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Senate

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

AMENDMENTS NOS. 3457, 3933 TO 3457, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 3975, AND 3976, EN BLOC

Mr. COCHRAN. I further ask consent that the Harkin amendment No. 3964 and the other emergency designation amendments now pending at the desk be considered en bloc and agreed to en bloc and the motion to reconsider be laid upon the table.

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

The amendment (No. 3964) was agreed to.

The amendments, en bloc, were agreed to as follows:

AMENDMENT NO. 3457

(Purpose: To provide market and quality loss assistance for certain commodities)

On page 75, between lines 16 and 17, insert the following:

SEC. 7___. APPLE MARKET LOSS ASSISTANCE AND QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—(a) APPLE MARKET LOSS ASSISTANCE.—

(1) IN GENERAL.—In order to provide relief for loss of markets for apples, the Secretary of Agriculture shall use $100,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers.

(2) PAYMENT QUANTITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the payment quantity of apples for which the producers on a farm are eligible for payments under this subsection shall be equal to the average quantity of the 1994 through 1999 crops of apples produced by the producers on the farm.

(B) MAXIMUM QUANTITY.—The payment quantity of apples for which the producers on a farm are eligible for payments under this subsection shall not exceed 1,600,000 pounds of apples produced on the farm.

(b) QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—In addition to the assistance provided under subsection (a), the Secretary shall use $15,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 crop of potatoes and apples, respectively, due to, or related to, a 1999 hurricane or other weather-related disaster.

(c) NONDUPLICATION OF PAYMENTS.—A producer shall be ineligible for payments under this section with respect to a market or quality loss for apples or potatoes to the extent that the producer is eligible for compensation or assistance for the loss under any other Federal program, other than the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(d) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

Mr. LEVIN. Mr. President, I have an amendment which would assist apple growers who suffered losses from fire blight and other weather related and economic damage. The amendment is cosponsored by Senators COLLINS, SCHUMER, GORTON, MURRAY, SNOWE, LEAHY, JEFFORDS, MOYNIHAN, DURBIN, ROCKEFELLER, ROBB, ABRAHAM, and LIEBERMAN. This spring, apple growers in Michigan suffered huge crop losses and damage due to several hail storms which caused thousands of acres of apple trees to be infected with fire blight. Fire blight is a bacterium that has destroyed thousands of acres of fruit trees in Michigan. Experts at Michigan State University anticipate that ¼ of all MI apple farmers have trees that are afflicted by fire blight. As a result of this weather related disaster, many of Michigan's best apple producers face diminished production this fall, and decreased revenues for many years to come. My amendment provides essential assistance for apple and potato producers that have suffered quantity losses due to fire blight or other weather related disasters. These hardships could not come at a worse time for our nation's apple farmers who, according to USDA, have lost nearly $1 billion over the past three years due to a variety of factors including diseases, such as fire blight. This legislation also includes assistance for apple and potato farmers who have incurred quality losses due to weather-related disasters.

The Agricultural Risk Protection Act, which President Clinton signed into law, included some emergency assistance for our nation's farmers. However, much remains to be done to address the myriad of problems facing out nation's apple farmers. That is why with 13 cosponsors I have introduced amendment No. 3457 that would provide $100 million in assistance this year for quantitative losses of our nation's apple farmers. A second degree amendment that would provide $60 million for qualitative losses, suffered by apple and potato farmers, was attached to my amendment by Senators ABRAHAM and SCHUMER. Articles from a number of Michigan papers show the plight of apple farmers, and mentions the need for direct assistance, in the form of this amendment, to our apple farmers. I ask unanimous consent that these articles be printed in the RECORD.

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

[From the Herald-Palladium, June 22, 2000]

BAD APPLES: FIRE BLIGHT IS TAKING BITE OUT OF AREA CROPS

FARMERS SEEK FEDERAL FINANCIAL ASSISTANCE FOR ACRES OF DYING TREES

(By Michael Eliasohn)

WATERVLIET—The name of Rodney Winkel's farm is Grandview Orchards, but the view these days is far from grand.

A building on Winkel's Bainbridge Township farm Wednesday morning was the location for a meeting of about 80 Southwest Michigan farmers who have the same view—brown dead leaves on dying apple trees.

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

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The cause is fire blight, a bacterial infection that shrivels the apples and can kill the trees. Alan Jones, Michigan State University's fire blight expert, said it's the worst outbreak ever in Michigan.

John Sarno, U.S. Farm Service Agency Southwest Michigan regional director, said his office has received preliminary reports of fire blight damage in Berrien, Van Buren, Cass and Kalamazoo counties. He expects to receive a similar report soon from Allegan County and believes there may be damage in Ottawa and Kent counties.

Prior to the meeting, Michigan Farm Bureau (MFB) conducted a tour of four fire blighted orchards in Van Buren County for aides to several Michigan members of Congress, plus staff from the MSU College of Agriculture, the Farm Service Agency, Michigan Department of Agriculture and others.

Winkel described the problem facing the farmers. He and his son-in-law Mark Epple grow about 300 acres of apples. ''I conservatively estimate we'll take out 60 to 70 acres of trees,'' he said. ''These are huge dollars we're talking about and the cookie jar is dry.''

''A number of years ago, agriculture could handle a disaster like this,'' but not any more, said MFB President Jack Laurie, who chaired the meeting. ''The (profit) margin has been reduced, so farmers can't stand a big loss.''

Unlike a spring freeze that wipes out that year's crop, the fire blight damage goes far beyond one year.

Coloma area grower Jerry Jollay said during the meeting he and his son, Jay, expect to lose about half of their 55 acres of apple trees.

He later told The Herald-Palladium if trees are removed and new trees planted, it takes 5–6 years until they start producing a good crop and it isn't until the eighth year they get a full crop.

He estimated it costs from $4,000 to $10,000 per acre to replant trees and to maintain them until they start producing, depending on the number planted per acre. The figure does not include the value of lost production.

Growers may be able to remove diseased limbs and save some trees, according to Jones of MSU, but that could mean 2–3 years of reduced crops until it gets back to full production.

''But if you don't get it all,'' said Mike Hildebrand, ''it will flare up next year or the year after.'' Hildebrand and his father, Ernie, grow about 70 acres of apples near Berrien Springs.

Jones said if an infected limb is missed, the fire blight will spread to the roots and kill the tree.

And if one tree is infected, the fire blight can spread to the rest of the trees in the orchard.

Sarno told the growers there is no existing program to compensate them for fire blight damages, that Congress has to approve one and the funds for it. ''We have to start over,'' he said. ''We have to look at what we have today (in damage) and that's what we're doing today.''

Sarno later told The Herald-Palladium there are three potential programs Congress could approve, one involving low-interest loans to partially compensate them for their production losses and tree losses.

The other two programs would give them grants, either to help cover production losses or pay for removing diseased trees and planting new ones.

Farmers with crop insurance may be covered for lost crops this year.

Sarno said county agricultural emergency boards must first compile loss data, which they forward to the state emergency board.

If the state board decided the loss is significant enough, it asks Gov. John Engler to ask U.S. Secretary of Agriculture Dan Glickman to declare the affected counties agricultural disaster areas, thus qualifying growers for aid, if Congress OKs it.

Sarno said the last time there was such an emergency, in Kent County in 1998 when winds blew down trees and spread fire blight, ti took about a year before growers received their government checks. ''We hope to expedite this (for fire blight damage),'' he said.

Winkel said he could lose 30,000–35,000 bushels of apples this year, and for the next several years, until replacement trees start producing apples, his loss could be 50,000 bushels a year.

The value of apples varies widely, depending on the variety, when they are sold and their use, but at $6 per bushel—the 1999 average from two area packing houses for Jonathans—Winkel's annual loss would be $300,000 a year.

He said Idared, Jonathon, Rome, Gala, Paulared and Golden Delicious are the varieties being affected most by fire flight.

For some growers, fire blight isn't their only problem. Jollay said spring frosts and freezes reduced his tart cherry crop by probably half, apples by 20 percent and peaches by 50 percent.

Then hail on May 18 caused more damage, followed by the fire blight. He guessed he will have only about a fourth of his normal crop of apples.

In his 35 years in agriculture, Jollay said, he has suffered losses from freezes, hail and fire blight, but not all in one year. ''This is absolutely the worst I've ever seen.'' He said he and his son hope to get through this year with income from pumpkins, their other significant crop, and their pick-your-own ''family fun'' operations in the fall.

As for possible federal aid, he said: ''Hopefully this will help alleviate part of the problem.''

Coloma area grower Paul Friday, whose 140 acres of peaches suffered major hail damage on May 18, asked that hail-caused damage to fruit and young trees not yet bearing fruit be included in any assistance program.

[From the Kalamazoo Gazette, June 22, 2000]

APPLE GROWERS GETTING BURNED—EPIDEMIC OF FIRE BLIGHT DEVASTATES LOCAL CROP

(By Ed Finnerty)

HARTFORD—The Golden Delicious apple trees on Kevin Winkel's family farm are anything but golden or delicious.

Their leaves are more brown than green. Their fruit resembles rotting grapes more than edible apples.

To Winkel and scores of besieged farmers in the apple country of Van Buren and Berrien counties, a killer epidemic of fire blight that has overtaken their orchards and threatens their livelihoods is a disaster by any reasonable standard.

''It got my entire crop,'' lamented Winkel, a second-generation grower working the land he took over from his father 16 years ago.

''There will be zero income from this year's crop and at least half of the expenses are already in it,'' said Winkel, a married father of two who isn't sure the business will survive the loss.

Apple farmers in Van Buren and Berrien counties in southwestern Michigan are hoping to persuade the Federal Government to declare their farms disaster areas, entitling them to aid farm officials say may be a last lifeline for some growers.

''The problem here is devastating,'' said Al Almy, Michigan Farm Bureau's director of public policy and commodities. ''It could put some of the very best growers right out of business.''

Fire blight is a bacterial disease affecting primarily apple and pear trees that is spread by insects and often enters blooms or leaves damaged by wind or hail. It destroys tissue it infects, killing blossoms and shoots, sometimes progressing into the tree and its roots. Badly infected trees look like they have been burned.

Strains of fire blight that have become resistant to antibiotic sprays have slowly spread in area orchards, but a May 18 storm that produced hail and high winds is blamed with sparking the huge outbreak.

Mark Longstroth, district horticulture and marketing agent with the MSU Extension, estimates some 300 to 400 growers and 27,000 acres of apples will be affected by the blight. The major damage is in Van Buren and Berrien counties, but fire blight has appeared in Allegan, Cass and Kalamazoo counties too, officials say.

Officials are still evaluating losses but say they may reach about $10 million in the two counties. This year's losses will be multiplied in future years with the loss of production from trees that are killed.

''This is one of the worst epidemics we have ever seen,'' said Alan Jones, a professor of plant pathology at Michigan State University. Jones, a fire blight expert with MSU for 30 years, said this outbreak dwarfs the worst epidemic he had seen previously, in 1991.

The Michigan Farm Bureau on Wednesday invited media and representatives from the area's congressional delegation to tour orchards from Lawrence in Van Buren County to Watervliet in Berrien County. The caravan stopped at some orchards to inspect the damages, but in most cases a drive by acre after acre of brown orchards was all that was needed to see the devastation.

At an orchard near Watervliet, dozens of apple growers waited to meet with representatives from the Farm Bureau, USDA, Michigan Department of Agriculture, MSU Extension and other agencies. It was partly a show for the invited media, including crews from several newspapers and television stations, and a show of force to representatives of the Congressional delegations.

Staffers for U.S. Sen. Carl Levin and Reps. Fred Upton, Nick Smith, Vernon Ehlers, and Peter Hoekstra were on hand Wednesday, and Michigan Farm Bureau President Jack Laurie urged growers to push them for disaster assistance.

''Levin's office is the one we've got to lean on, this guy here,'' one grower said to others, as they waited for another farmer to finish bending the ear of Levin's staffer.

If a disaster is declared, farmers will be eligible for low-interest loans to cover losses and replace trees. Federal assistance to replace weather-damaged trees doesn't cover fire blight, but officials from the Farm Bureau and other assembled agencies said political pressure should be applied to get that coverage.

A state emergency board will be convened to evaluate losses in the affected counties, then ask Gov. John Engler to request federal disaster relief from the U.S. Department of Agriculture.

''I think we have seen enough to know this is very widespread, this is very dramatic,'' said John Sarno, district director for USDA Farm Services Agency, who took his camera along on Wednesday's tour. ''There are going to be great losses.''

Any help would be welcomed by Winkel, who says he may have to find a second job and whose wife may have to go from working as a part-time nurse to working full time. His 100 acres of trees, which last year produced about 73,000 bushels of apples and $300,000 in revenue, will yield nothing this year.

''The whole future of the southwest Michigan fruit industry is at stake here,'' said Tom Butler, head of the Michigan Processing

Apple Growers. ''A lot of growers are not going to be able to stay in business until some serious help comes along.''

The fire blight will have no discernible impact on consumers because of a strong supply of apples nationwide, Butler said

Mr. LEVIN. I am particularly grateful to Senator SUSAN COLLINS whose support has been essential. I am also pleased with the many bipartisan cosponsors who have supported this legislation.

This amendment is similar to legislation which recently passed the other body as part of the FY2001 Agriculture Appropriations bill.

Ms. COLLINS. Mr. President, I rise today to join my good friend Senator LEVIN in offering an amendment to provide much needed relief for apple and potato producers across America. Senator LEVIN and I share a deep concern for these farmers, who have endured such unexpected hardship over the past year. I am grateful for having the opportunity to work with my friend from Michigan on this critical matter.

Over the past three years, America's apple growers have lost more than $760 million according to U.S. Department of Agriculture statistics. Market conditions, beyond the control of our farmers, and unfair trade practices have contributed significantly to these loses. There has been a reduction in demand for U.S. apples in much of the world because of poor economic conditions in foreign markets. The domestic demand for apples has been affected by conditions abroad as well. With dimished demand oversees, we have seen an increase in the foreign supply of apples in our domestic markets. The U.S. Department of Commerce and the International Trade Commission recently found that our producers have been victimized by unfairly priced imports of Chinese apple juice concentrate.

Unusual weather also has hurt our potato and apple producers. The Maine Pomological Society, a group that primarily represents apple producers in my State, reports that a summer-long drought, coupled with the heavy winds and rains of Hurricane Floyd in the fall, had a disastrous impact on the quality of apples produced in Maine last year. On average, only 49% of Maine's 1999 apple crop could be sold at the ''fancy grade'' quality. To provide my colleagues with a sense of what this means, I would note that in 1998, 78% of the apples produced in Maine were labeled as fancy grade.

Maine potato farmers also found themselves victims of weather-related disasters in 1999. In Maine, some potato farmers found their fields covered in as much as 15 inches of water following the drenching that accompanied Hurricane Floyd last fall. Because many of Maine's farmers leave their crop in storage over the winter, we did not realize the full extent of the damage caused by Floyd's rains until this spring. Mr. President, potato farmers pour their hearts and souls into their fields. It is profoundly disheartening to hear from a farmer who has lost an entire crop that took many months of hard work to cultivate.

The amendment Senator LEVIN and I offer today provides much-needed assistance to both potato and apple producers. Under our proposal, the Secretary of Agriculture would allocate $100 million in market loss assistance payments to our nation's apple producers. The market loss payments authorized by our amendment will help thousands of apple growers from Washington State to Michigan to Maine survive the losses they have endured due to conditions beyond their control. This amendment directs a modest amount of funds to producers who have received very little of the nearly $15 billion in emergency agriculture spending that we have passed this fiscal year.

Our amendment also directs the Secretary of Agriculture to provide $15 million in quality loss payments to apple and potato producers who suffered losses as a result of a hurricane or other weather-related disaster. This assistance will be important to those farmers who were unable to produce their finest product because of adverse weather conditions.

Mr. President, the provisions of our amendment are similar to language in the House-passed version of the FY 2001 Agriculture Appropriations bill. The provisions recognize that potato and apple producers, like other farmers across the country, are subject to the vagaries of international markets and the weather. I ask my colleagues to join us in providing assistance to our apple and potato producers in their time of need.

If anyone questions the emergency nature of this request, I would refer them to a news story that ran on the evening news in Maine this past Tuesday. The segment focused on a longtime apple grower from Alfred, Maine. The grower, with much regret, has come to the conclusion that after thirty-five years this will have to be his family's last crop. The dwindling profits are not enough incentive for the next generation of the family to contend with the government regulations and uncertainty that comes with running an apple orchard. I encourage my colleagues who missed this broadcast from Maine to read the story in Tuesday's New York Times about the hardships being endured by apple growers in New York who watched hail storms this spring wipe out much of their crops. This amendment and the aid it represents is certainly an emergency to these producers.

Mr. President, the federal government must be a partner in our farmer's efforts to feed America and much of the world. The Levin-Collins amendment ensures that our apple and potato producers get the help they need to overcome the difficulties of the past year and continue to produce a quality product. I urge my colleagues to support our amendment, and I yield the floor.

AMENDMENT NO. 3933

(Purpose: To provide relief for apple growers whose crops have suffered extensive crop damage as a result of fireblight)

On page 2, lines 16 through 23, strike all after ''(b)'' and insert,

''QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—In addition to the assistance provided under subsection (a), the Secretary shall use $60,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 and 2000 crop of potatoes and apples, respectively, due to, or related to, a 1999 or 2000 hurricane, fireblight or other weather related disaster.

AMENDMENT NO. 3965

(Purpose: To ensure that nursery stock producers receive emergency financial assistance for nursery stock losses caused by Hurricane Irene)

At the apropriate place, insert the following:

SEC. ____.—In using amounts made available under section 801(a) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 1421 note; Public Law 106–78), or under the matter under the heading ''CROP LOSS ASSISTANCE'' under the heading ''COMMODITY CREDIT CORPORATION FUND'' of H.R. 3425 of the 106th Congress, as enacted by section 1001(a)(5) of Public Law 106–113 (113 Stat. 1536, 1501A–289), to provide emergency financial assistance to producers on a farm that have incurred losses in a 1999 crop due to a disaster, the Secretary of Agriculture shall consider nursery stock losses caused by Hurricane Irene on October 16 and 17, 1999, to be losses to the 1999 crop of nursery stock: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress: *Provided further*, That the entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

Mr. GRAHAM. Mr. President, Senator MACK and I offer this amendment that will correct an injustice being done to nursery growers in south Florida impacted by Hurricane Irene in October of 1999.

On October 15, Florida was hit with Hurricane Irene.

Following closely on the heels of Hurricane Floyd, a storm that caused a disaster declaration in 13 states, Hurricane Irene dropped over nine inches of rainfall on average across Palm Beach, Broward, and Miami-Dade Counties.

Three-day rainfall totals at specific measuring sites throughout this area ranged between 10.88 and 17.47 inches.

Nineteen Florida counties received a major disaster declaration.

At the height of the storm, more than 1 million people lost power.

Agriculture losses from Hurricane Irene totaled over $438 million.

In total, seven deaths were attributed to Irene's visit to the Florida coastline.

Last year, Congress specifically provided $186 million in ''additional resources for damage caused by hurricanes and other natural disasters in Florida and other states'' under Title I—Emergency Supplemental Appropriations of the FY 2000 Omnibus Appropriations Act.

This crop loss assistance was provided in addition to the $1.2 billion previously allocated under the Crop Disaster Program to respond to farmers who suffered losses due to ''adverse weather and related conditions.''

In executing this program, the Farm Service Agency (FSA) has made the determination that nursery, unlike other Florida crops damaged by Hurricane Irene, will not be eligible for Crop Disaster Program assistance.

FSA indicates that nursery is ineligible because the program is limited to losses in the 1999 crop year, and the hurricane damage occurred after the FSA-set 2000 crop year had begun.

The hurricane damage occurred on October 16–17, 1999, and the 2000 nursery crop year, according to FSA, began on October 1, 1999.

By all accounts, the FSA's crop year determination was made on an arbitrary basis as nursery does not have a traditional crop year and crops are grown on a year-round basis.

By contrast, the Risk Management Agency had a similar problem and made a special dispensation for the nursery crop year to provide eligibility for hurricane losses under the federal crop insurance program.

The Florida delegation has made a concerted attempt to work closely with the Department since the hurricane damage occurred.

On December 9, 1999 FSA representatives briefed the Florida delegation on disaster assistance available to Florida farmers, and we were informed that Crop Disaster Program assistance would be available to respond to hurricane-related farm losses in Florida.

Today, it is still not available.

The amendment we offer today will ensure that nursery stock losses due to Hurricane Irene will be eligible for relief under the Crop Disaster Program.

Mr. President, the intent of Congress was clear—that losses in Florida due to natural disasters should be covered by the Crop Disaster Program.

I hope that my colleagues will support our amendment that will provide clear direction to the U.S. Department of Agriculture and ensure that its actions meet the intent of Congress.

I urge its adoption.

AMENDMENT NO. 3966

(Purpose: To permit the enrollment of an additional 100,000 acres in the wetlands reserve program)

On page 85, after line 8, of Division B, as modified, add the following:

SEC. . Notwithstanding section 1237(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3837(b)(1)), the Secretary of Agriculture may permit the enrollment of not to exceed 1,075,000 acres in the wetlands reserve program: *Provided,* That not withstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), such sums as may be necessary, to remain available until expended, shall provided through the Commodity Credit Corporation in fiscal year 2000 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out this section. *Provided further,* That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 3967

On page 85, after line 8 of Division B, as modified, add:

SEC. . In addition to other compensation paid by the Secretary of Agriculture, the Secretary shall compensate or otherwise seek to make whole from funds of the Commodity Credit Corporation, not to exceed $4,000,000, the owners of all sheep destroyed from flocks under the Secretary's declarations of July 14, 2000 for lost income, or other business interruption losses, due to actions of the Secretary with respect to such sheep: *Provided,* That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 3968

(Purpose: To provide emergency funding for the Grain Inspection, Packers, and Stockyards Administration for completion of a biotechnology reference facility)

On page 76, after lines 18, of Division B, as modified, insert the following:

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

For an additional amount for the Grain Inspection, Packers and Stockyards Administration, $600,000 for completion of a biotechnology reference facility: *Provided,* That the entire amount shall be available only to the extent an official budget request for $600,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further,* That the entire amount is designated by Congress as an emergency requirement in accordance with section 251(b)(2)(A) of that Act.

AMENDMENT NO. 3969

(Purpose: To ensure that growers who experienced crop losses due to citrus canker receive appropriate compensation)

On page 83, line 5, strike the following: ''; and (e) compensate commercial producers for losses due to citrus canker''.

