Site Loans Program.

Grants for Screening, Referrals, and Education Regarding Lead Poisoning in Infants and Children.

Child Protection Block Grant.

Title XIX–B subpart I and II Public Health Service Act.

Title III Older Americans Act Programs.

Title II–B Domestic Volunteer Service Act Programs.

Title II–C Domestic Volunteer Service Act Programs.

Low-Income Energy Assistance Act Program.

Weatherization Assistance Program.

Community Services Block Grant Act Programs.

Legal Assistance under Legal Services Corporation Act.

Emergency Food and Shelter Grants under McKinney Homeless Act.

Child Care and Development Block Grant Act Programs.

State Program for Providing Child Care (section 402(j) SSA)

Stafford student loan program.

Basic educational opportunity grants.

Federal work Study.

Federal Supplement education opportunity grants.

Federal Perkins loans.

Grants to States for state student incentives.

Grants and fellowships for graduate programs.

Special programs for students whose families are engaged in migrant and seasonal farmwork.

Loans and Scholarships for Education in the Health Professions.

Grants for Immunizations Against Vaccine-Preventable Diseases.

Job Corps.

Summer Youth Employment and Training.

Programs of Training for Disadvantaged Adults under Title II–A and for Disadvantaged Youth under Title II–C of the Job Training Partnership Act.

Earned Income Tax Credit (EITC).

Mr. LOTT. Mr. President, this list includes supplemental security income, social services block grants, Medicaid, food stamps, family nutrition block grants, school-based nutrition block grants, grants for screening, referral and education regarding lead poisoning, not to mention Medicare and housing assistance—a long list of programs that will help children.

So there are good programs here that will be preserved and, in many cases, improved. So if you really want welfare reform, this is it.

This may be the last opportunity to get genuine welfare reform. Vote yes. Send this bill to conference. We will get it out of conference next week, and we will send it to the President before the August recess.

I hope the President will not veto welfare reform for a third time in 18 months.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii [Mr. INOUYE] would vote ''nay.''

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

The result was announced—yeas 74, nays 24, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—74

Abraham	Ford	Lugar
Ashcroft	Frahm	Mack
Baucus	Frist	McCain
Bennett	Gorton	McConnell
Biden	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Nunn
Brown	Gregg	Pressler
Bryan	Harkin	Reid
Burns	Hatch	Robb
Byrd	Hatfield	Rockefeller
Campbell	Heflin	Roth
Chafee	Helms	Santorum
Coats	Hollings	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Conrad	Jeffords	Snowe
Coverdell	Johnston	Specter
Craig	Kempthorne	Stevens
D'Amato	Kerry	Thomas
DeWine	Kohl	Thompson
Domenici	Kyl	Thurmond
Dorgan	Levin	Warner
Exon	Lieberman	Wyden
Feingold	Lott	

NAYS—24

Akaka	Feinstein	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Kennedy	Pell
Bumpers	Kerrey	Pryor
Daschle	Lautenberg	Sarbanes
Dodd	Leahy	Simon
Faircloth	Mikulski	Wellstone

NOT VOTING—2

Inouye	Kassebaum

The bill (H.R. 3734), as amended, was passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the bill passed.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House and appoints conferees on the part of the Senate.

The Presiding Officer (Mr. GORTON) appointed, from the Committee on the Budget, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. EXON, and Mr. HOLLINGS; from the Committee on Agriculture, Nutrition and Forestry, Mr. LUGAR, Mr. HELMS, Mr. COCHRAN, Mr. SANTORUM, Mr. LEAHY, Mr. HEFLIN, and Mr. HARKIN; from the Committee on Finance, Mr. ROTH, Mr. CHAFEE, Mr. GRASSLEY, Mr. HATCH, Mr. SIMPSON, Mr. MOYNIHAN, Mr. BRADLEY, Mr. PRYOR, and Mr. ROCKEFELLER; from the Committee on Labor and Human Resources, Mrs. KASSEBAUM and Mr. DODD, conferees on the part of the Senate.

Mr. KENNEDY. Mr. President, the cosmetic improvements made in this bad bill cannot possibly justify its passage. It is no answer to say that this bill is less extreme than previous bills. Less extreme is still too extreme.

This bill condemns millions of innocent children to poverty in the name of welfare reform. But no welfare bill worthy of the name reform would lead to such an unconscionable result. This bill is not a welfare reform bill—it is a ''Let them eat cake'' bill.

In fact, welfare reform would have nothing to do with the tens of billions of dollars in this bill in harsh cuts that hurt children. Cuts of that obscene magnitude are totally unjustified. They are being inflicted for one reason only—to pay for the massive tax breaks for the wealthy that Bob Dole and the Republican majority in Congress still hope to pass. Today the Republican majority has succeeded in pushing extremism and calling it virtue. It is nothing of the sort. This bill will condemn millions of American children to poverty in order to proivde huge tax breaks for the rich.

