000, in which to deposit its instrument of ratification.

It is my hope that the Senate will give prompt and favorable consideration to this Convention, and give its advice and consent to ratification by the United States at the earliest possible date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 13, 1999.*

UNANIMOUS CONSENT AGREEMENT—H.R. 1000

Mr. MCCONNELL. Mr. President, I ask unanimous consent that with respect to H.R. 1000, FAA reauthorization, the Senate insist on its amendment, request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees on the part of the Senate.

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

The PRESIDING OFFICER (Mr. HAGEL) appointed, from the Committee on Commerce, Science, and Transportation, Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. GORTON, Mr. LOTT, Mr. HOLLINGS, Mr. INOUYE, Mr. ROCKEFELLER, and Mr. KERRY, and for the consideration of title IX of the bill, from the Committee on the Budget, Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. LAUTENBERG, and Mr. CONRAD conferees on the part of the Senate.

CONVEYING CERTAIN PROPERTY FROM THE UNITED STATES TO STANISLAUS COUNTY, CALIFORNIA

Mr. MCCONNELL. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 356, just received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 356) to provide conveyance of certain property from the United States to Stanislaus County, California.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent the bill be read the third time, passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD.

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

The bill (H.R. 356) was read the third time and passed.

RECOGNIZING THE DISTINGUISHED SERVICE OF JOHN E. COOK

Mr. MCCONNELL. I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 202, submitted earlier today by Senator DOMENICI.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 202) recognizing the distinguished service of John E. Cook of Williams, Arizona.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, it is my honor today to introduce a Senate resolution honoring a wonderful man and public servant, John E. Cook. The National Park Service recently celebrated its 83rd birthday, and for more than half that time—43 years—John served the Service with distinction, grit and integrity.

John E. Cook most recently served as Director of the Intermountain Region of the National Park Service, which stretches from Canada to Mexico and covers eight states, including Colorado, Utah, Arizona, Montana, New Mexico, Oklahoma, Texas and Wyoming. There he oversaw 87 diverse park units, including national parks, national monuments, national preserves, and national recreation areas. Since I have been a Senator from New Mexico, John and I have worked on various, and sometimes contentious, park issues. I have always appreciated our relationship, and his frankness and competence in dealing with issues.

Anyone who knows John would agree he is a great guy. Before starting his work for the National Park Service, he worked as a farm and ranch hand—and I've even heard a few good stories from his days as a rodeo cowboy. John began his Park Service career as a mule skinner at what is now Saguaro National

Park, and he has worked as a fire fighter, laborer, ranger, superintendent, and regional director throughout the western United States.

In addition to being a strong manager of people and parks, linking cultural and natural resource management, John has worked diligently to promote understanding of American Indians. Former Interior Secretary Stewart Udall appointed John superintendent at Canyon de Chelly National Monument in Arizona partially because he speaks Navajo. He has received awards for his work in parks around the Navajo Nation, and has taught other park staff on American Indians' connection to lands that are now national parks.

The National Park Service owes John Cook a debt of gratitude, and the many honors he has received in his service will not repay what he has done for the parks of the west. I only hope that he will enjoy his extra free time to get in some hunting—a passion both he and I enjoy. I am pleased to offer this resolution, and I thank my colleagues for joining me in honoring this fine man.

Mr. MCCONNELL. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 202) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 202

Whereas John E. Cook has recently retired from the National Park Service after 43 years of distinguished service to the United States and the people of the western region of the Nation;

Whereas John E. Cook most recently served 87 park units in 8 western States, stretching from the Canadian border to Mexico, as Director of the Intermountain Region of the National Park Service;

Whereas John E. Cook is in the third of 4 generations from the Cook family who have served the National Park Service with enthusiasm and dedication;

Whereas John E. Cook's father, John O. Cook, and his grandfather, John E. Cook, served the National Park Service in the southwestern region, and his daughter Kayci Cook, currently serves as superintendent of Fort McHenry National Monument and Historic Shrine in Baltimore;

Whereas John E. Cook began his National Park Service career as a mule skinner at what is now Saguaro National Park;

Whereas John E. Cook, who is of Cherokee descent, speaks Navajo, and has worked diligently to promote Native American understanding;

Whereas John E. Cook has held 4 regional directorships, 1 deputy regional directorship, and 5 superintendencies within the National Park Service, and has proven to be a strong manager of people and parks, linking cultural and natural resource management; and

Whereas the citizens of the United States and the National Park Service owe John E. Cook a debt of gratitude and wish to congratulate him on his well-deserved retirement: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates John E. Cook for 43 years of service to the National Park Service;

(2) acknowledges the admiration and affection that John E. Cook's friends share for him; and

(3) recognizes the pride and high standard of workmanship exhibited by John E. Cook for 43 years.

ORDERS FOR THURSDAY, OCTOBER 14, 1999

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, October 14. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin 60 minutes of debate on the conference report to accompany the Defense appropriations bill, as provided under the previous order.

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

PROGRAM

Mr. MCCONNELL. For the information of all Senators, the Senate will begin consideration of the Defense appropriations conference report at 9:30 a.m. tomorrow. By previous consent, there will be 60 minutes of debate on the conference report, with a vote scheduled to occur at 4 p.m. tomorrow. For the remainder of the day, the Senate will resume debate on the campaign finance reform bill. Amendments to the bill are expected to be offered, and therefore Senators may anticipate votes throughout the day. The Senate may also consider any other conference reports available for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:37 p.m., adjourned until Thursday, October 14, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 13, 1999:

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MYRON G. ASHCRAFT, 6527

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. NORTON A. SCHWARTZ, 7542

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. JOSEPH W. RALSTON, 9172

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. RALPH E. EBERHART, 7375

DEPARTMENT OF DEFENSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 154:

To be general

GEN. RICHARD B. MYERS, 7092