On page 85, after line 8, insert the following:

SEC. . (a) Notwithstanding any other provision of law (including the Federal Grants and Cooperative Agreements Act) the Secretary of agriculture shall use not more than $40,000,000 of Commodity Credit Corporation funds for a cooperative program with the state of Florida to replace commercial trees removed to control citrus canker and to compensate for lost production: *Provided,* That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. et seq.), is transmitted by the President to Congress: *Provided further,* That the entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

Mr. GRAHAM. Mr. President, members of the Senate, I rise before you today with my colleague, Senator MACK, to offer an amendment to the Agriculture Appropriations bill on behalf of the Florida citrus industry.

Mr. President, if ever there was an industry in crisis, this is it.

Since last year, the Florida citrus industry has been besieged by the ravages of citrus canker.

Citrus canker is a disease that spreads rapidly through the air to infect grove after grove after grove.

There is no cure.

Once a tree becomes infected, it must be burned to the ground to prevent further spreading.

As part of an ongoing effort to eradicate citrus canker, the Animal Plant and Health Inspection Service (APHIS) issued a regulation requiring the destruction of all trees within a 1,900 foot radius of an infected tree.

The result is that hundreds of healthy trees are burned to the ground.

This government regulation is critical to eradication of citrus canker, but it increases the number of trees that are destroyed.

To date, over 1,500 acres of limes and oranges, have been burned.

In response, both the Governor and the Secretary of Agriculture declared a state of emergency in Florida due to the citrus canker outbreak.

Once destroyed, it takes between three and four years for a citrus tree to reach maturity and produce its maximum capacity of fruit.

The growers whose healthy trees are destroyed by the federal government are robbed of income today and income for the next three to four years.

I believe that the destruction of the healthy trees in accordance with federal regulation is in effect, a ''federal taking'' of private property for which Florida citrus producers should be compensated.

The Appropriations bill we are considering today provides the Secretary with authority to spend funds on compensation for growers who experience losses due to citrus canker.

Our amendment would modify this language to mirror language in the House-passed Agriculture Appropriations bill which provides up to $40 million for compensation of growers for citrus canker losses.

Our amendment ensures that Florida citrus growers whose trees are destroyed as a result of federal regulation are able to receive appropriate compensation.

I hope that my colleagues will join me in providing much needed assistance to an industry besieged by disease and severely impacted by a federal regulation which, while well-intentioned and important to the eradication of this disease, robs citrus growers of income from healthy trees for a three to four year period.

AMENDMENT NO. 3970

On page 76, strike lines 6 through 18 and insert in lieu thereof:

''For an additional amount for ''Salaries and Expenses'', $59,400,000 to be available until September 30, 2001: *Provided*, That this amount shall be used for the Boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: *Provided*, That the entire amount shall be available only to the extent on official budget request for $59,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.''

Mr. COCHRAN. Mr. President, during year 2000, the National Boll Weevil Eradication Program (BWEP) will have approximately 6.8 million acres under active eradication and treatments will be initiated on an additional 832,000 acres, bringing the total acreage in active eradication to 7.65 million acres. The states participating in treatments currently are: Arkansas, Louisiana, Mississippi, Tennessee, New Mexico, Oklahoma, and Texas.

By 2001 another 2 million acres will begin eradication, and at the same time, eradication will be completed on about 1 million acres. Thus the total acreage in active eradication in 2001 will increase to 8.8 million acres. The peak year for the high costs to the participants of the eradication program will be in 2001.

Initially the BWEP operated on a 70/30 cost-share basis with the growers providing 70 percent through a pre-acre self-assessment approved by referendum and 30 percent provided through annual federal appropriations. Programs in Virginia, North Carolina, South Carolina, Georgia, Arizona and portions of Alabama and Florida were completed with a 70/30 cost-share. As participating acreage rapidly expanded across the cotton belt, the federal cost-share declined from 30 percent to about 4 percent in fiscal year 2000.

With the problems American agriculture is still facing with low commodity prices, droughts, and flooding, the burden of this program at a cost-share rate of 96/4 is jeopardizing the participation in the Boll Weevil Eradication Program nationwide.

This amendment, which I am offering today to the Fiscal Year 2001 Agricultural Appropriations bill, increases the Animal, Plant and Health Inspection Service's salaries and expenses by $59,400,000. This amendment includes an emergency declaration which requires the President to request the full amount before the monies are appropriated.

This additional appropriation will enable APHIS to increase federal funding for is to increase the Boll Weevil Eradication Program by $59,400,000 for 2000. This amount is needed to provide a thirty percent cost-share to farmers participating in the program. With this appropriation, farmers will be able to fully participate in the eradication program without putting another financial strain on their farm income.

AMENDMENT NO. 3971

(Purpose: To provide financial assistance to the State of South Carolina in capitalizing the South Carolina Grain Dealers Guaranty Fund)

At the appropriate place in chapter 1 of title I of Division B, insert the following:

For an additional amount for the Secretary of Agriculture to provide financial assistance to the State of South Carolina in capitalizing the South Carolina Grain Dealers Guaranty Fund, $2,500,000: *Provided*, That, these funds shall only be available if the State of South Carolina provides an equal amount to the South Carolina Grain Dealers Guaranty Fund: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 3972

(Purpose: To restrict the use of funds to provide certain conservation assistance and authorize a transfer of funds for the Wildlife Habitat Incentive Program)

On page 85, after line 8, of Division B, as modified, add the following:

SEC. (a). None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 211 of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106–224) unless—

(1) the Secretary permits funds made available under section 211(b) of the Agricultural Risk Protection Act of 2000 to be used to provide financial or technical assistance to farmers and ranchers for the purposes described in section 211(b) of that Act; and

(2) notwithstanding section 387(c) of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a(c)), the Secretary permits funds made available under section 211 of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106–224) to be used to provide additional funding for the Wildlife Habitat Incentive Program established under that section 387 in such sums as the Secretary considers necessary to carry out that Program.

(b) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 3973

(Purpose: To provide for assistance for emergency haying and feed operations in the State of Alabama)

In section 1107, after the first proviso insert ''*Provided further*, That of the $450,000,000 amount, the Secretary shall use not less than $5,000,000 to provide assistance for emergency haying and feed operations in the State of Alabama:''.

AMENDMENT NO. 3974

(Purpose: To provide emergency funding to the Department of Agriculture's Rural Community Facilities program)

On page 40, line 17, after the period, insert the following:

''For an additional amount for the rural community advancement program under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), $50,000,000, to remain available until expended, to provide loans under the community facility direct and guaranteed loans program and grants under the community facilities grant program under paragraphs (1) and (19), respectively, of section 306(a) of that Act (7 U.S.C. 1926(a)) with respect to areas in the State of North Carolina subject to a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the $50,000,000 shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) *Provided further*, That the $50,000,000 is designated by Congress as an emergency requirement under section 251 (b)(2)(A) of the Balance Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT NO. 3975

(Purpose: To make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster and to producers of specialty crops that incurred losses during the 1999 crop year due to a disaster)

At the end of chapter 1 of title I of division B, add the following:

SEC. 1108. CROP LOSS ASSISTANCE.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation (not to exceed $450,000,000) to make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), including using the same loss thresholds as were used in administering that section.

(c) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to damaging weather or related condition (including losses due to scab, sclerotinia, aflotoxin, and other crop diseases) associated with crops that are, as determined by the Secretary—

(1) quantity losses (including quantity losses as a result of quality losses);

(2) quality losses; or

(3) severe economic losses.

(d) CROPS COVERED.—Assistance under this section shall be applicable to losses for all crops, as determined by the Secretary, due to disasters.

(e) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(f) LIVESTOCK INDEMNITY PAYMENTS.—The Secretary may use such sums as are necessary of funds made available under this section to make livestock indemnity payments to producers on a farm that have incurred losses during calendar year 2000 for livestock losses due to a disaster, as determined by the Secretary.

(g) HAY LOSSES.—The Secretary may use such sums as are necessary of funds made available under this section to make payments to producers on a farm that have incurred losses of hay stock during calendar year 2000 due to a disaster, as determined by the Secretary.

(h) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1109. SPECIALTY CROPS.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers of fruits, vegetables, and other specialty crops, as determined by the Secretary, that incurred losses during the 1999 crop year due to a disaster, as determined by the Secretary.

(b) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to a disaster associated with specialty crops that are, as determined by the Secretary—

(1) quantity losses;

(2) quality losses; or

(3) severe economic losses.

(c) ELIGIBILITY.—Assistance under this section shall be applicable to losses for all specialty crops, as determined by the Secretary, due to disasters.

(d) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(e) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

AMENDMENT NO. 3976

On page 85 after line 8 of Division B, as modified, insert:

SEC. . Notwithstanding any other provision of law, the Secretary of Agriculture shall make a payment in the amount of $7,200,000 to the State of Hawaii from the Commodity Credit Corporation for assistance to agricultural transportation cooperative in Hawaii, the members of which are eligible to participate in the Farm Service Agency administered Commodity Loan Program and have suffered extraordinary market losses due to unprecedented low prices.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments, (Nos. 3457, 3933, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 3975, and 3976), en bloc, were agreed to.

Mr. COCHRAN. I further ask consent that it not be in order in the Senate, for the remainder of the 106th Congress, to consider any bill or amendment that raises the level of emergency spending for agriculture above the level contained in this Agriculture appropriations bill as of the adoption of the above described amendments.

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

The Senator from Texas.

Mr. GRAMM. Mr. President, I thank Senator STEVENS for agreeing to this amendment. I realize that there are legitimate emergencies, but I remind my colleagues that in the last 2 years we have had $16.6 billion of agricultural emergencies. This amendment does not guarantee that we are not going to have more. But it certainly strengthens the ability of those who want to draw the line and say that enough is enough.

So I support this agreement. I thank Senator STEVENS and Senator COCHRAN.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank Senator STEVENS as well. I thank Senator COCHRAN and others who helped craft this agreement—Senator KOHL. Because the fact is, there are real disasters and real emergencies. In my State where, on June 12, 20 inches of rain fell in 36 hours, 1 week later 8 inches of rain fell in 6 hours. It gave us this headline in the biggest paper in our State: ''Swamped.'' It says it all. A disaster of stunning proportions costing hundreds of millions of dollars in the major city of our State—1.7 million acres of land, of cropland, devastated. This is an emergency. It is a disaster. It must be addressed.

Through this amendment we will begin the process of healing. I thank all those who participated in this agreement.

I do want to answer the Senator from Texas when he says we have had $14 billion of emergencies in the last 2 years. The underlying reason is a failure——

Mr. BYRD. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senator will suspend.

The Senator from North Dakota.

Mr. CONRAD. I thank the Chair, and I thank very much my colleague from West Virginia.

The reason we have had to have substantial emergency spending is because of the failure of the last farm bill. The last farm bill represents unilateral disarmament. While our major competitors, the Europeans, are spending $50 billion a year to support their producers, we, on average, were spending $10 billion under the previous farm bill. We cut it in half on the notion that the Europeans would follow our good example.

What a foolish tactic. We would never do that in a military confrontation, engage in unilateral disarmament. But it is precisely what we did with respect to a trade confrontation.

Agriculture has been in deep trouble and we have responded. Congress, the administration, and we thank our colleagues, for that response. But now we have been hit by unprecedented natural disasters.

The PRESIDING OFFICER. The Senator will suspend. I want to get the Senate back to order.

I ask colleagues take conversations off the floor and take them to the Cloakroom. Please take your conversations to the Cloakroom.

The Senator from North Dakota is recognized.

Mr. CONRAD. Again, I thank the courtesy of the Chair.

We have been hit by unprecedented natural disasters. This body has been generous in responding, whether it was in North Dakota or New Mexico. I just hope we do not ever lose that generosity of spirit in this country because none of us can predict who might be hit next.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator GRAMM for working on this with me and the distinguished chairman of the Agriculture Committee and all those who helped put an agreement together, including TED STEVENS, Senator STEVENS, and those who helped him. I really believe the discussion tonight was a very good one. Whether or not it means anything in the weeks and months to come, who knows? But, frankly, I am fully aware in that list there are some items that are really natural disasters, or disasters of one sort or another that we would compensate for. I just believe that at some point or another in the field of agriculture, and on the agricultural bill, at some point in time adding

emergencies has to kind of end. I submit there would be more than this if it would be 2 weeks from now when the agricultural bill came up.

That is my point. I really have a lot of faith and confidence in THAD COCHRAN and his minority ranking member. But I frankly believe sooner or later we ought to just face up and add to the budget and not continue to add emergencies when they are not emergencies. And certainly many of them were. I did not have a chance to look at it thoroughly.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I regret to tell my friend from Texas—I have told him informally, but I will tell him formally now—we have a staggering disaster going on in Alaska right now. It is the total collapse of the fish runs in the Yukon and Kuskokwim Rivers that sustain a substantial number of our native villages. If this is not in this bill now, it might come in in conference, but it is going to come up sometime before this year is out. I just want to put the Senate on notice. I was talking here about the agriculture items that are in this bill now. But I do not feel bound not to represent my State later, in terms of trying to protect these people who live in rural Alaska.

I talked today to James Lee Witt who is the Federal Emergency Management Agency Director. He told me the President had asked him to work with all existing agencies to try to find out what could be done under existing law and with existing funds to deal with a disaster that is taking place as we speak. We will not know, probably, until we come back in September, what will be required. But we do expect to have some substantial problems with this disaster within the coming 5 or 6 weeks.

I hope my friend understands what I am saying to him. In this agreement we just made, that, to me, does not include the fisheries disaster that is going on now in Alaska.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I want to thank Senators COCHRAN and KOHL for staying with this issue for those of us who represent States with true disasters, true emergencies, that were not represented in the bill as it came to the Senate. We have had the worst outbreak of fire blight in our apple industry in the history of the State of Michigan. Our Governor has requested that Secretary of Agriculture Glickman grant a disaster designation for seven counties in Michigan that have been afflicted by fire blight.

I ask unanimous consent that this request be printed in the RECORD along with two newspaper articles.

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

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, MI, June 30, 2000.

GOVERNOR REQUESTS DISASTER DESIGNATION FOR FRUIT GROWERS IN SOUTH AND SOUTHWEST MICHIGAN

Governor John Engler announced today that he has requested a United States Department of Agriculture Disaster Designation for fruit growers in South and Southeast Michigan.

Fruit trees in that region suffered from a very severe storm that brought hail, high winds and heavy rain on May 18.

That severe weather caused small wounds and scars on the leaves, limbs, and fruit of apple, cherry, apricot, plum, pear and peach trees. In the case of apples and pears, these wounds allowed the bacteria known as fire blight to enter the tree. This bacteria quickly infects the limbs, killing the leaves and fruit, eventually making its way into the roots, killing the entire tree.

It is estimated that over 2,000 acres of apple trees in the counties of Allegan, Berrien, Branch, Cass, Hillsdale, Kalamazoo and Van Buren are dead or dying, with another 5,400 acres showing severe symptoms of this insidious disease. This is the area to be covered by Governor Engler's disaster designation request.

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, MI, June 29, 2000.

Hon. DAN GLICKMAN,
Secretary of Agriculture, Administration Building, Washington, DC.

DEAR SECRETARY GLICKMAN: A natural disaster has occurred in Michigan that will result in production and physical losses in fruit crops and fruit trees for the year 2000. Consistent with USDA policy, I am hereby alerting you within the required 90 day time period that such a condition exists.

The month of May was wet and humid throughout Southwest Michigan. More than five inches of rain fell in May alone and 15 days in May saw relative humidity above 80%. On top of this weather, a severe thunderstorm hit the area on May 18, 2000, bringing high winds very heavy rain, and hail. This storm caused severe damage to fruit trees and the fruit crop in the region. This damage was exacerbated when a bacterium, fire blight, took hold in apple and pear trees. This fire blight infection was directly related to the May 18, 2000, storm inasmuch as the hard rain and hail scarred and wounded the leaves, limbs and fruit of apple and pear trees, creating an avenue for the fire blight disease to enter the trees.

The following counties were affected: Allegan, Berrien, Branch, Cass, Hillsdale, Kalamzaoo, Van Buren.

This disaster affected apples, sweet and tart cherries, apricots, plums, pears and peaches. Only apples and pears were affected by the resulting fire blight.

Damage assessment information will be forwarded to your office by the Michigan Farm Service Agency as soon as it available. Thank you for your attention to this matter.

Sincerely,

JOHN ENGLER,
Governor.

Mr. LEVIN. We are always the No. 2 or No. 3 state in terms of apple production. Every year we vie with New York for who comes in second after the State of Washington. But our apple industry has suffered major devastation in southwestern Michigan. We have had the largest problem with fire blight in the history of our State. It is a true disaster. It seems to me some people just look at the whole and ignore the parts. They also have a responsibility of looking at the parts. Our part was a disaster which we addressed in the form of an amendment providing relief on June 19. Senator COLLINS and 12 bipartisan cosponsors joined this amendment. I thank them very much for their assistance. We cover potatoes as well as apples because there has been an honest to goodness disaster emergency amongst potato growers as well.

I once again, thank the managers of this bill. I know how difficult this is. Those of us who represent States that had emergencies that were not reflected in the bill, as it came to the Senate, counted on the managers and our colleagues to do justice for our emergencies in the same way this bill, as it came to the Senate, addressed emergencies in other States.

We are deeply grateful to the managers. We thank Senator STEVENS and others who were able to work out this agreement so our true disaster could be taken care of.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from Mississippi and the Senator from Wisconsin, and others, including the Senator from Alaska and my colleagues who have agreed to a compromise.

The history of disaster aid in this Congress is well over a century old. This is not a new issue. For well over a century, Congress has dealt with the issue of disasters that have occurred in some parts of this country.

I am proud of supporting disaster aid for areas of this country that suffer earthquakes, hurricanes, fires, floods, and tornadoes. In the case of the fires that recently ravaged and injured so many people and their property in New Mexico, I am proud to say that I wanted us to help them, and we did. I am proud to say I helped the folks in Los Angeles who were flattened by earthquakes, and the folks in Texas who have been injured by drought.

It is one of those areas of public spending where I say it is the best this country has to offer. When a region of this country, when its people are flat on their backs from causes that they could not control, this Congress extends its hand and says to them: You are not alone. We want to help you. We have a long tradition of doing that, and I am proud of that tradition.

In North Dakota, as my colleague indicated, late one night in June, several thunderstorms converged together and then did not move. In a State that gets 17 inches of rainfall in a year, in one spot they received 18 to 20 inches in 36 hours. Think of that. About a week and a half later, the Red River Valley, land that is dead flat, flat as a table top, received 8 inches of rain in 6 hours. They were flooded. Up to 1.7 million acres of farmland that people planted in the spring with the sweat of their brow and risked their money to plant were either destroyed or severely damaged.

We ask Congress to recognize that this, too, is a natural disaster for those producers and people who live in those areas. That is what this is about. None of us in this Chamber should ever be bashful about saying there are people in need in this country, and when that need exists because of causes they did not control or could not control—fires, hurricanes, earthquakes, floods—then we should respond.

It represents the very best impulse, in my judgment, of this body. That is what this debate is about. From our standpoint, it is especially about family farmers. As I said earlier today, they are some of the best in this country. They risk their money. They hope for a good crop. So many things are beyond their control. Then they discover that late one night a hailstorm comes through, and the crops are devastated; or a flood inundates their crops; or a drought dries them up; or the insects come and eat them out; or disease comes and their crop is gone. That is what this is about.

Mr. President, those tonight who worked for a solution to add some emergency funding to this piece of legislation have done those in need in this country a service. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we are getting to a point where we are winding down on this bill. We have several more amendments, probably less than five. Some of those will be disposed of with the managers' good work. I think we should take a few minutes to see where we are. Therefore, 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Illinois.

AMENDMENT NO. 3980

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mrs. BOXER, and Mr. HARKIN, proposes an amendment numbered 3980.

The PRESIDING OFFICER. Is there objection to the consideration of this amendment, which is not on the unanimous consent——

Mr. LOTT. Reserving the right to object, and I will not object, I know a lot of Senators on both sides are wondering about the proceedings at this time. I understand there are at least a couple of amendments that may take a few minutes. And then, of course, we are not sure at this point whether they would require a recorded vote or not, and then final passage.

We still hope to get an agreement that would allow us to go to the marriage penalty tonight, and have an hour of debate on that, and then continue on that tomorrow. And beyond that, we will have to get an agreement worked out.

I urge my colleagues to, if they will, agree to time limits and cooperate with the managers as much as they can. We need to finish this bill in the next 30 minutes, if we can, and get an agreement on how we proceed for the rest of tonight, tomorrow, and Monday.

So I withdraw my reservation. And I thank Senator DURBIN for allowing me to do that at this point.

The PRESIDING OFFICER. Without objection, the amendment is in order.

The amendment is as follows:

(Purpose: To clarify the effect of the provision prohibiting amendment of part 3809 of title 43, Code of Federal Regulations)

In section 3102, after the first sentence insert the following: ''This section does not limit the authority of the Secretary to promulgate final rules, or to revise or amend subpart 3809 of title 43, Code of Federal Regulations, so as to require full financial assurance of reclamation of mining sites to protect the taxpayers from the actions of hardrock mining operations that cause damage to or destruction of public land; to prevent environmental destruction that unduly threatens fish or wildlife habitat; and to prevent pollution that threatens public health or the environment.''.

Mr. DURBIN. Mr. President, section 3102 of the Agriculture appropriations bill does not address the production of food and fiber in America. It does not address any jurisdiction of the Department of Agriculture. It is a provision which has been added to this bill which relates directly to hard rock mining in the United States, which is under the jurisdiction of the Department of the Interior.

I might say, parenthetically, I found it very interesting listening to this debate on the Ag appropriations bill, and considering some of the comments that have been made on the Senate floor in the past year about limiting the subject matter of amendments and the substance of legislation.

If we can consider an Amtrak amendment on the Ag appropriations bill, and if we can consider an amendment on hard rock mining on the Ag appropriations bill, then those who come before us and say we have to have purity in the amendments we are offering and considering on the bill should remember this particular debate.

I was surprised to find that a point of order on a motion to strike, based on that point of order, would not stand because of what I consider to be a very thin connection to some language in the House appropriations bill. But the Parliamentarian advised me of that. I understand that is going to be the rule of the day around here. I suppose that is what we will play by. I am sure each side will find an advantage and disadvantage associated with that interpretation.

Allow me to address the amendment before us, and to try to do it in a very concise way, knowing that everyone has waited a long time. I have waited for 8½ hours to offer this amendment.

Let me say at the outset, we are dealing with the hard rock mining industry. An effort is being made, with the language in this Agriculture appropriations bill, to stop the Department of the Interior from issuing new regulations to make sure that this industry follows the best practices to protect the taxpayers of this country and the environment.

To put it in perspective, just this May the Environmental Protection Agency released its Toxics Release Inventory report. It identified the hard rock mining industry in the United States as our Nation's largest toxic polluter.

The mining industry released 3.5 billion pounds of toxic pollution in 1998. I will repeat that. The mining industry released 3.5 billion pounds of toxic pollution in 1998. Almost half of all of the toxic pollution in America comes from this industry, which is being protected by this amendment in the Agriculture appropriations bill.

The U.S. Bureau of Mines has identified 12,000 miles of American streams and 180,000 acres of American lakes polluted by mining. The EPA has listed 27 hard rock mines as Superfund sites. It is time for us to update the 19-year-old regulations that protect public lands managed by the BLM from the environmental impact of hard rock mining.

These regulations, commonly referred to as 3809 regulations, help the BLM comply with Federal land policy. They direct the Secretary of the Interior to ''take any action necessary to prevent unnecessary or undue degradation on the federal lands.''

Since these regulations were first promulgated in 1981, the whole hard rock mining industry has changed in America. New technologies have allowed the industry to expand tenfold. New exploration techniques have resulted in capabilities unknown 20 years go. Larger excavation equipment allows ores to be mined from larger and deeper pits and has made open-pit mining feasible in areas where it would not have been feasible before.

Just as the mining industry has modernized, so too should the regulations that protect the environment and the taxpayers. Those who would put this amendment in this bill are stopping the modernization of those regulations designed to protect public lands, the environment, and the taxpayers.

As I explain one aspect of this, you will understand that the provision in this particular section of the Ag bill will result in literally hundreds of millions of dollars, if not billions of dollars, of liability to the taxpayers of today and tomorrow.

The need to update these regulations has been recognized a long time. The BLM established a task force in 1989 to look them over. President Bush expected it to be done in short order, and it still has not happened.

There has been a steady stream of reports. This is, as best we can tell—this

rider introduced by Senators MURKOWSKI and CRAIG—the fifth attempt in 4 years to block the Department of the Interior from implementing stronger environmental regulations on hard rock mining.

Last year, there was a compromise. The compromise said we are not just going to give this assignment to the Department of Interior. We are going to give it to a group, the National Research Council, that is associated with the National Academy of Sciences and ask them to come up with recommendations for new regulations on this industry to protect the environment. In fact, what this particular rider does, this environmental rider on this Ag bill, is to stop the implementation of most of the recommendations that came forward from the National Research Council.

Let me tell the Senate why we need stronger regulations. First, any group that starts to mine on these public lands usually has to post a bond. It is a financial assurance that their activities on these lands will not in any way destroy the environment, and that ultimately the land will be reclaimed and the stabilization and vegetation of the land will be restored. Sadly, in many instances, these hard rock mining companies will post bonds that are literally worthless, corporate bonds, for example, and when the company goes bankrupt, they are of no value or little value at all. I will give a few examples a little later on of where these bonds have failed us and we have found the taxpayers holding the bag.

Reclamation bonds are meant to ensure that companies do not declare bankruptcy and leave taxpayers responsible for the cleanup bill. The current bonding requirements don't work. In example after example, in Idaho, in Montana, in South Dakota, we find that these companies have gone bankrupt, the bonds don't cover the expenses, and the taxpayers end up holding the bag. The recommendation from the National Research Council, which I hold here, was that we change that assurance, that financial assurance to protect the taxpayers. This environmental rider stops that reform. It makes certain that the taxpayers don't have that protection.

A recent study by the National Wildlife Federation and the Center for Science and Public Participation found that American taxpayers are facing as much as $1.1 billion in liability for restoring hard rock mines in the Western U.S. because current reclamation bonding regulations are inadequate. In Nevada alone, as of 1999, 13 mines have gone bankrupt. As of May 2000, at least 29 mines are bankrupt. Most of these mines were bonded by corporate guarantees. Just one single mine, the Yerington mine, could cost American taxpayers up to $40 to $80 million to clean up. The effort to put real bonding requirements in the law to protect the taxpayers and the environment will be stopped by this environmental rider.

Also, there is a question of environmental performance standards. These standards have to be adjusted to reflect modern mining practices. Let me give an example. One technique that is now being used, heap leaching, is increasingly common. Millions of tons of ore are extracted and piled in heaps on lined pads often hundreds of feet high. This post illustrates what I am discussing. To give Senators an idea of what we are talking about, this is a hard rock mining site. To put it in perspective, we can barely see this tiny dot down here, a large over-the-road truck, to give an idea of the heaps of ore. Under the heap leaching process, a cyanide solution for gold or silver or sulfuric acid for copper is sprayed in open air over the pile so that ultimately it will leach the mineral from the ore. As I said earlier, it is this use of cyanide and sulfuric acid that has led to hard rock mining being the No. 1 toxic polluter in the United States of America.

The mining industry has released 3.5 billion pounds of toxic pollution in 1998. In addition, we have to say that many of these agencies, like BLM and the Forest Service, need to have the right to deny mining in highly sensitive areas, particularly areas that are adjacent to national forests, national parks, and populated areas where they can cause great damage.

Let me tell my colleagues about one particular mine as an example, the Zortman-Landusky mine in Montana. The Zortman-Landusky mine is located in the Little Rocky Mountains of north central Montana. ZL is an open-pit mine, one of the world's first large-scale cyanide heap leach gold mines and the largest gold mine in Montana when operations began in 1979. Lack of standards on pad construction allowed the company to overload its leach pads leading to cyanide releases in the nearby streams and potential health problems for the local communities. The Canadian Pacific company, Pegasus Gold, Incorporated, that owned the mine, went bankrupt in 1998. It left a bond to protect the damage it had created in the amount of $61.9 million. The actual cleanup cost for this site is estimated at approximately $70 million, leaving nearly $8.6 million to be picked up by the taxpayers.

I would like to read for you for a moment a comment not from an environmental group, not from some eastern group of tree huggers, if you will, but from the Daily Missoulian. This is an editorial, Sunday, August 29, 1999, Missoula, MT. Referring to this particular mine, in their editorial entitled ''Miners Offer Regulators Some Hard Lessons from Montana''—my friends, the Western States where these mines are located:

> Pegasus' bankruptcy has been an eye-opening experience for State regulators. Among the lessons learned:
>
> It's a mistake to assume the companies that develop mines will stay around—or even exist—when it comes time to clean the mines up.
>
> Reclamation plans that presume miners will reclaim their own mines understate the actual cost when miners go out of business or skip out. Everything becomes more expensive when the state has to hire contractors for the work.

The third lesson directly impacts the environmental rider which we are considering on this bill:

> Reclamation bonds required to insure cleanup may not be worth as much as expected. At least some of the insurance companies that issue reclamation bonds would rather fight than pay, forcing the state to rack up legal expenses or accept lesser settlements.

It goes on to say:

> Look hard around the state [of Montana], and you won't find a single example of a large-scale hard-rock mine successfully reclaimed.
>
> Taxpayers and the environment aren't the only losers when the reclamation plants go awry. Miners haven't done their industry any favors, either. Mining is controversial enough, even when people focus on jobs and profits. Leaving citizens in the State with big messes and big bills to pay after the mines play out is a good way to wear out your welcome.

Incidentally, in this same Missoula, MT, editorial, they go on to praise the coal mining in the State which has modernized its practices and is considered more responsible by these editorial writers.

Because the hour is late, I will not go through the five or six examples that I have of mines in Idaho, in South Dakota, which have literally been abandoned because of bankruptcy, leaving the taxpayers holding the bag for millions, almost $1 billion in liability.

This environmental rider stops the Department from coming up with meaningful bonds. Quite honestly, it means that those who exploit public lands and leave an environmental mess behind and threats to the public health frankly make a fool out of Uncle Sam and American taxpayers. That is what this environmental rider does.

I say to my colleagues in the Senate, as I close, what I am offering in this amendment is as follows: We should give the Bureau of Land Management and the Department of the Interior the authority to promulgate rules which will require full financial assurance of reclamation of mining sites. I state specifically the goals that we are seeking: To protect the taxpayers from the actions of hard rock mining operations that cause damage to or destruction of public lands, to prevent environmental destruction that unduly threatens fish or wildlife habitat, and to prevent toxic pollution that threatens public health or the environment.

Mr. JOHNSON. Will the Senator respond to a question?

Mr. DURBIN. I am happy to respond.

Mr. JOHNSON. I represent a western gold mining State. I have just returned recently from examining the Brohm site in the beautiful Black Hills of South Dakota where the Brohm Mining Company has gone bankrupt with approximately a $5 million bond. That site has now been declared a Superfund

site. It is now going to cost the Federal taxpayers approximately $27 million because of the inadequacy of the bond at this site. It is going to cost the taxpayers of the State of South Dakota in perpetuity tens of millions of dollars to monitor the streams and the environment around that bankrupt site.

Is the Senator telling us that without the amendment he is offering here, we will continue to see these inadequate bonds and these costs being shifted to the taxpayers to pick up the cost of mining companies—oftentimes foreign mining companies—that have spoiled our land and then walk on?

Mr. DURBIN. The Senator from South Dakota is absolutely correct. I think it is important that a Senator from a State where this mining is taking place has come to share this story. This is not just testimony presented by environmental groups. These are the real-life circumstances of people in Western States, where the mining is taking place, who are left with a mess when the mines go bankrupt.

This environmental rider stops us from revising and reforming the financial assurance language and requiring bonds of companies that literally will protect the communities and the taxpayers and families around these mining sites. That is what it is all about. That is the bottom line.

Mr. President, I thank my colleagues in the Senate. I have waited for a long time to offer this. I will not belabor it. I hope they will join me in passing this amendment, which will establish standards which I think are reasonable to make sure this industry can continue but only in a responsible way.

I yield the floor.

Mr. KERRY. Mr. President, I support the amendment offered by Mr. DURBIN to amend Section 3102 of the Agriculture Appropriation bill.

Section 3102 is the latest edition in a series of riders that have prevented the Clinton Administration from reforming hardrock mining on public lands by putting in place sound environmental and fiscal protections. In past debates, proponents of these riders have argued that the hardrock mining industry has reformed its ways. They acknowledge that mining companies have made mistakes in the past. How could they not? The facts are overwhelming: More than 300,000 acres of federal lands have not been reclaimed. There are more than 2,000 abandoned mines in national parks. There are 59 Superfund sites at former mines across the country. The Mineral Policy Center estimates that the cleanup costs for abandoned mines on public and private lands may reach $72 billion. But after acknowledging this legacy of environmental damage, the proponents of these riders argue it is the result of decisions made 50 or 60 years ago—before we knew better—before we understood that there a limits to what the environment can withstand. They tells us that a new environmental consciousness, sensitivity and awareness have taken root in the industry, and today's mines are safe because they utilize modern technology and practices.

This is an important point, Mr. President. It deserves a response. I'm not out to punish the mining industry for mistakes of the past. I recognize that the mining industry has made improvements and that not all mining operations result in environmental disaster. The March 2000 National Geographic has an excellent article on the hardrock mining industry. It discusses the history of the mining in the West, its cultural heritage, its economic contribution, and its unfortunate legacy of environmental ruin. It also talks about some of the new efforts underway to lessen mining's impact on the environment. It describes Homestake Mining Company's McLaughlin gold mine near Lower Lake, California as a safe mine. The McLaughlin operation recycles and contains all processed water, the 600-acre tailings pond will eventually be converted into wetlands, and a monitoring system watches for contamination of ground water. Sierra Club and the Mineral Policy Center—two groups sharply and appropriately critical of mining operations—have praised this operation. Homestake's environmental manager at the site told National Geographic that, ''When you look at the total environmental cost, it's roughly 2 percent of our capital costs for the whole project. We want to protect the our stockholders' investment. Creating an environmental liability doesn't serve their interests or ours.''

I am confident that McLaughlin is not the only operation that is working and caring for the land, but it's just not true to say that the entire industry is reformed. There are bad actors and mistakes happen, and that is why we need tougher standards.

I urge my colleagues to look at the record of the Hecla Mining Company's Grouse Creek Mine in the Salmon-Challis National Forest in Idaho. The Grouse Creek Mine opened in 1994 with great expectations. It was precisely the kind of operation we've heard about on the Senate floor: a new mine operated under a new environmental ethic, and presumably an example of why we don't need tougher protections. In August 1995, Mr. Michael White, the Vice President and General Counsel of the Hecla Mining Company, testified before the Senate that, ''The Grouse Creek Mine is a state-of-the-art facility and has been constructed not only to meet, but to exceed, existing environmental requirements.'' Mr. White continued, ''For example, road improvements that included sediment catch basins actually reduced sediment impact to Jordan Creek compared to preexisting conditions.'' Let me be clear: Mr. White promised us a state-of-the-art facility that would exceed existing environmental requirements, and he went even further to promise that the Grouse Creek Mine would actually improve the environment by reducing the sediment runoff into Jordan Creek. Hecla's chairman, Arthur Brown, said in 1995 of Grouse Creek that, ''Minimizing the environmental impact is a strong focus of Hecla.'' A Hecla company spokeswoman said in 1995, ''We believe that we need to take care of the land we are using; it's just good stewardship.'' The former Governor of Idaho, Cecil Andrus added his praise, saying ''Hecla has met every requirement we've asked of them. I can show you a thousand sins of the past that we need to clean up but modern mining is a plus.'' And the accolades continued: The Idaho Department of Lands nominated the mine for an award, and Hecla employees were honored by the US Department of Agriculture for their environmental work.

It is now only 6 years latter, and Grouse Creek is an environmental disaster. In 1996—only two years after the mine opened— the Environmental Protection Agency fined Hecla $85,000 for violating its wastewater permit. EPA found cyanide and mercury discharges that exceeded their limits by more than five times the allowed levels for over a year, and the mine was cited for excessive sediment discharge into Jordan Creek. In April 1999, Idaho officials found cyanide leaking into a stream that is habitat for the endangered chinook salmon, steelhead trout and bull trout. The cyanide levels were more than 12 times the concentrations at which chronic exposure harms fish. The environmental legacy of the now-closed mine is a tailings impoundment holding 450 million gallons of cyanide-laced water and 4.3 million tons of heavy metals. Can you imagine? The General Counsel of Hecla, Michael Smith, actually testified before the Senate in 1995 that the mine would actually improve the environmental quality of Jordan Creek. Within less than five years the operation was cited for loading Jordan Creek with excessive sediments and cyanide. The fiscal legacy is just as bad. A May editorial in the Idaho Falls Post Register reports that Hecla may walk away from the environmental mess it has created if the cost of cleanup exceeds $28 million. Before opening the mine, Hecla was only required to put up a bond of $7 million, and the company reported $120 million in losses before closing the mine. Maybe Hecla will reclaim the land, maybe it won't—it's too early to judge that issue—but clearly a system that allows part of a national forest to be turned into a toxic waste site, and leaves us negotiating cleanup, is in need of reform. And, Mr. President, more importantly, this didn't happen 50 years ago or 60 years ago. It happen 6 years ago.

Grouse Creek isn't the only unfortunate example of the ''modern'' mining industry's environmental troubles. The Phelps Dodge Mining Corporation's Chino copper mine near Santa Rita, New Mexico has dumped more than 180 million gallons of contaminated wastewater into Whitewater Creek since 1987. In 1990, rainwater flushed 324,000

gallons of wastewater out of the Ray Complex mine site and into the Gila River in Arizona. Shortly after opening in 1986 the Summitville gold mine in southern Colorado began leaking cyanide, acid and heavy metals into 17 miles of the Alamosa River. Its owner is now bankrupt, the mine closed and the land has been declared a Superfund site.

We need reform. Today's debate is not about sins of the past or punishing the mining industry. It is about ending a system that sells public land for as little as $2.50 per acre. A system that has allowed more than $240 billion worth of minerals to be excavated from public lands and does not collect a cent in royalties. A system that, despite all the excuses and promises, continues to allow the land to be damaged. We should not have to depend on the goodwill of the mining industry to protect public land—the rules should be clear, they should be strong and they should be enforced. American citizens should not carry the burden of fiscal and environmental irresponsibility.

I thank Senator DURBIN for moving to amend the hardrock mining rider. I urge other my colleagues to support the amendment.

Mr. GRAMM. Mr. President, under rule XVI of the Senate, this is legislation on an appropriations bill. I raise a point of order against it.

Mr. DURBIN. Mr. President, I raise the defense of germaneness, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Chair submits to the Senate the question, Is the amendment germane?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Nebraska (Mr. KERREY), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 36, nays 56, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—36

Akaka	Graham	Reed
Bayh	Gregg	Robb
Biden	Harkin	Rockefeller
Chafee, L.	Jeffords	Roth
Cleland	Johnson	Sarbanes
Collins	Kohl	Schumer
Dodd	Landrieu	Snowe
Durbin	Lautenberg	Specter
Edwards	Leahy	Torricelli
Feingold	Levin	Voinovich
Feinstein	Lieberman	Wellstone
Fitzgerald	Lincoln	Wyden

NAYS—56

Abraham	Domenici	McCain
Allard	Dorgan	McConnell
Ashcroft	Enzi	Mikulski
Baucus	Frist	Moynihan
Bennett	Gorton	Murkowski
Bingaman	Gramm	Nickles
Bond	Grams	Reid
Breaux	Grassley	Roberts
Brownback	Hagel	Santorum
Bryan	Hatch	Sessions
Burns	Helms	Shelby
Byrd	Hollings	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Cochran	Hutchison	Stevens
Conrad	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
Daschle	Lugar	Warner
DeWine	Mack	

NOT VOTING—7

Boxer	Kennedy	Murray
Bunning	Kerrey	
Inouye	Kerry	

The PRESIDING OFFICER. On this vote the ayes are 36, the nays are 56. The judgment of the Senate is that the amendment is not germane. The amendment falls.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I have two amendments.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAUCUS. Mr. President, I have two amendments, one of which I am not going to offer.

I have an amendment which establishes the Trade Injury Compensation Act of 2000. This measure is identical to my bill, S. 2709, which enjoys wide bipartisan support by my fellow members of Senate Beef Caucus and has already been referred to the Senate Agriculture Committee.

The Trade Injury Compensation Act establishes a Beef Industry Compensation Trust Fund to help the United States cattle industry withstand the European Union's illegal ban on beef treated with hormones.

Over a year ago, the World Trade Organization endorsed retaliation when the EU refused to open to American beef. Since that time, the EU has continued to stall in its compliance which is frankly, outrageous. For over a decade we've fought the beef battle. Now its time to try something new to help producers who continue to be injured by the ban.

The Trade Injury Compensation Act establishes a mechanism for using the tariffs imposed on the EU to directly aid U.S. beef producers. Normally, the additional tariff revenues received from retaliation go to the Treasury. This bill establishes a trust fund so that the affected industry will receive those revenues as compensation for its injury.

Mr. President, my amendment creates a fund which provides assistance to United States beef producers to improve the quality of beef produced in the United States; and provides assistance to United States beef producers in market development, consumer education, and promotion of the beef industry in overseas markets.

The Secretary of the Treasury shall cease the transfer of funds equivalent to the duties on the beef retaliation list only when the European Union complies with the World Trade Organization ruling allowing United States beef producers access to the European market.

In a perfect world we would not need this amendment because the European Union would abide by its international trade commitments. And it is still my hope that the European Union simply comply with the WTO Dispute Settlement rulings and allow our beef to enter its borders.

Mr. President, the WTO is a critically important institution that sets the foundation and framework to make world trade grow.

We all recognize that it needs improvement, and I, along with many of my colleagues, are working on ways to fix it. We must bring credibility and compliance to the system. The Trade Injury Compensation Act will give some relief to our producers as we strive toward this endeavor.

Mr. President, I realize that we still have work to do in perfecting this amendment. That is why I appreciate my colleague Senator LUGAR's commitment to allow an Agriculture Subcommittee hearing on this bill in September.

In light of that impending hearing, I will not offer the amendment at this time.

Time is of the essence for our producers who have been injured by the European Union. I look forward to this hearing and further expeditious action in this matter.

AMENDMENT NO. 3981

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 3981.

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

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

The amendment is as follows:

(Purpose: To direct the Secretary of the Army to conduct a restudy of the project for navigation, Manteo (Shallowbag) Bay, North Carolina, to evaluate alternatives to the authorized inlet stabilization project at Oregon Inlet)

Strike section 3104 and insert the following:

SEC. 3104. STUDY OF OREGON INLET, NORTH CAROLINA, NAVIGATION PROJECT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army, shall have conducted, and submited to Congress, a restudy of the project for navigation, Manteo (Shallowbag)

Bay, North Carolina, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), to evaluate all reasonable alternatives, including nonstructural alternatives, to the authorized inlet stabilization project at Oregon Inlet.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary of the Army shall—

(1) take into account the views of affected interests; and

(2)(A) take into account objectives in addition to navigation, including—

(i) complying with the policies of the State of North Carolina regarding construction of structural measures along State shores; and

(ii) avoiding or minimizing adverse impacts to, or benefiting, the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge; and

(B) develop options that meet those objectives.

Mr. BAUCUS. Mr. President, this amendment has been agreed to by my good friend, the ever gracious senior Senator from North Carolina.

The amendment strikes the provision in the bill that transfers portions of the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge from the Department of the Interior to the Army Corps of Engineers. It also requires the Army Corps to conduct a study within 180 days of alternatives, including nonstructural alternatives, to the currently authorized inlet stabilization project at Oregon Inlet. This study would have to take into account objectives in addition to navigation, such as the policies of the State of North Carolina regarding construction of structural measures along the coast and minimizing adverse impacts to the national seashore and the wildlife refuge. Most importantly, the study would have to develop recommendations to meet those objectives. I hope this study will provide a sound basis on which Congress can resolve this issue.

I believe this amendment will be fair to the people of North Carolina and also to the American taxpayers.

The senior Senator from North Carolina has been very helpful in working out this amendment. I appreciate his efforts.

Mr. President, to reiterate, my amendment would replace section 3104 of the bill, which transfers land from the Interior Department of the Corps of Engineers in order to circumvent environmental rules and promote the construction of a system of jetties at Oregon Inlet in North Carolina.

Some background about the Oregon Inlet project.

At the outset, let me acknowledge the obvious. I'm no expert about Oregon Inlet.

Senator HELMS is. He has been working on this issue for at least 30 years.

I am simply trying to react to an appropriations rider by mustering the facts as well as I can.

Oregon Inlet is on the Outer Banks of North Carolina, near Roanoke Island. It is the only inlet between Cape Henry, Virginia, 45 miles to the north and Cape Hatteras, 85 miles to the south.

Like much of the Outer Banks, the Inlet is a dynamic ecosystem, with high waves, swift currents, and a rapidly shifting sandbar at the mouth of the Inlet.

Make no mistake. It is treacherous water. Between 1965 and 1995, more than 20 ships sank or ran aground, with the loss of 22 lives.

I should not, though, that all but one of the deaths occurred before the early 1980s, when the Corps began a dredging program.

In 1970, at the urging of Senator HELMS, Congress enacted legislation authorizing the Corps of Engineers to construct a jetty system at Oregon Inlet.

Specifically, the Corps was directed to deepen the navigation channel through the Inlet from 14 feet to 20 feet and to maintain that channel with two jetties.

It gets more complicated. And much has changed since 1970.

The jetties would prevent the natural flow of sand from north to south. That flow is what replenishes Pea Island, a national wildlife refuge which otherwise would erode.

To counteract this effect, the system includes a system of pipes and pumps that will transport 2 million cubic feet of sand each year.

All told the project will cost American taxpayers $108 million to construct and about $6 million a year to maintain. We all know it will cost more than that.

The project would be built on: The northern part, on the Cape Hatteras National Seashore; and the southern part on the Pea Island Wildlife Refuge.

Therefore, before the Corps can build the project, it must get permits from the Interior Department, confirming that the project will be compatible with the Seashore and the Refuge.

The provision that has been included in the Agriculture appropriations bill, as section 3104, effectively eliminates this permit requirement. It transfers the land from the Interior Department to the Corps, so that permits no longer are necessary.

Those are the basic facts.

Now, some of you listening may be scratching your head, wondering what's going on here. After all, the project was authorized in 1970. Thirty years later, it still hasn't been built. That, you might be thinking, is unacceptable. It's probably because of Government red tape.

Maybe it's high time we cut through all the red tape and move this project along, as the bill would do.

An understandable reaction, if you just look at this on the surface. But, as is often the case, if you dig a little deeper, and get past the surface, it's not that simple.

The principal reason that the project has not been built is that the project is very questionable and very controversial. Many have argued that the project will cause great environmental harm and waste more than one hundred million dollars of taxpayers' money.

Time after time, Interior Secretaries have refused to grant the necessary permits. Including I should note, President Reagan's Interior Secretary, James Watt.

The only exception was when Secretary Lujan granted a permit towards the end of the Bush Administration. Soon after taking office, Secretary Babbitt reversed the decision.

Also time after time, the environmental impact statements developed by the Corps have been found to be inadequate, and the Corps has been sent back to the drawing board.

As we speak, the process continues. The Corps has been asked to revise its latest Environmental Impact Statement, to address what the National Marine Fisheries Service called ''significant errors and inadequacies.''

As I understand it, the revised EIS will be submitted to Corps headquarters around the end of this month and issued in August.

After that, the Corps can move ahead and again seek permits from the Interior Department. If there is a dispute, it will be resolved by the White House.

Section 3104 of the bill circumvents this process by transferring the land and therefore eliminating the need for any permits.

Mr. President, I am sympathetic to the concerns of Senator HELMS and others who support this project. I know that they're frustrated that this project has drawn on too long.

But I believe that the approach taken in the bill has four main faults.

The first goes to process. The provision in the bill is, simply put, a rider. It is authorizing legislation, properly within the jurisdiction of the Environment and Public Works Committee.

This is a controversial issue; it has been debated, back and forth, for thirty years. It should be resolved on the merits, with input from the committee of jurisdiction. It should not be resolved as a rider on an unrelated appropriations bill.

The second fault is that the bill may cause serious environmental harm.

This is, again, a dynamic ecosystem. Always shifting. Always changing.

As this chart shows, there have been major changes in the geography of Oregon Inlet over the years. The Inlet itself has shifted south by about 80 feet a year, which amounts to more than two miles since the Inlet opened in 1848.

In the middle of this dynamic, shifting system, the project would construct a pair of rock jetties that are a total of more than 3 miles long.

That poses two big risks.

In the first place, we'll be altering the natural system by which the ocean erodes and then replenishes the barrier islands along the coast.

As it now stands, each year, tons of sand shift, mostly from north to south, replenishing Pea Island. The jetties will block most of that sand from shifting naturally. To compensate, the Corps plans to pump about 2 million

cubic feet of sand each year, that will be trapped above the north jetty, through a large pipeline, and unload it below the south jetty.

Maybe it will work. But what if it doesn't?

Consider what happened on Assateague Island. 60 years ago, we constructed a jetty. It blocked the sand from replenishing the southern part of the island. Since then, the coastline has eroded about one-half mile.

Another thing. We'll alter the natural flow of water through what is now a broad, relatively shallow inlet leading to Albermarle and Pamlico Sounds. The Sounds contain important and productive habitats for several species of fish, including Spanish mackerel, Atlantic croaker, and gray trout.

These fish spawn at sea. The larval fish then migrate into the calm waters of the sounds where they grow until they're strong enough to return to the ocean.

It is not at all clear that these fish will be able to make it through the jetties. The fishery biologists just aren't sure.

So we are taking major environmental risks.

The third major fault is that the economics don't add up.

True, the Corps projects an economic benefit, of about $37 million over a 50 year period.

However, as we all know, the Corps' economic analysis has come under heavy criticism lately.

In any event, many people have questioned the Corps' estimate of the cost and benefits of this project

I am not talking about environmental groups, which, it might be argued, have their own agenda.

I am talking about Taxpayers for Common Sense, and several distinguished economists who have studied the project.

For example, Professor Richard Seldon, who I understand is a distinguished professor emiritus at the University of Virginia, said this:

> My extremely conservative analysis of the Corps' data found that rather than the almost $37 million of net benefits claimed for the project by the Corps . . . this project will have negative benefits of [more than $4 million]. In fact, I believe the project is very likely to have a much worse return on investment based on many costs thus far not accounted for by the Corps.

In a letter sent to Senator HELMS a few days ago, Professor Emeritus Seldon said.

> I am convinced that these jetties should not be built—not for environmental reasons but simply because the benefits claimed by the Corps are nowhere near as large as the likely cost to taxpayers. This is a bad economic deal, even if we forget about the environment.

The fourth fault is that I believe there's a better way.

Let me say again that I understand the frustration that Senator HELMS and others in North Carolina feel about this project.

They have serious concerns. One is safety. Again, these are treacherous waters.

Another is economic development. As I understand it, this is an area that could use the economic boost that increased fish landings might provide.

I'm not going to stand here and say that environmental concerns should prevail over safety and economic development. Not a all.

I don't buy that, whether we're talking about Montana, North Carolina, or anyplace else. We have to strike a balance.

But here is the rub. There may be a better way.

We may be able to achieve all the benefits that would be achieved by constructing the jetties, and do it much more cheaply and without the environmental risks.

Here is how. By dredging a better channel.

We could direct the Corps to dredge the Inlet deeper and more often.

But there is a problem. In the most recent EIs the Corps has studied only one non-structural alternative. One that would have more than doubled this width of the channel. It's no surprise that the costs out-weighed the benefits. So, for at least 30 years, we haven't fully considered whether there's a better alternative to the jetty system.

In addition there are many more factors to consider—environmental, recreational, and so forth—then there were in 1970.

That brings me to my amendment.

It deletes the provision in the bill that transfers the land, thereby circumventing the permitting process.

Instead, the amendment requires that, within 180 days the Corps, must evaluate alternatives to the jetty project, including dredging.

In doing so, the Corps must consider the views of affected interests, must consider how various alternatives accord with North Carolina's shoreline protection laws, and must minimize adverse environmental effects.

Mr. President, pulling this all together, we need to do more to improve safety at Oregon Inlet.

But the jetty system that we authorized in 1970 is an idea whose time has probably gone.

We do not need 3 miles of granite rock jetties. We don't need 2 miles of pipeline, to pump 2 million cubic feet of sand every year.

We do not need huge environmental risks.

We don't need to ask taxpayers to fork over $108 million.

Instead, we should step back, take stock, and see whether we can solve the problems at Oregon Inlet in a way that avoids big environmental risks and saves taxpayers' money.

Therefore, I urge colleagues to support my amendment.

I ask unanimous consent a statement of administration policy by the Executive Office of the President, Office of Management and Budget listing the Administration's strong objection to the underlying provision in the bill be printed in the RECORD.

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

STATEMENT OF ADMINISTRATION POLICY

S. 2536—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2001—(SPONSOR: STEVENS (R) AK)

This Statement of Administration Policy provides the Administration's views on the FY 2001 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, as reported by the Senate Appropriations Committee. Your consideration of the Administration's views would be appreciated.

The President's FY 2001 budget is based on a balanced approach that maintains fiscal discipline, eliminates the national debt, extends the solvency of Social Security and Medicare, provides for an appropriately sized tax cut, establishes a new voluntary Medicare prescription drug benefit in the context of broader reforms, expands health care coverage to more families, and funds critical investments for our future. An essential element of this approach is ensuring adequate funding for discretionary programs. To this end, the President has proposed discretionary spending limits at levels that we believe are necessary to serve the American people.

Unfortunately, the FY 2001 congressional budget resolution provides inadequate resources for discretionary investments. We need realistic levels of funding for critical government functions that the American people expect their government to perform well, including education, national security, law enforcement, environmental protection, preservation of our global leadership, air safety, food safety, economic assistance for the less fortunate, research and technology, and the administration of Social Security and Medicare. Based on the inadequate budget resolution, this bill fails to address critical needs of the American people.

The bill includes inadequate funding for food safety, conservation and environmental programs, farm loans, bioterrorism, agricultural research through competitive grants and other important programs. In addition, there are a number of objectionable language provisions in the Committee bill.

It is our understanding that a substitute will be offered to the supplemental title of the bill that will include a number of highly objectionable environmental and other riders, including a provision to facilitate construction of the Oregon Inlet jetties prior to completion of a pending environmental impact statement, restrictions that would attempt to weaken pending hardrock mining regulations, and other objectionable provisions. The Administration opposes the bill in its current form. If such riders are included in the bill, the President's senior advisers would recommend that he veto the bill.

FY 2000 SUPPLEMENTAL APPROPRIATIONS CONTAINED IN THIS BILL

Objectionable Legislative Riders—The Administration opposes the environmental and other authorization provisions contained in the bill, which are inappropriate for inclusion in an appropriations act. Such riders rarely receive the level of congressional and public review required of authorization language, and they often override existing environmental protections or impose unjustified micro-management restrictions on agency activities.

More detailed views will be provided when the text of the substitute is made available. Therefore, the views expressed here are necessarily preliminary.

Oregon Inlet (NC) Jetties.—The Administration strongly opposes the provision to remove lands from the Cape Hatteras National

Seashore and the Pea Island National Wildlife Refuge, prior to completion of a pending environmental impact statement (EIS) on proposals to maintain navigation through Oregon Inlet, N.C. This rider would undermine the EIS process by selecting one option—the construction of a dual jetty and sand transfer system—before a decision on alternatives can be made. There remain significant questions about the long-term environmental impacts and the economic justifications of the dual jetty option, and those questions need to be answered before considering any legislation to remove land from a national park and a national wildlife refuge.

Restrictions on Hardrock Mining Regulations.—The Administration strongly objects to the bill's attempt to weaken pending final regulations on the management of hardrock mining on public lands. These overdue regulations are needed to address the major changes in technology and mining industry practices since the regulations were last updated in 1980. The proposed rider would also attempt to reopen an agreement reached in negotiations on the FY 2000 Interior and Related Agencies Appropriations bill to allow the final rule to go forward, as long as it was ''not inconsistent'' with the recommendations of a recent National Research Council (NRC) report. The rider would now attempt to limit the rule to only a specific subset of the NRC report's recommendations. By doing so, the rider could hinder the effective regulation of industry practices (such as large-scale cyanide leaching for gold on public lands) that have become increasingly prevalent over the past 20 years.

Community Builders, Sec. 2602.—The Administration urges deletion of the highly objectionable, micro-management language in Section 2602, which would prohibit the Department of Housing and Urban Development from hiring replacement staff for 350 community builder positions.

* * * * *

Mr. BAUCUS. In addition, I ask that a letter from the organization Taxpayers For Common Sense be printed in the RECORD. It is very much opposed to the underlying provision and in favor of this amendment, as well as a statement by Dr. Seldon, a very respected economist who studied this issue extensively.

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

JULY 20, 2000.

Re Baucus substitute amendment on Oregon Inlet

Hon. MAX BAUCUS,
U.S. Senate, Washington, DC.

DEAR SENATOR BAUCUS: Taxpayers for Common Sense Action thank you for your leadership in opposing the anti-taxpayer Oregon Inlet rider that Senator HELMS added to the Agriculture Appropriations bill. TCS Action strongly supports your substitute amendment to provide for an expedited Corps of Engineers/Interior Department study of cheaper alternatives. In addition, TCS supports commitment of a few million dollars for improved interim dredging. TCS Action will likely score the vote on this Baucus amendment on TCS Action's annual Common Sense Taxpayer Scorecard.

As you know, the Oregon Inlet rider would transfer federally-protected land from the Department of Interior to the Corps of Engineers, thereby removing one of he last remaining obstacles to construction of twin mile-long stone jetties at a cost of $108 million. Anyone who has ever been to the Cape Hatteras National Seashore on North Carolina's famed Outer Banks understands intuitively that the Oregon Inlet project would be a massive waste of taxpayer money. Moreover, six major newspapers in North Carolina have editorialized against the project. Typically, the Raleigh (NC) News and Observer editorialized May 12:

''Decisions on the jetties properly have to be made on the merits of arguments for and against them, not because lawmakers have been intimidated by a tactic such as the one Helms is attempting. And on those merits, despite supporter' good intentions, the jetties shape up as an extraordinary boondoggle.''

The anti-taxpayer rider is strongly opposed by a broad coalition. Meanwhile, a 1999 independent review of the Corps' benefit-cost analysis by Dr. Richard Selden of the University of Virginia on behalf of the U.S. Fish and Wildlife Service demonstrated the project's benefits do not outweigh the costs. The project will provide a $500,000 federal subsidy for each of 215 charter or commercial fishing boats that will purportedly benefit. Instead, routine channel dredging has worked for the last 30 years. Surely, it is reasonable to study all alternatives to the Oregon Inlet project before giving the green light to this massive waste of taxpayer money opposed by the last five administrations.

Thank you again for your leadership to propose a reasonable compromise solution on this issue.

Sincerely,

RALPH DEGENNARO,
President & CEO.

JULY 16, 2000.

Hon. JESSE HELMS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HELMS: I write you as a staunch Republican and a conservative economist who got his Ph.D. under Milton Friedman at the University of Chicago. I am definitely not a ''tree hugger.'' I have never belonged to the Sierra Club or any other activist environmental group.

I am writing because I'm concerned about your support for the Corps of Engineers' proposal to build jetties at Oregon Inlet. I know you have declared yourself in favor of this project on many occasions, extending over many years, and I can see the practical difficulty of withdrawing your support at this juncture. Nevertheless, I am convinced that these jetties should not be built—not for environmental reasons but simply because the benefits claimed by the Corps are nowhere near as large as the likely cost to taxpayers. This is a bad economic deal, even if we forget about the environment.

You may wonder whether there is a valid basis for my strong negative opinion of the Corps' proposal. Last summer I did a benefit/cost analysis of the proposal as a private consultant hired by the U.S. Fish and Wildlife Service. (You may wonder about the objectivity of a study that was commissioned by an agency that opposes the jetties. All I can say is that I examined a ton of material on the proposal, and I tried to apply accepted economic analysis to *all* of it, regardless of the source.) My findings were clearcut and unambiguous: there is no way these jetties can pass a standard benefit/cost test.

You may also wonder whether my conclusions would be accepted by most other fair-minded economists. I would be glad to have my work scrutinized by a neutral panel (assuming one could be found!). But I can assure you with complete confidence that the benefit/cost analysis provided by the Corps is full of flaws and would be accepted as valid by few if any professional economists. This simply is not an appropriate basis for committing over $100 million of taxpayer money! At the very least the Corps should be required to submit its analysis to some outside panel for a thorough critique before they get a green light on this one.

By US Postal Service I am mailing you a copy of my August 1999 report, and I will welcome reactions from you or your staff.

Sincerely,

RICHARD T. SELDEN, Ph.D.

Mr. BAUCUS. Finally, I underline my appreciation for the hard work of both Senators from North Carolina, Mr. HELMS, as well as Mr. EDWARDS. This has been a very contentious issue. But as a consequence of the mutual hard work, this amendment can be accepted by voice vote.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent it be in order for me to deliver my remarks in a seated position.

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

Mr. HELMS. Mr. President, I am grateful for the willingness of the Senator from Montana to work with us, to make certain the stabilization of Oregon Inlet is once more a priority of Congress and of the U.S. Corps of Engineers—in the next 180 days.

I confess some unease at the prospect of yet another study of the Oregon Inlet, inasmuch as there already have been almost 100 such studies previously. If one more study is what is required to save the livelihoods of the good people of Oregon Inlet who make their livings as commercial fishermen, then so be it. But let there be no mistake. This is the last study that will be conducted before action is taken. That is agreed to by the Senator from Montana and me—to help those good people, because enough, Mr. President, is enough.

I will work in good faith with the Senator from Montana and others to make certain that swift action will follow this latest, and I hope last, study to be undertaken.

Mr. President, for nearly three decades—nearly 28 years, to be exact—I have been urging the enactment of legislation to restore security and safety to the remarkable people who live and work on North Carolinas Outer Banks.

And for those almost three decades, those fine people have been short-circuited by a federal bureaucracy more intent in imposing its own will than following through on a much-needed project authorized by Congress in 1970: That is, to begin the process of creating two hard-rock jetties to stabilize and secure Oregon Inlet, the only deep-sea access along the East Coast for a distance of 220 miles between Cape Henry, Virginia, and Morehead City, N.C.

The purpose of the provision being challenged here tonight is to first, protect the lives of literally thousands of both commercial and recreational fishermen who live and work in the Outer Banks, and second, to protect the livelihoods of those fishermen, their boats

and their cargo, which is so vital to their making a living.

So let's be clear about what's at stake in this debate. We're talking about saving lives and saving a way of life for many of thousands of fine decent people trying to make a living providing fine, fresh seafood.

Wayne Gray, a Coast Guard officer stationed at the base there told me, ''Oregon Inlet is a nightmare. In my 32 years in the Coast Guard, it's the most dangerous place I've ever seen.''

The Coast Guard station there receives on average a distress call every other day. In this fiscal year alone, the Oregon Inlet Coast Guard has responded to nearly 100 call for help by distressed seamen. There will be many more this summer, I'll promise you: There always are.

Over the years, more than 20 lives have been lost because of the deadly situation in the Inlet. In fact, I recently received a letter from a man named Robbie Maharaj who recounted an incident which happened about 4 years ago.

In November of 1996 a friend and I were fishing on the northern side of the ocean bar at Oregon Inlet. It was a fairly rough day at the bar.

We had caught out limit of striped bass and were pulling in our lines when I heard on the radio that some of my friends had gone down. I immediately finished pulling up my lines and went to help.

As I pulled up to the boat, I was able to get one man aboard. We laid him on the deck. He was so cold from being in the water that he looked pale, and almost dead. As we got him on deck, water began to break over the stern of my boat. I had to leave the scene to avoid going down myself.

All in all, four of the five men in the water made it. I was able to get two in my boat. Other fishermen pulled out the two other survivors. the Coast Guard got the one man that didn't make it.

People ask me all the time whether I would do it again. There's no question that I would try and pull men out of the water if I were faced with the same situation again. It's sort of a buddy system out there. You hear cries for help and you can't leave them there. You've got to try to help. This is especially true when the people yelling for help are friends. Who knows, the next time it could be me yelling to be saved.

Thanks to the events of 1996, I know just how dangerous Oregon Inlet can be. Senator, thank you for trying to get the stabilization effort moving. We really need it.

The provision in question merely transfers the land relevant to the project from the Department of the Interior to the Army Corps of Engineers, so that the wheels of the inlet stabilization project can finally begin. This project is sound. Almost one hundred separate studies have been made on the project; therefore, we can reasonably say that just about every possible issue relevant to the project has been thoroughly considered and resolved.

On an economic scale, the project has a cost/benefit ratio of 1.0/1.6, meaning for every $1 spent on the project, $1.60 in benefits are returned.

As for the environmental concerns that have been raised, the Corps has made numerous compromises and alterations to the jetties in order to alleviate every single negative impact upon the local habitat and wildlife.

How many more lives will be lost before Congress makes good on the commitment made 30 years ago. That time has finally come.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to announce to all Senators we are only 2 or 3 minutes away from getting a managers' package of amendments to wrap up the final consideration of this bill. We also have some colloquies and statements that Senators have presented to us during the final stages of the consideration of the bill we are now reviewing and processing. I expect to be able to present for unanimous consent agreement, for inclusion in the RECORD, these statements and colloquies.

We know of no other amendments that are to be offered.

May I ask the Chair, what is the pending business?

Mr. HARKIN. Mr. President, can we have a vote on the amendment, please?

The PRESIDING OFFICER. The amendment of the Senator from Montana has not yet been disposed of.

Mr. HARKIN. I thank the Chair.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3981) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, 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.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, for the information of Senators, we have been awaiting word from the minority staff of the subcommittee to clear the managers' package. We have cleared the managers' package on this side of the aisle. We have statements and colloquies relating to the managers' package, and I will momentarily send up all of the amendments and the statements and colloquies related thereto.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. COCHRAN. I will be happy to yield to the Senator.

Mr. BYRD. Mr. President, I wonder if we can have a voice vote on final passage.

Mr. COCHRAN. Mr. President, I have no objection to passing the bill on a voice vote.

AMENDMENTS NOS. 3982 THROUGH 4014, EN BLOC

Mr. COCHRAN. Mr. President, I now have an indication that the managers' package has been cleared. I send the managers' package of amendments to the desk and ask that they be reported en bloc and considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. KOHL, proposes amendments numbered 3982 through 4014, en bloc.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3982

(Purpose: To provide for a Animal and Plant Health Services wildlife services methods development study)

On page 20, line 8, strike the ''.'' and insert in lieu thereof the following:

''*: Provided further,* That not less than $1 million of the funds available under this heading made available for wildlife services methods development, the Secretary of Agriculture shall conduct pilot projects in no less than four states representative of wildlife predation of livestock in connection with farming operations for direct assistance in the application of non-lethal predation control methods: *Provided further,* That the General Accounting Office shall report to the Committee on Appropriations by November 30, 2001, on the Department's compliance with this provision and on the effectiveness of the non-lethal measures.''.

Mr. SMITH of New Hampshire. Mr. President, I am pleased that the Smith-Boxer amendment on Wildlife Services was accepted to the Agriculture appropriations bill.

Our amendment will create a pilot study in four States that will examine the effectiveness of nonlethal predation control methods under Wildlife Services. Our amendment is reasonable and fair.

Let me briefly talk about the lethal predator control program administered under the Wildlife Service program.

With our scarce tax dollars, Wildlife Services personnel kill more than 80,000 mammalian predators a year, mainly coyotes, but also black bears, mountain lions, foxes, and bobcats.

They conduct this killing by engaging in aerial gunning, poisoning, and trapping.

Since 1993, there have been 18 aerial gunning crashes. In addition, the aerial gunning program has caused the deaths of seven individuals, both Federal and contract employees.

Banned in 89 nations because it is so inhumane, leghold traps catch any animal unlucky enough to trigger the device. Animals caught in traps languish and suffer for days, sometimes resorting to twisting off or chewing off a leg to escape its vice grip.

I am not standing before you today saying that every program that Wildlife Services executes is harmful or a waste of taxpayer money.

There are some valuable programs dealing with property protection, human health and safety, crop protection, natural resources, forest and range protection, and aquiculture which are not affected by this amendment.

However, Wildlife Services spends more than $10 million a year on lethal predator control programs.

But does the lethal predator control program really work? It does not seem to be controlling the coyote population, it has tripled in number and increased in range because the surviving coyotes will breed more often and produce larger litters.

In fact, according to a recent article in the Washington Times, coyotes have now spread to Virginia and Maryland.

In addition, this program has been under scrutiny for decades. Several presidential commissions, including commissions in the Kennedy, Johnson, and Carter administrations have criticized the program's needless reliance on lethal predator control.

In 1995, the General Accounting Office came to the same conclusion, stating the Animal Damage Control had failed to opt for non-lethal programs.

I am well aware that ranchers need to protect their livestock, their investment. During the last 2 decades, there have been a variety of practical and effective nonlethal husbandry techniques developed and put into practical use: The use of guard animals, such as dogs, donkeys, or llamas; the use of electronic sound and light devices; predator exclusion fencing; shed lambing; and night penning, et cetera.

By deploying these techniques, ranchers can minimize the need for lethal responses to predators, which are indiscriminant and cruel to animals.

In closing I would like to read you a quote from the Tulsa World newspaper, which says it all:

> Despite steady increases in the Wildlife Services annual budget, and an 8 percent increase in the coyote kill in the past decade, livestock losses to predators have not declined. The statistics show that in every state where predator control was practiced, the agency spent more money on control than the value of livestock lost. It would be cheaper simply to compensate ranchers for their losses.

I will repeat that last sentence: ''It would be cheaper simply to compensate ranchers for their losses.''

In short, the lethal predator control program doesn't work, it is dangerous for humans, cruel to animals, and a waste of taxpayer dollars.

I thank the managers of the bill for including this pilot study of nonlethal predator control methods in the Agriculture appropriations bill.

Mrs. BOXER. Mr. President, I thank the managers for their assistance in adding an amendment to the Agriculture Appropriations bill that requires the U.S. Department of Agriculture's Wildlife Services Research Center to design and implement on-the-ground demonstration projects to test the application of non-lethal mammalian predator control techniques.

The purpose of this amendment is to generate data that can be used in determining the effectiveness of non-lethal methods for protecting livestock from predators. These nonlethal methods include: the use of guard animals such as dogs, donkeys, and llamas; the use of predator-proof electric fencing; special light and sound deterrents; and promotion of sound animal husbandry techniques such as carcass removal, night penning, and shed lambing to protect pregnant animals and their newborns when they are most vulnerable.

Lethal predator control measures, such as shooting, poisoning, or trapping, should not be employed in these projects. In order to produce useful outcomes, the pilot projects should involve ranchers whose circumstances are representative of the types of livestock/predator conflicts that other ranchers experience around the country.

The General Accounting Office has been tasked with reporting on these pilot projects and providing an assessment of the effectiveness of these nonlethal mammalian predator control measures. I look forward to working with the Department, along with Senator SMITH and my other colleagues, to ensure that this program gets underway quickly and smoothly to begin demonstrating the value of these nonlethal predator control methods.

AMENDMENT NO. 3983

(Purpose: To amend the Organic Foods Production Act of 1990)

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

''SEC. . Section 2111(a)(3) of the Organic Foods Production Act of 1990 (7 U.S.C. 651(a)(3)) is amended by adding after sulfites, 'except in the production of wine,'.''.

AMENDMENT NO. 3984

(Purpose: To prohibit the use of appropriated funds to require offices of the Farm Services Agency to discontinue use of FINPACK for financial planning and credit analysis)

On page 75, after line 16 insert the following:

''SEC. . None of the funds made available by this Act may be used to require an office of the Farm Service Agency that is using FINPACK on May 17, 1999, for financial planning and credit analysis, to discontinue use of FINPACK for six months from the date of enactment of this Act.''

AMENDMENT NO. 3985

(Purpose: Expands eligibility for Rural Development Community Facilities program)

On page 93 of division B, as modified, after line 21, insert the following:

''SEC. . Notwithstanding any other provision of law, the Sea Island Health Clinic located on Johns Island, South Carolina, shall remain eligible for assistance and funding from the Rural Development community facilities programs administered by the Department of Agriculture until such time new population data is available from the 2000 Census.''.

AMENDMENT NO. 3986

(Purpose: To provide funds for a study on flood plain management for the Pocasset River, Rhode Island)

On page 34, line 23, before the period at the end, insert the following: '': *Provided further,* That of the funds made available for watershed and flood prevention activities, $500,000 shall be available for a study to be conducted by the Natural Resources Conservation Service in cooperation with the town of Johnston, Rhode Island, on floodplain management for the Pocasset River, Rhode Island''.

AMENDMENT NO. 3987

(Purpose: To allocate funding made available by this Act for loans and grants to federally recognized Indian tribes under the rural community advance program under the Consolidated Farm and Rural Development Act)

On page 36, lines 20 through 25, Strike ''including grants for drinking and waste disposal systems pursuant to Section 306C of such Act: *Provided further,* That the Federally Recognized Native American Tribes are not eligible for any other rural utilities program set aside under the Rural Community Advancement Program:'' and insert ''of which (1) $1,000,000 shall be available for rural business opportunity grants under section 306(a)(11) of that Act (7 U.S.C. 1926(a)(11)), (2) $5,000,000 shall be available for community facilities grants for tribal college improvements under section 306(a)(19) of that Act (7 U.S.C. 1926(a)19)), (3) $15,000,000 shall be available for grants for drinking water and waste disposal systems under section 306C of that Act (7 U.S.C. 1926c) to federally recognized Native American Tribes that are not eligible to receive funds under any other rural utilities program set-aside under the rural community advancement program, and (4) $3,000,000 shall be available for rural business enterprise grants under section 310B(c) of that Act (7 U.S.C. 1932(c)):''.

AMENDMENT NO. 3988

(Purpose: To provide for a pasture recovery program)

On page 84, line 23, after ''section'', insert the following: '': *Provided further,* That of the funds made available by this section, up to $40,000,000 may be used to carry out the Pasture Recovery Program: *Provided further,* That the payments to a producer made available through the Pasture Recovery Program shall be no less than 65 percent of the average cost of reseeding''.

AMENDMENT NO. 3989

(Purpose: To prohibit the use of any funding to recover payments erroneously made to oyster fishermen in the State of Connecticut)

On page 95, after line 22, add the following new section:

SEC. . None of the funds made available in this Act or in any other Act may be used to recover part or all of any payment erroneously made to any oyster fisherman in the State of Connecticut for oyster losses under the program established under section 1102(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)), and the regulations issued pursuant to such section 1102(b).

AMENDMENT NO. 3990

(Purpose: To provide support for creative anti-hunger initiatives in the USDA ranked number one hunger state)

On page 17, line 1 strike ''; and'' and insert ''; and for the Oregon State University Agriculture Extension Service, $176,000 for the Food Electronically and Effectively Distributed (FEED) website demonstration project; and''; line 8, strike ''$12,107,000'' and insert ''$12,283,000'' and strike ''$426,505,000'' and insert ''$426,680,000''; on line 19, strike ''$43,541,000'' and insert ''$43,365,000''; on line 25, strike ''6,000,000'' and insert ''$5,824,000''.

Mr. WYDEN. Mr. President, I thank Senator COCHRAN and Senator KOHL for accepting this important amendment to S. 2536, the Agriculture appropriations bill for fiscal year 2001.

According to the USDA, Oregon ranks first in hunger and seventh in food insecurity in the nation. This amendment will fund, at $176,000, a demonstration project pairing technology and teamwork: The Food Electronically and Effectively Distributed FEED Website Demonstration Project.

As the only state in the nation with a statewide food bank system in place, the Oregon Food Bank, as well as an organized and active agricultural community, Oregon is prepared to develop and use the FEED website to provide a national model for other states interested in pursuing an organized statewide anti-hunger campaign.

Developed and used in conjunction with Oregon food producers, processors, distributors, transporters, and anti-hunger agents, as well as the UDA and state agriculture extension agents the FEED website will transform the current anti-hunger food distribution network by using the power of Internet technology to support and facilitate real-time communication links between those with food, those who need food and those who can transport food.

The FEED website will also provide a forum for sharing information about innovative anti-hunger efforts, both legislative and organizational, as well as links to other existing government, non-profit, and anti-hunger web sites to increase information sharing between active organizations and people in need.

AMENDMENT NO. 3991

(Purpose: To increase the Section 502 Guaranteed Rural Housing income limits)

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

''SEC. . Hereafter, the Secretary of Agriculture shall consider any borrower whose income does not exceed 115 percent of the median family income of the United States as meeting the eligibility requirements for a borrower contained in section 502(h)(2) of the Housing Act of 1949 (42 U.S.C. 1472(h)(2)).

AMENDMENT NO. 3992

In Division B, strike section 1106 and insert the following new section:

SEC. 1106. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation to make and administer supplemental payments to dairy producers who received a payment under section 805 of Public Law 106–78 in an amount equal to thirty-five percent of the reduction in market value of milk production in 2000, as determined by the Secretary, based on price estimates as of the date of enactment of this Act, from the previous five-year average and on the base production of the producer used to make a payment under section 805 of Public Law 106–78: *Provided*, That these funds shall be available until September 30, 2001: *Provided further*, That the Secretary shall make payments to producers under this section in a manner consistent with and subject to the same limitations on payments and eligible production as, the payments to dairy producers under section 805 of Public Law 106–78: *Provided further*, That the Secretary shall make provisions for making payments, in addition, to new producers: *Provided further*, That for any producers, including new producers, whose base production was less than twelve months for purposes of section 805 of Public Law 106–78, the producer's base production for the purposes of payments under this section may be, at the producer's option, the production of that producer in the twelve months preceding the enactment of this section or the producer's base production under the program operated under section 805 of Public Law 106–78 subject to such limitations as apply to other producers: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.''

AMENDMENT NO. 3993

(Purpose: To authorize the Secretary of Agriculture to provide emergency loans to poultry producers to rebuild chicken houses destroyed by disasters)

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

SEC. .—Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) is amended by adding at the end the following:

''(3) LOANS TO POULTRY FARMERS.—

''(A) INABILITY TO OBTAIN INSURANCE.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer did not have hazard insurance at the time of the loss, if the farmer—

''(I) applied for, but was unable, to obtain hazard insurance for the chicken house;

''(II) uses the loan to rebuild the chicken house in accordance with industry standards in effect on the date the farmer submits an application for the loan (referred to in this paragraph as 'current industry standards');

''(III) obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

''(IV) meets the other requirements for the loan under this subtitle.

''(ii) AMOUNT.—Subject to the limitation contained in §324(a)(2) the amount of a loan made to a poultry farmer under clause (i) shall be an amount that will allow the farmer to rebuild the chicken house in accordance with current industry standards.

''(B) LOANS TO COMPLY WITH CURRENT INDUSTRY STANDARDS.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer had hazard insurance at the time of the loss, if—

''(I) the amount of the hazard insurance is less than the cost of rebuilding the chicken house in accordance with current industry standards;

''(II) the farmer uses the loan to rebuild the chicken house in accordance with current industry standards;

''(III) the farmer obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

''(IV) the farmer meets the other requirements for the loan under this subtitle.

''(ii) AMOUNT.—Subject to the limitation contained in §324(a)(2) the amount of a loan made to a poultry farmer under clause (i) shall be the difference between—

''(I) the amount of the hazard insurance obtained by the farmer; and

''(II) the cost of rebuilding the chicken house in accordance with current industry standards.''.

AMENDMENT NO. 3994

(Purpose: To express the sense of the Senate regarding preference for assistance for victims of domestic violence)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PREFERENCE FOR ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

It is the sense of the Senate that the Secretary of Agriculture, in selecting public agencies and nonprofit organizations to provide transitional housing under section 592(c) of subtitle G of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11408a(c)), should consider preferences for agencies and organizations that provide transitional housing for individuals and families who are homeless as a result of domestic violence.

AMENDMENT NO. 3995

(Purpose: To allocate appropriated funds for early detection and treatment concerning childhood lead poisoning at sites participating in the special supplemental nutrition program for women, infants, and children)

On page 50, line 6, before the period, insert the following: ''*Provided further*, That funds made available under this heading shall be made available for sites participating in the special supplemental nutrition program for women, infants, and children to—

''(1) determine whether a child eligible to participate in the program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program;

AMENDMENT NO. 3996

(Purpose: To increase funding for the Office of Generic Drugs in order to accelerate the review of generic drug applications)

On page 56, line 9, strike ''$313,143,000'' and insert ''$315,143,000''.

On page 57, line 2, strike ''$78,589,000'' and insert ''$76,589,000''.

AMENDMENT NO. 3997

(Purpose: To provide funds for the cleanup of methamphetamine labs by State and local law enforcement)

On page 96 the modified division B after line 2, insert the following:

DRUG ENFORCEMENT ADMINISTRATION

(DOMESTIC ENHANCEMENTS)

METHAMPHETAMINE LAB CLEANUP ASSISTANCE FOR STATE AND LOCAL LAW ENFORCEMENT

For an additional amount for drug enforcement administration, $5,000,000 for the Drug Enforcement Agency to assist in State and local methamphetamine lab cleanup (including reimbursement for costs incurred by

State and local governments for lab cleanup since March 2000):*Provided,* That the entire amount shall be available only to the extent an official budget request for $5,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT NO. 3998

On page 4, line 12, before the period at the end of the line, insert ''*: Provided,* That the Chief Financial Officer shall actively market cross-serving activities of the National Finance Center''.

AMENDMENT NO. 3999

(Purpose: To fund biomass-based energy research)

On page 13, line 13, strike ''$62,207,000'' and insert in lieu thereof ''$63,157,000''.

On page 13, line 16, strike ''$121,350,000'' and insert in lieu thereof ''$120,400,000''.

Mr. NICKLES. Mr. President, I wish to thank Senators COCHRAN and HARKIN for their assistance in getting this proposal included in the Agriculture Appropriations bill for FY 2001. The biomass program is a collaborative effort between Oklahoma State University and Mississippi State University.

We are now 56 percent dependent on foreign oil. It is projected that by 2020 we will be more than 65 percent dependent on oil from foreign nations. Such dependency is a major threat to our national security. We need to make every effort possible to reduce and curb this dependency. This program will aid us in this effort.

The effort between these two universities will focus on the continued development of a unique gasification-bioconversion process at OSU that utilizes biomass including crop residues, underutilized grasses, and plant byproducts.

Those conducting the research consist of a senior team of nationally recognized experts in biomass production, feedstock harvesting and processing of technologies, environmental impact assessment, and biochemical process.

I ask my colleagues for their support of this unique opportunity for Oklahoma, Mississippi and for the nation.

AMENDMENT NO. 4000

(Purpose: To provide fiscal year 2000 supplemental contingent emergency funding to the Department of the Treasury for the Customs Service Automated Commercial System)

On page 93 of division B, as modified, after line 21, insert the following:

''GENERAL PROVISION—THIS TITLE

''SEC. . In addition to amounts appropriated or otherwise made available in Public Law 106–58 to the Department of the Treasury, Department-wide Systems and Capital Investments Programs, $123,000,000, to remain available until September 30, 2001, for maintaining and operating the current Customs Service Automated Commercial System: *Provided,* That the funds shall not be obligated until the Customs Service has submitted to the Committees on Appropriations an expenditure plan which has been approved by the Treasury Investment Review Board, the Department of the Treasury, and the Office of Management and Budget: *Provided further,* That none of the funds may be obligated to change the functionality of the Automated Commercial System itself: *Provided further,* That the entire amount shall be available only to the extent that an official budget request for $123,000,000, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount made available under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.''.

Mr. CAMPBELL. Mr. President, I appreciate the Chairman and the Committee including $123,000,000 in emergency funding for the Customs Service Automated Commercial System, or ACS. The current legacy computer system of the Customs Service is in dire need of this emergency funding. This 16 year old system regularly experiences what is called ''brownouts'' or system-wide outages. When this system goes down, believe it or not, the Customs Service must process all entries by hand. These outages are only becoming more frequent and they are lasting longer and longer. You can imagine the delays at the border that this situation causes. For example, in an outage in March at the Buffalo port, a five-hour delay generated so much paper that the entry documents were piled so high Customs could not see their customers on the other side of the counter. Not only do these outages create long lines at the ports, but after the system is back up and running, Customs employees must then work overtime trying to enter all of the paper entries generated during the outage. Therefore, Mr. President, I am pleased that the Committee has included this funding to address this very serious issue.

AMENDMENT NO. 4001

(Purpose: To fully fund the Food and Drug Administration's food safety initiative activities)

On page 57, line 2, strike ''$78,589,000'' and insert ''$72,589,000''.

On page 57, line 10, insert before the period the following: ''*: Provided further,* That in addition to amounts otherwise appropriated under this heading to the Food and Drug Administration, an additional $6,000,000 shall be made available of which $5,000,000 shall be made available for the Centers for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, and $1,000,000 shall be made available to the National Center for Toxicological Research''.

Mr. KENNEDY. The American food supply is one of the safest in the world—but it is not safe enough. Over 75 million Americans a year are stricken by disease caused by contaminated food they eat. Each year, 9,000 people—mostly the very young and the very old—die as a result. The costs of medical treatment and losses in productivity for these illnesses are as high as $37 billion annually.

The emergence of highly virulent strains of bacteria, and the increase in the number of organisms resistant to antibiotics, are compounding these problems and making foodborne illnesses an increasingly serious public health challenge.

Americans deserve to know that the foods they eat are safe, regardless of their source. Yet too many citizens today are at unnecessary risk of foodborne disease. This Congress can make a difference. The FDA requested a budget increase of $30 million in 2001 for its Food Safety Initiative activities. With these additional funds, the FDA can improve its inspection of high-risk food establishments and strengthen its laboratory capabilities. Without this funding, the agency will conduct 700 fewer inspections next year. The Senate Appropriations Committee recognized the importance of protecting our food supply by granting the FDA the majority of its requested increase for food safety. The amendment I propose will give the FDA the additional $6 million it needs for these efforts.

In response to improved surveillance and increased sampling and testing, illnesses from the most common bacterial foodborne pathogens decreased by 21% from 1997 to 1999. As a result, 855,000 fewer Americans each year suffer from foodborne diseases. But contaminated food still remains a significant public health problem.

Recently, a new strain of an organism contaminated oysters in Texas, and caused an epidemic of diarrhea. This year, the FDA recalled several smoked fish products manufactured in New York because of outbreaks of disease. In March, 500 college students in Massachusetts became ill with Norwalk-like virus. Each year there are also at least 4700 cases of Salmonella in Massachusetts. We must do more to protect our citizens from foodborne diseases.

Imported foods are a significant part of the problem and often pose especially serious health risks. Americans are consuming foods from other countries at increasing rates. Since 1992, the number of food imports has tripled. At that time, the FDA was able to inspect only 8% of these imports. Since then the rate of FDA inspections of imported food has dropped to less than 1%, because resources did not increase for monitoring these imports.

Other countries have often not implemented food safety protections comparable to those in the United States, and general sanitary conditions are often poor. As a consequence, foods from such countries are more likely to be contaminated with disease-producing organisms. In 1995, 242 people contracted Salmonella from alfalfa sprouts imported from the Netherlands. In 1996, over 1,400 people became ill from contaminated raspberries from Guatemala. Just this year, infected shrimp from Vietnam caused Salmonella and E. coli outbreaks.

In earlier decades, diseases such as tuberculosis and cholera were the focus of food safety concerns. Today diseases caused by dangerous new strains of E. coli have become primary causes of foodborne illness. These new organisms necessitate increased investment in research, technology, and surveillance to protect the safety of our food supply.

Food safety are also especially important to protect the growing number of individuals in vulnerable populations, such as young children, the elderly, those with lowered immunity from HIV, and those with inadequate access to health care.

By providing the FDA with the necessary resources to combat foodborne diseases, we can protect tens of millions of our fellow citizens across the country each year. Investment in food safety is an investment in the health of every American. Congress should give the FDA the resources it needs in order to ensure the safety of the food we eat. The amendment I am proposing is a major step to meet this challenge, and I urge the Senate to approve it.

AMENDMENT NO. 4002

On page 71, line 3, strike the comma and insert the following: ''prior to July 1, 2001,''.

Mr. NICKLES. Mr. President, I rise to report on an agreement reached today between Senator INOUYE and myself regarding the Fort Reno Agriculture Research Station at El Reno, Oklahoma.

Our agreement delays any decision on the ARS until the next Administration. It also preserves the right of Congress to play a role in the future of the ARS. Our agreement ensures that any decision made about the research station will be made based on the merits of the work performed there rather than a decision based on November political considerations.

The agreement should not be read to mean that the research station will be eliminated, nor that the lands at Fort Reno should or will be returned to the Cheyenne-Arapaho tribe of Oklahoma.

I do not want the status of the Agriculture Research Station to be influenced by presidential politics, which has been the case in the past. This agreement will help prevent the future of the research station from becoming an election-year tool and better protect both the tribe and the research station from pressures surrounding the November election.

Mr. INOUYE. Mr. President, I agree with Senator NICKLES that Congress should have oversight of this issue and that decisions made about the research station should be made based on the merits of the work performed there rather than political considerations.

If one day Fort Reno is declared surplus or excess property by USDA, I hope that the Cheyenne and Arapaho's interest in the land will be considered. I believe they have a legitimate case in their pursuit of that land, and I look forward to working further with Senator NICKLES on this issue.

AMENDMENT NO. 4003

(Purpose: To prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes)

On page 75, between lines 16 and 17, insert the following:

SEC. 740. NATURAL CHEESE STANDARD.—(a) PROHIBITION.—Section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341) is amended—

(1) by striking ''Whenever'' and inserting ''(a) Whenever''; and

(2) by adding at the end the following:

''(b) The Commissioner may not use any Federal funds to amend section 133.3 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling), to include dry ultra-filtered milk or casein in the definition of the term 'milk' or 'nonfat milk', as specified in the standards of identity for cheese and cheese products published at part 133 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling).''.

(b) IMPORTATION STUDY.—Not later than ___ days after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study to determine—

(A) the quantity of ultra-filtered milk that is imported annually into the United States; and

(B) the end use of that imported milk; and

(2) submit to Congress a report that describes the results of the study.

AMENDMENT NO. 4004

On page 13, line 13, strike ''62,207,000'' and insert ''62,707,000''.

On page 13, line 16, strike ''121,350,000'' and insert in lieu thereof ''120,850,000''.

Mr. SESSIONS. Mr. President, this amendment will provide $500,000, for Satsuma Orange research at Auburn University in Alabama. These funds will be used to conduct research on developing technologies that reduce freeze damage, necessary for consistent production and industry expansion for the Satsuma Orange in the United States.

These funds will be used specifically for studies to reduce damage by fall and winter freezes suffered by the Satsuma Orange trees; studies evaluating micro sprinkler irrigation systems as a means of protecting the crop against freezes; evaluations for cold hardiness, cropping, harvest time, and fruit quality; and studies to determine critical temperatures that kill the crop and the factors that affect cold hardiness.

AMENDMENT NO. 4005

At the appropriate place in title VII insert the following: ''None of the funds appropriated by this act to the U.S. Department of Agriculture may be used to implement or administer the final rule issued in Docket Number 97–110, at 65 Federal Register 37608–37669 until such time as USDA completes an independent peer review of the rule and the risk assessment underlying the rule.''.

AMENDMENT NO. 4006

(Purpose: To require that any award entered into under the dairy export incentive program that is canceled or voided is made available for reassignment under the program)

On page 75, between lines 16 and 17, insert the following:

SEC. . DAIRY EXPORT INCENTIVE PROGRAM.—Section 153(c) of the Food Security Act of 1985 (15 U.S.C. 713a–14(c)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5)(A) any award entered into under the program that is canceled or voided after June 30, 1995, is made available for reassignment under the program as long as a World Trade Organization violation is not incurred; and

''(B) any reassignment under subparagraph (A) is not reported as a new award when reporting the use of the reassigned tonnage to the World Trade Organization.'';

On page 36, line 9, strike ''749,284,000'' and insert in lieu thereof ''759,284,000''; on page 36, line 12, strike ''634,360,000'' and insert in lieu thereof ''644,360,000''.

AMENDMENT NO. 4007

(Purpose: To require the use of a certain amount of appropriated funds to carry out the Food Distribution on Indian Reservations)

On page 50, line 22, before the period, insert the following: '': *Provided further,* That, of funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b), (1) an additional amount not to exceed $7,300,000 shall be used to purchase bison for the FDPIR and to provide a mechanism for the purchases from Native American producers and cooperative organizations''.

AMENDMENT NO. 4008

On page 13, line 13, strike ''$62,207,000'' and insert ''$62,707,000''.

On page 13, line 16, strike ''$121,350,000'' and insert * * *

Mr. WARNER. Mr. President, the emerging field of bioinformatics uses information technology to analyze the billions of bits of data that create a human or plant genome. The research efforts at Virginia Tech will complement and support efforts by the Department to develop new bioinformatic tools, biological data bases, and other information management tools, which hold the promise of reinvigorating our rural communities through high-technology jobs in agri-biotechnology. This amendment provides $500,000 to support Virginia Polytechnic Institute's (VPI) Bioinformatics initiative.

AMENDMENT NO. 4009

(Purpose: To set aside funding for the distance learning and telemedicine program to promote employment of rural residents through teleworking)

On page 47, line 8, after ''areas,'', insert the following: ''of which not more than $3,000,000 may be used to make grants to rural entities to promote employment of rural residents through teleworking, including to provide employment-related services, such as outreach to employers, training, and job placement, and to pay expenses relating to providing high-speed communications services, and''.

AMENDMENT NO. 4010

(Purpose: To extend the authority of the Secretary of Agriculture to provide grants for State mediation programs dealing with agricultural issues)

On page 75, between lines 16 and 17, insert the following:

SEC. 740. STATE AGRICULTURAL MEDIATION PROGRAMS.—(a) ELIGIBLE PERSON; MEDIATION SERVICES.—Section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) is amended—

(1) in subsection (c), by striking paragraphs (1) and (2) and inserting the following:

''(1) ISSUES COVERED.—

''(A) IN GENERAL.—To be certified as a qualifying State, the mediation program of the State must provide mediation services to persons described in paragraph (2) that are involved in agricultural loans (regardless of whether the loans are made or guaranteed by the Secretary or made by a third party).

''(B) OTHER ISSUES.—The mediation program of a qualifying State may provide mediation services to persons described in paragraph (2) that are involved in 1 or more of the following issues under the jurisdiction of the Department of Agriculture:

''(i) Wetlands determinations.

''(ii) Compliance with farm programs, including conservation programs.

''(iii) Agricultural credit.

''(iv) Rural water loan programs.

''(v) Grazing on National Forest System land.

''(vi) Pesticides.

''(vii) Such other issues as the Secretary considers appropriate.

''(2) PERSONS ELIGIBLE FOR MEDIATION.—The persons referred to in paragraph (1) include—

''(A) agricultural producers;

''(B) creditors of producers (as applicable); and

''(C) persons directly affected by actions of the Department of Agriculture.''; and

(2) by adding at the end the following:

''(d) DEFINITION OF MEDIATION SERVICES.—In this section, the term 'mediation services', with respect to mediation or a request for mediation, may include all activities related to—

''(1) the intake and scheduling of cases;

''(2) the provision of background and selected information regarding the mediation process;

''(3) financial advisory and counseling services (as appropriate) performed by a person other than a State mediation program mediator; and

''(4) the mediation session.''.

(b) USE OF MEDIATION GRANTS.—Section 502(c) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(c)) is amended—

(1) by striking ''Each'' and inserting the following:

''(1) IN GENERAL.—Each''; and

(2) by adding at the end the following:

''(2) OPERATION AND ADMINISTRATION EXPENSES.—For purposes of paragraph (1), operation and administration expenses for which a grant may be used include—

''(A) salaries;

''(B) reasonable fees and costs of mediators;

''(C) office rent and expenses, such as utilities and equipment rental;

''(D) office supplies;

''(E) administrative costs, such as workers' compensation, liability insurance, the employer's share of Social Security, and necessary travel;

''(F) education and training;

''(G) security systems necessary to ensure the confidentiality of mediation sessions and records of mediation sessions;

''(H) costs associated with publicity and promotion of the mediation program;

''(I) preparation of the parties for mediation; and

''(J) financial advisory and counseling services for parties requesting mediation.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking ''2000'' and inserting ''2005''.

AMENDMENT NO. 4011

(Purpose: To provide increased funding for the Extension farm safety program, including funding at a level of $3,055,000 for the AgrAbility project)

On page 13, line 16, strike $121,350,000 and insert ''$120,650,000''.

On page 15, line 2, strike $494,744,000 and insert ''$494,044,000''.

On page 16, line 6, strike $3,400,000 and insert ''$4,100,000''.

On page 17, line 8, strike $426,504,000 and insert ''$427,204,000''.

AMENDMENT NO. 4012

(Purpose: To authorize the Secretary of Agriculture to provide equitable relief to an owner or operator that has entered into and violated a contract under the environmental conservation acreage reserve program if the owner or operator took actions in good faith reliance on the action or advice of an authorized representative of the Secretary)

On page 75, between lines 16 and 17, insert the following:

SEC. 740. GOOD FAITH RELIANCE.—The Food Security Act of 1985 is amended by inserting after section 1230 (16 U.S.C. 3830) the following:

''SEC. 1230A. GOOD FAITH RELIANCE.

''(a) IN GENERAL.—Except as provided in subsection (d) and notwithstanding any other provision of this chapter, the Secretary shall provide equitable relief to an owner or operator that has entered into a contract under this chapter, and that is subsequently determined to be in violation of the contract, if the owner or operator in attempting to comply with the terms of the contact and enrollment requirements took actions in good faith reliance on the action or advice of an authorized representative of the Secretary.

''(b) TYPES OF RELIEF.—The Secretary shall—

''(1) to the extent the Secretary determines that an owner or operator has been injured by good faith reliance described in subsection (a), allow the owner or operator to do any one or more of the following—

''(A) to retain payments received under the contract;

''(B) to continue to receive payments under the contract;

''(C) to keep all or part of the land covered by the contract enrolled in the applicable program under this chapter;

''(D) to reenroll all or part of the land covered by the contract in the applicable program under this chapter; or

''(E) or any other equitable relief the Secretary deems appropriate; and

''(2) require the owner or operator to take such actions as are necessary to remedy any failure to comply with the contract.

''(c) RELATION TO OTHER LAW.—The authority to provide relief under this section shall be in addition to any other authority provided in this or any other Act.

''(d) EXCEPTION.—This section shall not apply to a pattern of conduct in which an authorized representative of the Secretary takes actions or provides advice with respect to an owner or operator that the representative and the owner or operator know are inconsistent with applicable law (including regulations).''.

''(e) APPLICABILITY OF RELIEF.—Relief under this section shall be available for contracts in effect on January 1, 2000 and for all subsequent contracts.''.

AMENDMENT NO. 4013

(Purpose: To require the publication of data collected on imported herbs)

On page 89, after line 19, add the following:

SEC. 1111. AVAILABILITY OF DATA ON IMPORTED HERBS.—The Secretary of Agriculture and the Secretary of the Treasury, shall publish and otherwise make available (including through electronic media) data collected monthly by each Secretary on herbs imported into the United States.

AMENDMENT NO. 4014

(Purpose: To adjust the limitation to carry out research related to tobacco)

On page 15, line 6, before the period, insert: ''*Provided*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco''.

Mr. COCHRAN. Mr. President, I am prepared to be guided by the interest of the Senate. I have a list of the amendments which I am prepared to read if Senators would like. I can send the list to the desk and have it printed in the RECORD. I asked my staff if we read the list last year, and they said we did not. Maybe considering the mood of the Senate, I should not read the list.

Mr. MCCAIN. Will the Senator yield?

Mr. COCHRAN. Yes.

Mr. MCCAIN. Mr. President, can the Senator estimate how much total spending is in those amendments?

Mr. COCHRAN. I do not have an estimate. They are within the budget allocation of the committee. None of them will require a waiver. There are two amendments that are attached to this bill that are not within the jurisdiction of this subcommittee. One is related to methamphetamine laboratory cleanup which comes under Commerce-Justice, and another is related to Customs Service computer systems which comes under the Treasury, Postal Service, and General Government Subcommittee's jurisdiction.

Mr. MCCAIN. I thank the Senator.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the managers' package be agreed to en bloc and the motion to reconsider be laid upon the table.

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

The amendments (Nos. 3982 through 4014), en bloc, were agreed to.

ARS RESEARCH PROJECT IN EAST LANSING, MI

Mr. LEVIN. Mr. President, we have before the Senate S. 2536, the Fiscal Year 2001 Appropriations Act for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. I am concerned that this bill omits an appropriation included in the House version of this bill (H.R. 4461).

H.R. 4461 appropriates $309,600 for the Agriculture Research Service (ARS) to fund research addressing Postharvest Handling and Mechanization to Minimize Damage for Fruits. This research is vital, not only for Michigan, but for all fruit producing states.

This research has the potential to allow fruit growers to realize greater profits by better ensuring fruit quality. Given the significant potential of this program to assist fruit producers in my home state, I am troubled by its exclusion in S. 2536.

Mr. COCHRAN. I thank the Senator from Michigan for his comments. He is

correct in stating that the House Appropriations Act for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for Fiscal Year 2001 funds research regarding Postharvest Handling and Mechanization to Minimize Damage for Fruits while the Senate counterpart does not.

Mr. LEVIN. I would appreciate the Senate conferees giving full consideration to the House position on this matter.

Mr. COCHRAN. I assure the Senator from Michigan that this specific request will be carefully considered in conference as I can understand how important this matter is.

FDA'S ADVERSE EVENT REPORTS

Mr. HATCH. Mr. Chairman, I strongly support an increase to the Food and Drug Administration's Adverse Event Monitoring System regarding dietary supplements. This would be administered by the FDA's Center for Food Safety and Applied Nutrition (CFSAN). This increase in FDA's Adverse Event Monitoring System for dietary supplements is an important component in the overall effort to implement fully the Dietary Supplement Health and Education Act.

Mr. HARKIN. I am proud to join my distinguished colleague, the Senior Senator from Utah, in supporting this endeavor. This proposed increase in FDA's Adverse Event Monitoring System for dietary supplements is an important component in the overall effort to implement fully the Dietary Supplement Health and Education Act. It also continues our mutual efforts to promote better public health and consumer safety. The FDA monitors adverse events related to dietary supplements. The dietary supplement sales have doubled in the past five years. In fact, surveys indicate that nearly half of all Americans use some type of dietary supplement, spending over $12 billion annually for these products. FDA estimates that the industry markets approximately 29,000 of these products, which are sold under 75,000 distinct labels.

Mr. HATCH. Despite this phenomenal growth in the supplement industry, the FDA currently does not have the resources to process adverse event reports in a timely manner and with comprehensive information. As a result, a substantial backlog currently exists in reviewing adverse event reports in the dietary supplement area. However, we must assure that these funds for AERs are effectively spent. Accordingly, Mr. Chairman, I respectfully request that you work with Senator HARKIN and myself on this issue. More specifically, we request that the FDA be directed to assign additional personnel to maintain the timeliness and accuracy of the AER system for dietary supplements. In addition, Congress needs to be assured that all published reports are accompanied by the results of a scientific evaluation of the link between the product and the adverse event and evidence of timely prior notification of any manufacturer or distributor mentioned in the report.

Mr. COCHRAN. I appreciate your bringing this issue to the attention of the Committee, and I will carefully consider this issue affecting the FDA's Adverse Event Monitoring System regarding dietary supplements. I thank the Senator for raising this matter to my attention.

USDA–ARS NEW ENGLAND PLANT, SOIL AND WATER RESEARCH LABORATORY

Ms. SNOWE. Mr. President, I thank the chairman for his continuing support for the New England, Plant, Soil, and Water Research Laboratory in Orono, Maine. Quite frankly, with his help and the support of his Subcommittee, we have literally snatched this USDA-Agricultural Research Service potato research laboratory—so important to the Maine potato industry—from the jaws of defeat ever since the Administration called for its closing in 1995. Not only have we kept the doors open, but with his support, the research facility on the University of Maine campus in Orono now has not only Dr. Wayne Honeycutt as its very capable lead scientist, but has added two plant pathologists, a research chemist, and a soon to be added research agronomist because of his support last year. I want to once again reemphasize just how critical the lab's survival is to the state of Maine, its potato growers, and its economy.

Ninety-five percent of the potato acreage in the six states in the New England region are in Maine, and the lab has the benefit of being in close proximity to the grower's fields. There has been a long and productive history of collaborative potato research involving the state, the university research program, and private agricultural interests.

The laboratory's last need is for a soil physicist to complete its scientific staff and not for a soil pathologist as originally requested and for which $300,000 is provided for as stated on page 31 of the Report Language for S. 2536. I request that this technical correction be made for a soil physicist.

Mr. COCHRAN. I thank the Senior Senator from Maine for her tireless efforts over these past five years to not only keep the ARS laboratory open but to assure that the facility is staffed with skilled scientists and support staff that continue to be of great service to the agriculture community in Maine. This research facility has my support and the appropriate technical change will be made for a soil physicist.

Ms. SNOWE. Once again, I thank the chairman for his support of agriculture throughout my State, and I praise him for your fine leadership as Chair of the Subcommittee.

QUALITY AND SHELF LIFE OF AGRICULTURAL COMMODITIES

Mr. CRAIG. Mr. President. I want to thank the Senator from Mississippi, for drafting an excellent FY2001 Agriculture Appropriations bill that will help meet the needs of our nation's farmers and agricultural communities. I especially want to thank him for working closely with me to ensure that issues affecting the Idaho agriculture are addressed in the bill.

I know that the Senator from Mississippi works hard with limited resources to fund worthwhile and fiscally responsible agricultural research programs. One important area of agriculture research involves increasing the shelf life of our food, while maintaining its quality, and one of the most promising methods is irradiation. In Idaho, Idaho State University is home to the Idaho Accelerator Center (IAC) which is proposing a research program to investigate the effects of small amounts of irradiation—as compared to conventional food irradiation—on the behavior of potatoes. IAC and several Idaho-based partners have been studying the positive effects of low doses of x-ray and electron beam irradiation on the storage properties and shelf life of potatoes. Significant improvement in shelf life has been demonstrated over the entire range of standard storage conditions, with virtually no decline in quality. The results indicate that long term storage losses can be reduced to very low levels and that shelf life during transport, storage by vendors and by consumers is extended indefinitely. It is believed that these findings will also hold true for other commodities such as onions, sugar beets, etc. These results are achieved without chemicals, radioactive materials or other environmentally harmful processes. The irradiation is provided by the electron beams produced from compact, portable high-energy electron-linear accelerators.

While I know that the project is not funded in the Senate bill, I want to ask the Chairman to consider the IAC proposal during Conference on the bill. This is a worthy project and one that I am confident will lead to real results that will benefit our farmers and consumers.

Mr. COCHRAN. Mr. President, I want to thank the Senator from Idaho for his kind remarks. We have tried hard to accommodate every worthwhile request but, as we all know, we are constrained by our budget allocation. I want to assure him, however, that I will thoroughly review the request made by the Idaho Accelerator Center at Idaho State University and will give it appropriate consideration during Conference.

Mr. CRAIG. Mr. President. I want to thank the Chairman for his willingness to look at this, and for all he does for American agriculture and a safe, secure, food supply.

MONTANA FOOD STAMP STANDARD UTILITY WAIVER

Mr. BAUCUS. Mr. President, I rise today to discuss an amendment that Senator BURNS and I were working with the Committee on in this Agriculture Appropriations bill that would

help Montana's senior citizens and low-income citizens. In particular, this measure would provide an additional $500,000 to enable the State of Montana continue its food stamp program standard utility allowance (''SUA'') waiver. Montana is currently operating under an agreement with the U.S. Department of Agriculture to continue extending the waiver.

Montana has approximately 25,000 households using food stamps. Of this number, over 19,000 would be tragically affected by the loss of this waiver. For example, many elderly food stamp recipients who live on fixed incomes and/or reside in public housing would be hard hit be the loss of the Standard Utility Allowance waiver. In many such cases, records from the Montana Department of Public Health and Human Services indicate that the loss could be higher than fifty percent of the benefit.

Second, the state of Montana is currently serving 952 ''able-bodied adults without dependents.'' Many of these are either homeless or at risk of losing their housing. Decreasing their current food stamp benefit would only exacerbate their difficult situations.

Finally, many of these food stamp recipients live in Montana's 634 group homes for the disabled. The loss of the Standard Utility Allowance would decrease food stamps for these individuals with disabilities creating further hardship for group homes which already operate with very little budget flexibility.

The entire Montana delegation has worked hard over the past two years in conjunction with our Montana Department of Public Health and Human Service, the U.S. Department of Agriculture and the Office of Management and Budget to maintain this critical program. I am pleased that Senator COCHRAN is willing to work with Senator BURNS and myself to address this issue within the context of this Agriculture Appropriations bill.

Mr. BURNS. I whole-heartedly support this amendment which is so critical to so many Montana families. The SUA waiver is of particular concern because long winters and high utility costs are something all Montanans face, regardless of income. This waiver allows a credit to a household's income when determining eligibility and amount of food stamp benefits. Because of the unique set of challenges facing Montanans in terms of extreme weather conditions, termination of the Standard Utility Allowance could very well put many needy households at risk of experiencing hunger.

The current SUA waiver is scheduled to expire on September 30, 2000. However, the USDA Food Nutrition Service has conditionally approved the extension of the Montana SUA waiver for an additional year to September 30, 2001. A primary condition to that approval is congressional approval of adequate funding.

To date, this waiver has been very successful in its goals to provide nutritional assistance to low-income citizens. I strongly support funding this program at $500,000 and will work with my colleagues to make that happen by the end of conference.

Mr. COCHRAN. I thank the Senators from Montana for working with the Agriculture Appropriations Committee to bring to our attention the need for funding of this important measure.

Mr. BAUCUS. Thank you, Senator COCHRAN, for your support. Montana's hungry families appreciate your efforts.

BIOINFORMATICS INSTITUTE FOR MODEL PLANT SPECIES

Mr. DOMENICI. Mr. President, I wish to engage in a colloquy with the Chairman of the Subcommittee, the Senator from Iowa, and the Senator from New Mexico regarding the establishment of a Bioinformatics Institute for Model Plant Species as a collaborative effort between the USDA Agriculture Research Service, New Mexico State University, and Iowa State University.

Mr. COCHRAN. I will be pleased to speak with my colleagues regarding this issue. I understand that this is a cooperative approach to enhance the accessibility and utility of genomic information for plant genetic research, and Senator DOMENICI championed the authorization for this institute in the recently enacted Agricultural Risk Protection Act.

Mr. DOMENICI. The chairman is correct that this cooperatively operated institute would reduce duplication of effort as research institutions across the country find the need to develop bioinformatics systems to validate and disseminate results from plant genomic studies. Three model plant species have been identified by the National Science Foundation, and this institute would incorporate software platforms that will enable the integration of these model plant bioinformatic resources with crop plant bioinformatic resources.

Mr. HARKIN. Over the past several months, my staff and I have had the pleasure of discussing this collaboration between Iowa State University, New Mexico State University, and the Agriculture Research Service with representatives of the National Center for Genome Resources, and want to express my support for establishing this institute. It would bring research scientists from the State Agriculture Experiment Stations and ARS together with the expertise in bioinformatics and software platforms developed by NCGR and its work on the Human Genome Project. Through this combination of expertise, the institute would greatly reduce the chances of having to ''reinvent the wheel,'' so to speak, as genomic research continues to expand into greater numbers of agricultural plant species.

Mr. BINGAMAN. I concur with my colleagues' assessment that this institute would provide a valuable addition in the research area of plant genomics. It would let us avoid redundant genomics research in crop species and leverage information for crop improvement. Funding for this institute would augment existing skills and resources, rather than building new bioinformatics infrastructure.

Mr. DOMENICI. Funding from the Agricultural Research Service will be needed to establish this institute. I understand that with the funding provided for ARS in this bill, that may not be possible. I ask the Chairman if he would assist us in the upcoming Conference Committee to ensure that ARS funding is adequate to accommodate this important project?

Mr. COCHRAN. I want to thank my colleagues for bringing this issue to the attention of the Senate. I appreciate the significance of establishing this institute, and I will make every effort to accommodate their request in the Conference.

Mr. HARKIN. I want to thank the Chairman of the Subcommittee, and look forward to working with him in the Conference.

Mr. BINGAMAN. I, too, thank the Chairman for his assurance.

Mr. DOMENICI. I thank the Chairman of the Subcommittee.

STUDY TO IMPROVE AFRICAN AGRICULTURAL PRACTICES

Mr. SANTORUM. Mr. President, I rise to engage in a colloquy with the distinguished Chairman of the Agriculture Appropriations Subcommittee regarding a study to improve farming practices in Africa.

As the chairman knows, the Trade and Development Act of 2000 was signed into law in May. This Act authorized a study on ways to improve African agricultural practices. This study will be conducted by the U.S. Department of Agriculture in consultation with a land grant university and a not-for-profit organization that has firsthand knowledge of African farming.

While a two year study is authorized, it is my understanding that ample data and research exists supporting the need to establish a more formal relationship to improve farming practices in Africa.

To that end, I ask the Chairman if he would work with me to ensure that the USDA takes up this study in a timely fashion and incorporates the existing data so that we can formally implement these recommendations.

Mr. COCHRAN. I want to thank the Senator from Pennsylvania, and appreciate him bringing this issue to my attention.

As move forward, I will work with him to ensure that the USDA takes into consideration the existing data and research, and completes the study within a reasonable timeframe.

Mr. SANTORUM. I thank the Chairman for his commitment, and appreciate his willingness to work with me on this important initiative.

BOVINE TUBERCULOSIS

Mr. LEVIN. Mr. President, we have before the Senate the Fiscal Year 2001 Appropriations Act for Agriculture,

Rural Development, and Related Agencies (S. 2536). Included in this bill is funding which will, among other things, assist our nation's farmers, aid rural development, preserve delicate ecosystems and provide food assistance to our nation's most needy individuals. I support these measures, but I also realize that there are urgent agricultural emergencies which cannot be covered by the scope of the annual appropriations process.

Mr. COCHRAN. The Senator from Michigan is correct in stating that frequently there exist many agricultural emergencies which are best addressed by the action of the Secretary of Agriculture.

Mr. LEVIN. I thank the Senator from Mississippi. One agricultural emergency that currently affects my home state of Michigan, and which threatens livestock in the Upper Midwest is bovine tuberculosis (TB). Due to a host of factors, Michigan is the only state in the Union where bovine TB has actually been transferred from livestock into the wild. Most frequently, this disease has been transferred from cattle to members of the Cervid family, such as whitetail deer. Deer then are able to transfer TB to herds of cattle, wild animals or humans. As a result of this disease, neighboring states have restricted the entry of Michigan cattle, farmers have been required to test their cattle for this disease and some livestock producers have had to eradicate their herds. I would ask the Senator from Wisconsin, if he believes that the matter of bovine TB constitutes an emergency.

Mr. KOHL. I agree with the Senator from Michigan that bovine TB constitutes an agricultural emergency.

Mr. LEVIN. I thank the Senator from Wisconsin. I would hope that the Secretary of Agriculture would declare an emergency regarding bovine TB. Doing so would assist areas where this disease is present and prevent the further spread of bovine TB.

RED RIVER TRADE COUNCIL

Mr. DORGAN. Mr. President, I rise to discuss the Agriculture Diversity Project, which is administered by the Red River Trade Council through the Cooperative State Research, Education, and Extension Service. The Agriculture Appropriations Subcommittee has funded this program in the past, and I want to thank the Chairman and the Ranking Minority of the Agriculture Appropriations Committee for their support.

As my colleagues know, one of the areas of economy that has not shared in the current economic boom is agriculture. The farmers and those who live and operate businesses in rural America are struggling financially to maintain not only a reasonable standard of living, but also the preservation of a rural lifestyle. They are desperate to find ways that will allow them to stay and to make a living in rural America.

The Agriculture Diversification Project now underway seeks to add value to existing crop production, establish high value crop alternatives to those crops traditionally grown in the region, develop processing facilities, and create markets for both new crops and the value added products. One added dimension to the program in Fiscal Year 2001 will be an Internet-based information resource for farmers and other rural residents intended for those who are interested in a sustainable rural economy through entrepreneurship, product development, and marketing. This new aspect of the project will demand additional resources above what the Subcommittee provided in this bill. I hope that we might be able to provide at least $500,000 for this project—which is the level of funding that the House provided in its bill.

Mr. DASCHLE. I am grateful that the Committee has recognized the need for this project in the past and also in the legislation being considered today. However, with the expansion of this project beyond the original states of North Dakota, South Dakota, and Minnesota to also include Iowa, and Nebraska, and to establish the Internet resource a higher level of funding for this project is necessary.

Does the Subcommittee Chairman, the senior Senator form Mississippi, agree that the House level of $500,000 would be a more appropriate funding level for this program?

Mr. COCHRAN. I understand that this project is a priority for the Minority Leader and the Senator from North Dakota. I will work in conference to consider $500,000 for the Red River Trade Council's Agricultural Diversity Project in the final version of the Agriculture Appropriations bill.

LAND-GRANT UNIVERSITY SYSTEM

Mrs. LANDRIEU. Mr. President, the Nation's Land-Grant University system is very fortunate to have historically black land-grant colleges and universities like Southern University of my home State of Louisiana, Tuskegee University of Alabama and Alcorn State of Mississippi, to name just three of them. These universities were granted Land-Grant status under the Evans-Allen law enacted by Congress in 1890. An amendment accepted in House of Representatives during debate on the Agricultural Appropriations bill for Fiscal Year 2001 increases formula funds for research and extension science performed at these universities in a total amount of $6.8 million. There are 18 such historically black universities in America which are part of the entire national land-grant university system.

The historically black land-grant universities play a very special and unique role in our nation. Since 1988, the base formula funding provided to our nation's historically black colleges has eroded. Funding provided to these institutions through this mechanism has remained flat from the previous fiscal year. Investing in the 1890s Land-Grant institutions is a wise investment indeed. Together, our historically black land-grant universities comprise a unique asset with the multi-cultural depth to enrich the research, extension and education capacity of the nation. Strengthening minority serving institutions and making them equal partners in the Land-Grant System are key elements toward improving minority access to USDA programs. Our universities need a significant boost in infrastructure investment to fully participate and compete for research, extension and education funding. The amendment passed by the House of Representatives would increase base (formula) funding and as a result would be a significant step in that direction. I appreciate Senator COCHRAN's recognizing the importance of this funding and hope you will give strong consideration during conference to acceding to the amendment passed by the House of Representatives. $6.8 million divided among the 18 historically black institutions is not much, but it does mean a great deal to these institutions and the people they serve through their research and extension programs.

Mr. COCHRAN. I recognize the need to provide adequate support for the 1890 institutions. The Senator will be pleased to know that this bill provides increases above the fiscal year 2000 level for the 1890 institution's capacity building grants program and the facilities grants program. I share the Senator's interest in these institutions and will keep her comments in mind as we work to enhance funding for these programs in conference.

Mrs. LANDRIEU. I thank the Senator.

CARBON DIOXIDE EMISSIONS TRADING CREDIT MODELS

Mr. CRAIG. Mr. President, I want to ask the Chairman about a small provision in report language, under the Natural Resources Conservation Service. The report encourages the agency to interface with a consortium of universities on developing carbon dioxide emissions trading credit models. I am just seeking clarification on the academic nature of the efforts described and the intent of the Committee.

In numerous appropriations bills and reports, the Committee and the Senate have reiterated the position, consistent with the unanimously-passed Byrd-Hagel resolution, that the Kyoto Protocol on global climate change and control of greenhouse gases has not been approved by the Senate and must not be implemented by the Administration through the regulatory backdoor. Every year, language to this effect has been included in a growing number of appropriations laws, including the Agriculture Appropriations Act for fiscal year 2000.

My question arises because emissions trading is inextricably, and most visibly, linked to the limits envisioned in the Kyoto Protocol. I assume there is no intention in the report language to be inconsistent with our longstanding position on Kyoto and no implied endorsement of emissions trading. I

would read the report as simply encouraging the agency in giving technical assistance to an academic research project relevant to agriculture.

Mr. COCHRAN. The Senator has correctly characterized the Committee's intent.

Mr. BINGAMAN. Mr. President, I rise today to speak for a few minutes about my amendment to the Agriculture Appropriations Bill now before the Senate. The amendment identifies vital funding for Indian Country in four programs under the Rural Community Advancement Program. The cosponsors of the amendment are Senators CAMPBELL, INOUYE, DOMENICI, LEAHY, DASCHLE, DORGAN, FEINSTEIN, BENNETT, MURRAY, JOHNSON, HATCH, SNOWE, and CONRAD.

First, I want to thank Chairman COCHRAN and Senator KOHL for their work on this Agriculture Appropriations Bill. This bill provides funding for a number of programs that are vital to my state of New Mexico and to the nation.

The rural development programs funded in this bill are especially important for a rural state like New Mexico. Through a variety of grant and loan programs, rural development is helping to make sure that our smaller communities are not being left behind in basic infrastructure, in quality of housing, in economical utilities, in community facilities, or in business development. Rural development is making tremendous progress in improving the quality of life of our smaller communities and in Indian Country. The basic health and well being of rural people in New Mexico, as well as their economic future, are much brighter as a result of the rural development programs.

This amendment is straight forward. The bill already provides $24 million for tribal programs, and I thank the Chairman and Ranking Member for providing this important set aside. The amendment simply sets the priorities for how the existing tribal funding in the bill should be divided among the various Rural Development Programs. Under our amendment, $1 million is set aside for rural business opportunity grants, $5 million for community facilities for tribal colleges, $15 million for grants for drinking water and waste disposal systems, and $3 million for rural business enterprise grants. These priorities have the support of the National Congress of American Indians and the American Indian Higher Education Consortium.

I ask unanimous consent that letters from the NCAI and AIHEC supporting our amendment be included in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. BINGAMAN. The $15 million in water and wastewater grants in this amendment include a special provision that allows the department to provide up to 100 percent of the cost of a project for the most economically disadvantaged tribes that can't otherwise qualify for a loan as normally required. A similar grant program was first established by Congress last year to address the urgent needs in Indian Country for basic water and waste water systems. I am pleased that the Rural Utilities Service has moved quickly this year to implement this new program and we are seeing immediate results. To date, 26 grants have been awarded to tribes in 14 states—from Maine to California. The average grant is a little more than $400,000. The RUS already has in hand requests for many millions of dollars in important projects for next year. This amendment will provide the funding to address these urgent needs.

In addition, the amendment provides $5 million in much needed funding for facilities construction and maintenance at our 33 tribal colleges that comprise the American Indian Higher Education Consortium, AIHEC. Many of these institutions are operating in donated, abandoned, and in some cases, even condemned structures. Hazards include leaking roofs, asbestos insulation, exposed and substandard wiring, and crumbling foundations. Tribal colleges receive little or no funding from the states. These institutions are located on federal trust land and are a federal responsibility. The $5 million provided in this amendment will begin to address the backlog in facility requirements for tribal colleges.

The development of new businesses in Indian Country is one key to self sufficiency for Native American communities. The amendment provides $3 million in rural business enterprise grants to support the development of small and emerging tribal business enterprises. These funds can be used to develop land, construct buildings and factories, purchase equipment, provide road access and parking areas, extend basic utilities, or provide technical assistance, startup and operating costs, or working capital for new business.

Finally, the amendment provides a $1 million set aside for tribal rural business opportunity grants. Tribes may use these funds to analyze business opportunities that will make use of the existing economic and human resources in Indian Country. Funding can also be used to train tribal entrepreneurs and to establish business support centers. Unemployment rates in Indian Country are the highest in the nation, sometimes topping 50 percent. Development of new business opportunities on tribal lands is one of the keys to improving the standard of living in Native American communities.

Congress established the rural development programs to assist in the economic development of rural areas of the nation with the highest percentage of low-income residents. Today, some of the most economically disadvantaged communities in America are in Indian Country. The $24 million set aside in this bill for tribal programs represents only a tiny percentage of the total funding available for Rural Community Advancement Programs. This funding will begin to address the needs of some of America's poorest communities.

Again, I want to thank Chairman COCHRAN and Senator KOHL for their support for the tribal funding in this bill. These are important programs to help deal with the critical needs of our tribes. I hope the Senate will support our amendment.

EXHIBIT 1

NATIONAL CONGRESS OF AMERICAN INDIANS,
Washington, DC, May 24, 2000.

Re Support for Bingaman Tribal Amendment

DEAR SENATOR:The National Congress of American Indians (NCAI), the oldest and most representatives Indian advocacy organization, respectfully request your support for an amendment to be offered by Senator Jeff Bingaman to S. 2536, the FY2001 Agriculture Appropriations bill during full Senate consideration. This amendment would designate the $24 million currently proposed for water and wastewater loans and grants in the Indian Rural Utilities Service (RUS) programs into four grant programs: 1) Rural Business Opportunity Grants; 2) Community Facilities Grants for Tribal College Improvements; 3) Drinking Water and Waste Disposal Systems for Economically Disadvantaged Tribes; and 4) Rural Business Enterprise Grants.

NCAI supports this amendment because it designates the funds for grant programs that are targeted to the specific rural development needs of tribes and tribal colleges, rather than for the general purpose of benefiting federally recognized Native American tribes.

In FY2000, Senator Bingaman was instrumental in securing the original set aside of $12 million for the Indian RUS program. To date, 19 Indian projects have been funded, with five requests on hand, and an additional four that are or forthcoming.

NCAI respectfully request your support of the Bingaman Tribal amendment when it is offered for full Senate consideration. If you have any questions in regards to this amendment, please contact me or Victoria Wright, NCAI Legislative Associate at (202) 466–7767.

Sincerely,

JOANN K. CHASE,
Executive Director.

AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM,
Alexandria, VA, July 2000.

DEAR SENATOR: The 33 Tribal Colleges and Universities that comprise the American Indian Higher Education Consortium (AIHEC) respectfully request your support of the Bingaman amendment to be offered during Senate consideration of the FY01 Agriculture Appropriations bill (S. 2536/H.R. 4461). This amendment would simply allocate the proposed $24 million available for loans and grants to federally recognized American Indian tribes through the Rural Community Advancement Program into four grant programs: 1) Rural Business Opportunity Grants; 2) Community Facilities Grants for Tribal College Improvements; 3) Drinking Water and Water Disposal Systems for Economically Disadvantaged Tribes; and 4) Rural Business Enterprise Grants.

Tribal Colleges serve as community centers, providing libraries, tribal archives, child care centers, nutrition and substance abuse counseling and a broad range of other vitally needed facilities to their rural communities. Yet, many of our colleges are still

operating in trailers, renovated gymnasiums, reclaimed abandoned BIA facilities with leaking roofs, exposed and substandard wiring and crumbling foundations. The Federal government has never funded authorized facilities programs for the Tribal Colleges. The Rural Community Programs were created to assist in the development of essential community facilities located in rural areas with a high concentration of low-income residents. This is by definition of the reservation communities served by the Tribal Colleges.

Our 33 colleges, 26,000 students and the 250 tribal nations we serve are extremely grateful to Senator Bingaman for championing this effort and for your support. The inclusion of the amendment will be a first step in bringing the Tribal Colleges much needed resources to address critical facilities needs.

Respectfully,

VERONICA N. GONZALES,
Executive Director.

Mr. MCCAIN. Mr. President, the agricultural appropriations bill is very important bill—it provides federal assistance to our nation's farming communities, funds social service programs for women and children, and addresses natural resource management needs across the country.

I commend Chairman COCHRAN and other members of the Agriculture Appropriations subcommittee for their hard work to complete this year's bill. So, it is with regret that I had to vote against passage of this bill.

Mr. President, approval of the annual budget is among our most serious responsibilities. We are the trustees of billions of taxpayer dollars, and we should evaluate every spending decision with great deliberation and without prejudice.

Unfortunately, each year, we find new ways to violate budget policy. Appropriators have employed every sidestepping method in the book to circumvent Senate rules and common budget principles that are supposed to strictly guide the appropriations process. The excessive fodder and trickery have never been greater, resulting in the shameless waste of millions of taxpayer dollars. Included in this bill is more than $243 million in pork-barrel spending and additional ''emergency spending'' at the cost of $2 billion.

Traditional earmarks run rampant in this bill and its accompanying report for unrequested and low-priority spending. Other sly methods are also utilized to secure funding for parochial projects. If a direct amount is not earmarked, then the committee has covertly directed the USDA to grant special consideration to certain projects that would otherwise be subject to a competitive grant review. Appropriations bills are also popular targets to attach policy riders which clearly have no place in budget bills.

Another $2 billion in designated ''emergency'' spending was also added to this bill for various crop and disaster related assistance. This ''emergency'' spending is in addition to billions already spent in the past few years for farm relief spending, as well as other supplemental appropriations included in the military conference report for fiscal year 2000, and several billion more included in the recently passed crop insurance reform bill.

I rise today to tell my colleagues that I object.

I object to the $243 million in directed earmarks for special interest projects in this bill. I object to sidestepping the legislative process by attaching erroneous riders to an appropriations bill. I object to speeding through appropriations bills without adequate review by all members. I object to budget gimmickry practiced by attaching non-germane and non-priority items to appropriations bills and designating them as ''emergencies'' to avoid exceeding budget allocations.

It is no surprise that many of these earmarks are included for political glamour rather than practical purposes. Members can go back to their districts to ride in public parades and garner votes at the expense of average citizens who are struggling to maintain minimum wage jobs.

Again, some of these items are not particularly objectionable on an individual basis. However, I am merely objecting to the way these projects have been selectively identified and prioritized for earmarks when so many other needs around our country go unaddressed. Other items clearly do not belong in this particular bill and, therefore, could be subject to budget points-of-order.

Numerous earmarks are included that are of questionable relation or priority to the purposes of this bill. A few examples are:

$20 million for construction of a Los Angeles replacement laboratory and office space project in California;

$3.5 million for the Delta Teachers Academy;

$5 million for demonstration housing grants for agriculture, aquaculture, and seafood processing works in Mississippi and Alaska;

$500,000 for cooperative efforts with the Claude E. Phillips Herbarium in Delaware;

$87,000 for North American Studies in Texas;

$436,000 for a clean air PM–10 study in Washington;

$2,150,000 for a rural health program in Mississippi to train health care workers to serve in rural areas; and,

An additional $520,000 for seven additional inspectors at the U.S.-Mexico Border at the San Diego ports of entry.

Again, Mr. President, these projects may be meritorious and helpful to the designated communities, but they do not appear appropriate to tag onto this year's agriculture spending bill. This appropriations measure is intended to address farmers, women, children and rural communities with the greatest need. Yet, by diverting millions to non-agricultural needs, we fail in this responsibility, forcing Congress to pass ad-hoc emergency spending bills with billions in farm relief and bail-outs for producers who cannot pay back their federal loans.

I hope my colleagues will agree that we have higher spending priorities that are directly related to the purposes of this agriculture bill. Had we more responsibility allocated funding in these appropriations bills, we certainly could have avoided this type of egregious pork-barrel and emergency ad hoc spending which cuts deep into the budget surplus.

Mr. President, I have compiled a list of objectionable provisions in this bill and its accompanying report. However, the list is too lengthy to include in the RECORD, but will be available from my Senate office.

Mr. KENNEDY. Mr. President, the American food supply is one of the safest in the world—but it is not safe enough. Over 75 million Americans a year are stricken by disease caused by contaminated food they eat. Each year, 9,000 people—mostly the very young and the very old—die as a result. The costs of medical treatment and losses in productivity from these illnesses are as high as $37 billion annually.

The emergency of highly virulent strains of bacteria, and the increase in the number of organisms resistant to antibiotics, are compounding these problems and making foodborne illnesses an increasingly serious public health challenge.

Americans deserve to know that the foods they eat are safe, regardless of their source. Yet too many citizens today are at unnecessary risk of foodborne diseases. This Congress can make a difference. The FDA requested a budget increase of $30 million in 2001 for its Food Safety Initiative activities. With these additional funds, the FDA can improve its inspection of high-risk food establishments and strengthen its laboratory capabilities. Without this funding, the agency will conduct 700 fewer inspections next year. The Senate Appropriations Committee recognized the importance of protecting our food supply by granting the FDA the majority of its requested increase for food safety. The amendment I propose will give the FDA the additional $6 million it needs for these efforts.

In response to improved surveillance and increased sampling and testing, illnesses from the most common bacterial foodborne pathogens decreased by 21 percent from 1997 to 1999. As a result, 855,000 fewer Americans each year suffer from foodborne diseases. But contaminated food still remains a significant public health problem.

Recently, a new strain of an organism contaminated oysters in Texas, and caused an epidemic of diarrhea. This year, the FDA recalled several smoked fish products manufactured in New York because of outbreaks of disease. In March, 500 college students in Massachusetts became ill with Norwalk-like virus. Each year there are also at least 4700 cases of Salmonella in Massachusetts. We must do more to protect our citizens from foodborne diseases.

Imported foods are a significant part of the problem and often pose especially serious health risks. Americans are consuming foods from other countries at increasing rates. Since 1992, the number of food imports has tripled. At that time, the FDA was able to inspect only 8 percent of these imports. Since then the rate of FDA inspections of imported food has dropped to less than 1 percent, because resources did not increase for monitoring these imports.

Other countries have often not implemented food safety protections comparable to those in the United States, and general sanitary conditions are often poor. As a consequence, foods from such countries are more likely to be contaminated with disease-producing organisms. In 1995, 242 people contracted Salmonella from alfalfa sprouts imported from the Netherlands. In 1996, over 1,400 people became ill from contaminated raspberries from Guatemala. Just this year, infected shrimp from Vietnam caused Salmonella and E. coli outbreaks.

In earlier decades, diseases such as tuberculosis and cholera were the focus of food safety concerns. Today diseases caused by dangerous new strains of E. coli have become primary causes of foodborne illness. These new organisms necessitate increased investment in research, technology, and surveillance to protect the safety of our food supply.

Food safety efforts are also especially important to protect the growing number of individuals in vulnerable populations, such as young children, the elderly, those with lowered immunity from HIV, and those with inadequate access to health care.

By providing the FDA with the necessary resources to combat foodborne diseases, we can protect tens of millions of our fellow citizens across the country each year. Investment in food safety is an investment in the health of every American. Congress should give the FDA the resources it needs in order to ensure the safety of the food we eat. The amendment I am proposing is a major step to meet this challenge, and I urge the Senate to approve it.

Mr. LEAHY. Mr. President, I rise today to express my support for and cosponsorship of the Hatch-Durbin amendment to the Agriculture Appropriations bill to increase funding for the Office of Generic Drugs (OGD) at the Food and Drug Administration (FDA) by $2 million.

As we all know, the high costs of prescription drugs are on the minds of Americans because having access to affordable prescription drugs is essential for people of all ages. Over the next 5 years, the patents of name brand drugs with approximately $22 billion in sales will expire. Consumers will save millions of dollars from generic prescription drug alternatives. This will help to alleviate cost pressures facing some of our most vulnerable citizens—seniors and the chronically ill.

The FDA will be able to help make drugs more affordable only if it has adequate resources to review and approve generic drug applications in a timely manner. In recent years, I have worked with Senators SPECTER, HARKIN, and other cosponsors of this amendment to urge our colleagues to increase funds for the Office of Generic Drugs. These efforts have paid off in a reduction in the backlog of generic drug applications. Unfortunately, the President did not request an increase for the Office of Generic Drugs for the 2001 fiscal year. However, the workload for the office continues to increase and for the first time in several years, the backlog of applications has increased rather than continue to decline.

An increase of $2 million for the Office of Generic Drugs will be used for training and the upgrade of information technology systems that will allow for the electronic submission and review of generic drug applications.

I urge my colleagues to support this important amendment. This amendment will put the review record of the Office of Generic Drugs back on course.

Mr. DOMENICI. Mr. President, I rise in support of the Department of Agriculture and Related Agencies Appropriations bill for fiscal year 2001.

The Senate-reported bill provides $75.1 billion in new budget authority (BA) and $39.4 billion in new outlays to fund most of the programs of the Department of Agriculture and other related agencies. All of the discretionary funding in this bill is nondefense spending.

When outlays from prior-year appropriations and other adjustments are taken into account, the Senate-reported bill totals $64.2 billion in BA and $46.7 billion in outlays for FY 2001. Including mandatory savings, the subcommittee is at its 302(b) allocation in both BA and outlays.

The Senate Agriculture Appropriations Subcommittee 302(b) allocation totals $64.4 billion in BA and $46.7 billion in outlays. Within this amount, $14.9 billion in BA and $15.0 billion in outlays is for nondefense discretionary spending.

For discretionary spending in the bill, and counting (scoring) all the mandatory savings in the bill, the Senate-reported bill is $315 million in BA and $6 million in outlays below the subcommittee's 302(b) allocation. It is $75 million in BA below and $131 million in outlays above the 2000 level for discretionary spending, and $630 million in BA and $77 million in outlays below the President's request for these programs.

I recognize the difficulty of bringing this bill to the floor at its 302(b) allocation. I appreciate the committee's support for a number of ongoing projects and programs important to my home State of New Mexico as it has worked to keep this bill within its budget allocation.

I urge adoption of the bill.

Mr. President, I ask unanimous consent that a table displaying the Senate Budget Committee scoring of the bill be inserted in the RECORD.

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

S. 2536, AGRICULTURE APPROPRIATIONS, 2001 SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2001 in millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	14,539	49,616	64,155
Outlays	14,961	31,775	46,736
Senate 302(b) allocation:			
Budget authority	14,584	49,616	64,470
Outlays	14,967	31,775	46,742
2000 level:			
Budget authority	14,614	50,295	64,909
Outlays	14,830	33,088	47,918
President's request			
Budget authority	15,169	49,616	64,785
Outlays	15,038	31,775	46,813
SENATE-REPORTED BILL COMPARED TO			
Senate 302(b) allocation:			
Budget authority	−315		−315
Outlays	−6		−6
2000 level:			
Budget authority	−75	−679	−754
Outlays	131	−1,313	−1,182
President's request			
Budget authority	−630		−630
Outlays	−77		−77

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. ROBERTS. Mr. President, I rise today in strong support of H.R. 4461, the FY2001 Agriculture appropriations bill. I commend Senator COCHRAN for bringing forward what I believe is a solid bill to fund those programs of greatest importance to production agriculture and rural America. The task to complete this legislation is never easy, but the Senator from Mississippi has again worked to craft a bill that serves the states of all members of the Senate.

In this era of tight budget caps, crafting this legislation becomes more difficult each year. Despite these difficulties, the chairman has still found a way to provide increases in funding for several vital programs, including:

Farm Service Agency Staffing +$20 million from FY00; Conservation Programs +$63.4 million; Food Safety Inspection Service +$29 million; and Agricultural Research +60.4 million.

Mr. President, I know that many Senators and our constituents are often upset to see increases in funding for federal staffing. But, I must tell you that this increase in funding for FSA staffing is essential.

The Farm Service Agency is responsible for distributing all AMTA, LDP, and market loss payments and programs to our producers. With the low prices of the past two years, these staff have faced a tremendous workload. These programs are essential to our producers and without proper staffing the delivery of these programs will be delayed. This is funding that will benefit our producers.

The productivity of today's U.S. agricultural machine is a modern day miracle that is a model for the rest of the world. We grow more food, for more people, on less land each year. Much of this productivity is a direct result of the commitment Congress has provided to agricultural research in the past. Additional research and productivity

will be essential, as the world's population continues to grow in the next fifty years. The U.S. must be a leader in this area, and I thank the chairman for his commitment to research funding in this legislation.

In addition, I want to thank the chairman for the additional funding provided for the Food Safety Inspection Service (FSIS). Kansas is the largest beef packing state in the country and beef accounts for nearly ½ the farm income in my state each year. We have many small plants and lockers located throughout the state, and we have the ''Big 4'' packers located within a 100-mile radius of each other in the southwestern part of the state. These plants have experienced inspector shortages at several points during the past year. These shortages result in reduced production chain speeds, which results in lost income for the processors, and fewer cattle being slaughtered which directly affects the pocketbooks of my cowboys and cattle ranchers, I am hopeful FSIS will use this money to hire inspectors and locate them in those areas where they are most needed.

I think it is also important to point out the significantly larger amount of funding for USDA agricultural export programs in the Senate bill compared to the House Agricultural Appropriations bill. We need full funding of these programs if our producers are to continue gaining additional world market shares, and I am hopeful the Senate position will prevail in conference with the House.

Finally, I thank the chairman for the funding he has provided for continued wheat and grain sorghum research in the State of Kansas through the Agricultural Research Service and Kansas State University. Kansas is the No. 1 producer of both wheat and grain sorghum in the U.S. Thus, the two crops play a vital role in our state's agricultural economy. This funding will allow us to continue research that allows us to combat emerging diseases in these crops and to find better ways to market them as well.

Again, I thank the Chairman for his efforts on this legislation. As always, he and staff—Rebecca Davies, Martha Scott Poindexter, Les Spivey, and Hunt Shipman—have taken very difficult budget numbers and have gone out of their way to address the needs of the constituents of all members of the Senate. They should be applauded for their work, and I urge my colleagues to support quick passage of this important piece of legislation.

Mr. WARNER. Mr. President, during consideration of the 1990 Farm Bill, a provision was inserted granting the USDA Graduate School the ability to enter non-competitive, interagency agreements for the provision of training services to other agencies. The Graduate School pursues and enters into these side agreements with other Federal agencies on a non-competitive basis. The private sector is shut out, unable to bid on these contracts.

Section 1669 enables the United States Department of Agriculture Graduate School (Graduate School) to accept non-competitive agreements from federal agencies to provide training and other human resource services. The provision limits—and even discourages—competition in contracting, the cornerstone of fair and equitable pricing in the award of government contracts.

Despite its name and 80-year history, the Graduate School is not a part of the federal government. The Comptroller General of the United States ruled that the Graduate School is a ''Non-Appropriated Fund Instrumentality'' (NAFI). NAFIs do not receive budget authority or appropriations from Congress and are supported entirely by fees or prices for their services. Like other NAFIs the Graduate School is not subject to the Federal Acquisition Regulations, the Freedom of Information Act, or other laws and regulations governing the operations of federal agencies. The Comptroller General ruled that the Graduate School, as a NAFI, is not a proper recipient of interagency order from Government agencies for training services. And under law, these orders are only permissible if a commercial enterprise can't provide the goods or services as conveniently or cheaply.

Various federal laws do indeed provide preferential treatment for economically disadvantaged firms in the award of government contracts. Under these programs administered and monitored by federal agencies, such as the Small Business Administration, Department of Labor, and Department of Commerce, many small businesses, minority-owned enterprises, and firms in labor surplus areas qualify by meeting established regulatory standards.

The Graduate School, however is not economically disadvantaged. The Graduate School earned net profits exceeding $13 million over the past five years. Effective on the close of its 1998 fiscal year on September 30, its net worth was $18.5 million; its aggregate retained earnings (1993–1998) were $13.3 million, and its current asset/liability ratio was 2.01. In spite of this financially advantageous position, the Graduate School pays ''bargain rate'' nonprofit postage, receives donated space and services from federal agencies, and pays no federal income tax.

Only the Graduate School benefits from the preferential treatment afforded by Section 1669.

The Graduate School has government subsidized facilities in Washington, D.C., Chicago, Philadelphia, Honolulu, Atlanta, Dallas, and San Francisco. It offers a range of business, finance and management courses that could be offered by hundreds of local community colleges or private training firms.

The Graduate School benefits at the expense of small and large tax-paying businesses and is not selling any commodity they could not provide. Indeed, many large and small-business training enterprises are ready, willing, and able to compete for the Graduate School's share of agency training budgets.

Mr. President, competition requires a level playing field. Without it, American taxpayers take the hit. And agencies and taxpayers are not receiving the benefits for quality and pricing that competition provides. In Section 1669 restrictive, narrowly based, preferential legislation undermines proven forces of the market economy to determine fair and equitable prices. Section 1669 of the 1990 Agriculture Act (PL 101–624) must be repealed.

Mr. DORGAN. Mr. President, yesterday the Senate passed by a margin of 74–21 the Jeffords-Dorgan amendment to allow for importation of FDA-approved prescription medicines by licensed pharmacists and drug wholesalers. This amendment addresses a very important issue for American consumers, especially for senior citizens who must pay for their medicines out of their own pockets. The same medications sold in the United States are also sold in Canada and other countries, often at substantially lower prices. This amendment has the potential to save American consumers millions of dollars by giving them access to their medicines at these lower prices at their local pharmacies.

I am pleased that this amendment has the support of the National Community Pharmacists Association, and I ask unanimous consent that a letter of support from the NCPA be printed in the RECORD.

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

NATIONAL COMMUNITY PHARMACISTS ASSOCIATION,
July 17, 2000.

Re H.R. 4461—Ag Appropriations Jeffords/Dorgan/Wellstone et al., amendment.

DEAR SENATOR: On behalf of the independent pharmacists in your state, I would like to express the National Community Pharmacists Associations' endorsement of the strongly bipartisan cited amendment that safely allows American consumers to benefit from international price competition for prescription medicines.

The Jeffords/Dorgan/Wellstone amendment is designed to permit the importation of prescription drugs by American pharmacies so long as the drugs meet Food and Drug Administration standards, including compliance with current good manufacturing practices. Such FDA-approved drugs are sold in Canada, the United Kingdom, EU countries, and other countries for prices considerable lower than the best prices available to retailers in this country. We agree with its sponsors that it ''is a fair commonsense, free-market approach to lowering drug prices for constituents while benefiting small businesses'' and that ''it's outrageous that Americans should have to resort to crossing borders to purchase their prescriptions. We should be able to buy our medications at reasonable prices from pharmacies in our neighborhoods.''

This amendment encourages and supports the role of pharmacists in our health care system and strengthens their ability to continue to provide affordable, critical products and services. It also will likely encourage

more employers to continue and even initiate prescription drug coverage for their employees.

The objectives of this amendment are fully compatible with the 1988, Prescription Drug Marketing Act [PL 100–293] authored by your former colleague Spark Matsunaga and the dean of the House of Representatives, Representative John Dingell. This law in an effort to prevent the importation of counterfeit or adulterated prescription drugs banned reimportation of all prescription drugs, except by manufacturers. The proposed amendment would authorize importation including reimportation by legitimate pharmacists, pharmacists buying groups and wholesalers. Under the amendment, pharmacies and wholesalers importing drugs would still have to meet the *same* standards set by FDA, which allowed $12.8 billion worth of Rx drugs to be imported into the U.S. by manufacturers in 1997.

Obviously, imports by legitimate businesses including the independent pharmacies will not increase counterfeit drugs and will not put the health of American consumers at risk. To claim otherwise would at best be deceptive.

According to the United States International Trade Commission staff, more than 16% of the prescription drugs consumed by American patients were in fact imported. Typical, would be a nasal inhaler for asthma patients whose labeling reads ''Assembled in Great Britain from products manufactured in Great Britain, Sweden, and Finland and manufactured for Astra USA, Inc. Westborough, MA.''

Further, the amendment provides for a paper trail to assure that the drugs are properly transported and stored; and to prevent the importation of counterfeit, adulterated or other inappropriate prescription drugs. It also allows for testing of imported drugs when appropriate.

It is noteworthy that both the FDA and the PMA (now PhRMA) testified against and otherwise opposed the 1988 reimportation provision. Now the drug maker organization has done a 180, claiming that limiting reimports to them protects the public and disingenuously claiming that community retail pharmacy is not a competitive marketplace and that, consequently, any lower acquisition cost available to community pharmacies would benefit consumers only if pharmacies were forced through price controls to pass on savings to patients.

The truth is that the community pharmacy marketplace has virtually all of the characteristics of a healthy competitive marketplace. It has a significant number of widely dispersed, diversely owned businesses that are readily available to consumers. These competitive businesses predictably have modest gross margins or markups and low profits. What these businesses do not have is access to fairly priced branded Rxs based on economies of scale. Drugmakers, through discriminatory pricing practices, are responsible for this unhealthy characteristic of the community pharmacy marketplace.

In addition to the strong and growing number of bipartisan cosponsors, Congress has already taken key steps in support of the Jeffords/Dorgan/Wellstone approach. On April 6, 2000, the Senate approved the Gorton/Jeffords Sense of the Senate resolution that the ''cost disparity between identical prescription drugs sold in the United States, Canada and Mexico should be reduced or eliminated.'' On Monday, July 10, 2000, two relevant and significant amendments were approved by the House of Representatives on the Agriculture Appropriation bill, H.R. 4461. The first amendment was approved 363 to 12. It forbids the FDA from enforcing the ban on reimportation. The second amendment was approved 370 to 12. It prevents any FDA action regarding prescription drugs manufactured in FDA approved facilities in the US, Canada and Mexico. Notably, the House Commerce Committee Chairman and its five subcommittee chairs voted for both of these amendments.

A recent survey by the Senior Citizens League found that 88% of seniors favor the Jeffords/Dorgan/Wellstone amendment to allow safe prescription drugs to be imported from Canada and other countries.

The small businesses, independent health care professionals we represent are the preferred choice of American consumers. Our members function in the market in a variety of forms. They do business as single stores ranging from apothecaries to full line high volume pharmacies; as independent chains (e.g. 100 pharmacies) and as franchises (e.g. Medicine Shoppe, 1200 pharmacies). Whatever the form of business entity, however, independent pharmacists are the decision makers for this wide variety of NCPA member companies.

The most in depth consumer survey to date conducted by *Consumer Reports,* involving 15,000 consumers, published last fall, found that consumers preferred independently owned pharmacies for several reasons: Independents provided more personal attention; Independents provided more useful information about both prescription and nonprescription drugs; Independent druggists were seen as more professional, more sensitive to families' needs, and easier to talk to; Independents kept consumers waiting less time for drugs, had prescriptions ready for pickup more often, and provided out-of-stock medicine faster

Our 1200 plus independently owned members in the Medicine Shoppes franchise were ranked second; the supermarket drugstores were third, the mass merchandisers were fourth; and the worst stores overall were the big corporate run chains. No preference was expressed for mail order.

The community pharmacist of today is simultaneously a health care professional and a small businessperson. As owners, managers, and employees of independent pharmacies, our member's 30,000 pharmacies and our 75,000 are committed to provide legislative and regulatory initiatives, which are designed to protect the public; to provide them a level playing field and a fair chance to compete; and to provide quality pharmacists services to your constituents. The Jeffords/Dorgan/Wellstone et. al. amendments with its safe, but free trade approach, meets each of these criteria.

We urge you to vote for the Jeffords/Dorgan/Wellstone amendment to H.R. 4461. It will unleash market forces to help reduce the cost of safe prescription drugs for all of your constituents, including seniors.

Warm Regards,

JOHN M. RECTOR,
Senior Vice President,
Government Affairs and General Counsel.

Mr. KOHL. Mr. President, I congratulate Senator COCHRAN, my chairman, and his fine staff for the efficient completion of S. 2536. My friend from Mississippi has conducted this debate—as he always does—in a balanced, fair, and non partisan manner. He is a gentleman and a friend, and it is an honor and a pleasure to work with him.

The bill we just passed includes funding for a wide variety of programs important to the American people. This is especially true now due to economic conditions in rural America which have not kept pace with the general prosperity enjoyed by most Americans.

The bill also responds quickly and adequately to the very real crisis that has hit the dairy industry across this nation. Last December, milk prices dropped unexpectedly and dramatically. Today, the base price farmers receive for their milk is $9.46. The average base price for 1998 was $14.21, and the average for 1999 was $12.43.

Those cold numbers cannot express the hard damage that has been done to dairy farmers and their families throughout my State, and throughout the nation. They add up to families that have stopped milking after generations, and rural towns that are collapsing as farms disappear. America's dairyland is in real danger of becoming a wasteland.

And today with this bill, the Senate has responded with emergency payments to the small farmers hardest hit by this disaster. I am proud of this institution for putting aside regional differences and interests, and for seeing this provision as—not just helping Wisconsin farmers, or Vermont farmers, or Pennsylvanian farmers—but as helping American families.

I also thank the Senator from West Virginia, the distinguished ranking member of the Appropriations Committee, for his vital assistance in securing these emergency dairy payments. At the end of last year, when we spent a great deal of the Senate's time on dairy issues, he listened to me and to the unique struggles of Wisconsin dairy farmers. He said then he would do whatever he could to help. And he has. He is a man who speaks some of the most inspiring and powerful words spoken on the Senate floor—and he is a man of those words. It is an honor to serve with him.

This is a good bill and, again, we should all congratulate Senator COCHRAN for his fine leadership of our subcommittee. I also want to thank the members of my staff who have helped make this process run as smoothly as it has this year: Paul Bock, my chief of staff, and Ben Miller, who is new on my staff this year, have done a fine job. Special thanks goes to the subcommittee's minority clerk, Galen Fountain, without whom I do not believe there could be an Agriculture bill in the Senate. His knowledge of the subject, his patience, his loyalty, and his work ethic are legendary around here, and deservedly so.

I look forward to moving this bill through conference quickly, and having a solid Agriculture budget in place well before October 1st.

I yield the floor.

Mr. COCHRAN. Mr. President, there are no more amendments. I appreciate very much the cooperation of all Senators. We are ready to go to third reading.

The PRESIDING OFFICER. If there are no further amendments, the question is on the engrossment of the amendments and third reading of the bill.

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

The bill was read the third time.

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

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Did we just pass the bill?

The PRESIDING OFFICER. The Chair has not yet announced the final passage of the bill.

Mr. SMITH of New Hampshire. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING), is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nebraska (Mr. KERREY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Washington (Mrs. MURRAY), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 13, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—79

Abraham	Durbin	McConnell
Akaka	Edwards	Mikulski
Ashcroft	Feinstein	Moynihan
Baucus	Fitzgerald	Murkowski
Bayh	Frist	Reed
Bennett	Gorton	Reid
Biden	Grams	Robb
Bingaman	Grassley	Roberts
Bond	Gregg	Rockefeller
Breaux	Hagel	Roth
Brownback	Harkin	Santorum
Bryan	Hatch	Sarbanes
Burns	Helms	Schumer
Byrd	Hollings	Sessions
Campbell	Hutchinson	Shelby
Chafee, L.	Hutchison	Smith (OR)
Cleland	Inhofe	Snowe
Cochran	Jeffords	Specter
Collins	Johnson	Stevens
Conrad	Kohl	Thomas
Craig	Landrieu	Thompson
Crapo	Lautenberg	Thurmond
Daschle	Leahy	Warner
DeWine	Levin	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

NAYS—13

Allard	Kyl	Smith (NH)
Enzi	Lieberman	Torricelli
Feingold	Mack	Voinovich
Graham	McCain	
Gramm	Nickles	

NOT VOTING—7

Boxer	Kennedy	Murray
Bunning	Kerrey	
Inouye	Kerry	

The bill (H.R. 4461), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate insists on its amendments and requests a conference with the House, and the Chair appoints Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. STEVENS, Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD conferees on the part of the Senate.

Mr. COCHRAN. Mr. President, I want to express my deepest appreciation for the excellent cooperation of our professional staff members of the Appropriations Committee. Our subcommittee staff, in particular, led by our chief clerk, Rebecca Davies, and other staff members, including Martha Scott Poindexter; Hunt Shipman; Les Spivey; and Coy Neal; the minority professional staff, Galen Fountain and Carole Geagley; the full committee staff member, Jay Kimmitt; Senator KOHL's personal staff members, Ben Miller and Paul Bock. They were all enormously helpful in the handling of this legislation and the passage of this legislation tonight in the Senate. For all of their assistance, I am deeply grateful.

I also have to thank Senator HERB KOHL, the distinguished ranking member of the Democratic side of the aisle on this subcommittee.

I appreciate the able assistance we received during the final, crucial stages of the handling of this bill from Senator LOTT, the majority leader; Senator STEVENS, chairman of the full Committee on Appropriations; and Senator REID of Nevada, who provided assistance all during the handling of the bill on the floor of the Senate today. We appreciate all of the good work they did. We also thank all Senators for permitting us to pass this legislation tonight.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I thank the manager of the Agriculture appropriations bill for allowing me to begin this unanimous consent request and for his patience in working through this long series of amendments. Again, I thank HARRY REID and Senator DASCHLE for their work with us. We have a unanimous consent request so Senators will know how to proceed tonight.

Mr. President, I ask unanimous consent that the Senate proceed to the reconciliation/marriage tax relief conference report to H.R. 4810, and there be up to 90 minutes for debate this evening, to be equally divided between the two managers.

I further ask unanimous consent that when the Senate reconvenes at 9 a.m. on Friday, there be 30 minutes of debate on the marriage tax penalty conference report, to be equally divided between the two managers, and following the use or yielding back of time, the Senate proceed to the vote on adoption of the reconciliation/marriage tax relief conference report, without any intervening action, motion, or debate.

I further ask consent that following the disposition of the marriage tax relief conference report on Friday, the Senate immediately proceed to executive session in order to consider the following nominations, that they be considered en bloc, confirmed en bloc, the motions to reconsider be laid upon the table, the President be notified, and the Senate return to legislative session. Those nominations are:

Johnnie Rawlinson, to be a Ninth Circuit Judge; Dennis Cavanaugh, to be a district judge; John E. Steele, to be a district judge; Gregory Presnell, to be a district judge; and James Moody, to be a district judge.

If we can get an agreement, Senator DASCHLE and I are prepared to go forward with the Department of Defense appropriations bill. We don't have that yet, but we will try to clear that on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I thank Senator DASCHLE, Senator REID, and Senator COCHRAN for their help in this matter.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the Senator from New York, Mr. MOYNIHAN, the ranking member of the Finance Committee, has been here. He checked with the minority and there is nobody on the minority side who wishes to speak tonight. The Senator will be here in the morning to lead the debate for the minority on the marriage tax issue. I wanted the RECORD to be clear because my friend, Senator ROTH, indicated that the ranking member would be here. He was here and he checked to see if anybody on our side wished to speak and nobody did. So he has departed from the Chamber.

MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000—CONFERENCE REPORT

Mr. ROTH. Mr. President, I submit a report of the committee of conference on the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 4810 have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.