These are the wrong priorities for America. If children could vote, this Republican plan to slash welfare would be as dead as their plan to slash Medicare. But children don't vote—and they will pay a high price in blighted lives and lost hope.

Perhaps the greatest irony of all is now on display, as America hosts the Olympic games. We justifiably take pride in being the best in many difficult events. We may well win a fistful of golds in Atlanta. But America is not winning any gold medals in caring for children.

The United States already has more children living in poverty—the United States already spend less of its wealth on its children—than 16 out of the 18 major industrial nations in the world. The United States has a larger gap between rich and poor children than any other industrial nation. Children in the United States are twice as likely to be poor than British children, and three times as likely to be poor than French or German children. And we call ourselves the leader of the free world? Shame on us. Shame on the Senate. Surely we can do better—and there is still time to do it.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1997

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 3603.

The legislative clerk read as follows:

A bill (H.R. 3603) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997.

The Senate resumed consideration of the bill.

Pending:

Gregg amendment No. 4959, to prohibit the use of funds to make loans to large processors of sugarcane and sugar beets, who has an annual revenue that exceeds $10 million, unless the loans require the processors to repay the full amount of the loans, plus interest.

McCain amendment No. 4968, to reduce funds for the Agricultural Research Service.

Gregg amendment No. 4969 (to amendment No. 4959), to prohibit the use of funds to make loans to large processors of sugarcane and sugar beets, who has an annual revenue that exceeds $15 million, unless the loans require the processors to repay the full amount of the loans, plus interest.

Bryan amendment No. 4977, to establish funding limitations for the market access program.

Kerrey amendment No. 4978, to increase funding for the Grain Inspection, Packers and Stockyards Administration and the Food Safety and Inspection Service.

Kerrey amendment No. 4979, to provide funds for risk management.

Kerrey amendment No. 4980, to provide the Secretary of Agriculture temporary authority for the use of voluntary separation incentives to assist in reducing employment levels.

VOTE ON AMENDMENT NO. 4968

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the McCain amendment No. 4968. The yeas and nays have been ordered.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I have been requested by the Senator from Arizona to ask unanimous consent that the yeas and nays that had been ordered on the McCain amendment be vitiated. I, therefore, ask unanimous consent.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 4968) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4969 TO AMENDMENT NO. 4959

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to the Gregg second-degree amendment No. 4969 on which the yeas and nays have been ordered.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the parties involved in this amendment be given 2 minutes equally divided to present the terms of the amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request to give 2 minutes equally divided on the Gregg amendment? Without objection, it is so ordered.

The Senator from New Hampshire will be recognized when the Senate is in order. The Senate will not proceed until the Senator from New Hampshire can be heard.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment deals with the sugar program which, over the years, has been debated at considerable length on this floor. It does not deal with the issue of the price of sugar, which is outrageous and the manner in which it is maintained at almost 10 cents more than the world price. It does not deal with the fact that there is a $1.4 billion tax which is basically assessed against the American consumer as a result of the sugar program.

What it does do, however, is deal with the issue of those instances, rare—in fact, I doubt that they would occur often—when someone defaults on their loan on sugar.

Mr. BUMPERS. Mr. President, could we have order? The Senator is entitled to be heard. I do not agree with what he is entitled to be heard on.

The PRESIDING OFFICER. Will Senators conversing in the aisles remove themselves from said aisles?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, in light of the position of the Senator from Arkansas, I am especially appreciative of his courtesy.

The proposal is outlined on this yellow sheet. Somebody from one of the sugar-producing States accused me of yellow journalism, but I hope the Members of the Senate will take time to review the sheet.

It essentially says the sugar program and producers will be put on the same level as students, veterans and homeowners who, when they default on a loan to the Federal Government, are personally responsible to pay it.

Under the program, as currently structured, that is not the case. I could have offered an amendment which would deal with the essence of the sugar program in the pricing policy, which is this outrageous ripoff of the American consumer to the extent of $1.4 billion.

But rather than do that, I have limited this to the issue of liability in the area of a sugar processor who fails to repay their loan. And it only applies to sugar processors with more than $15 million of annual sales. Therefore, I think it is a very reasonable amendment. And I would appreciate the consideration by the body.

Ms. MIKULSKI. Mr. President, I rise in strong support of the Gregg amendment to the agriculture appropriations bill.

I believe it is time to reform the sugar program. The sugar program has become nothing more than corporate welfare for a small group of growers which operates to the detriment of consumers and sugar refiners like Domino Sugar in Baltimore and other refiners around the country.

The Gregg amendment simply requires growers to repay their loans to the Federal Government. It is shocking that sugar growers are the only group of people who do not have to repay their loans to the Government. If students and veterans have to re-pay their loans to the Government, then so should sugar growers.

While the sugar program gives growers a significant advantage, sugar refiners have no such benefits or protection. Sugar refiners must use imported raw product in order to stay in business because there is not enough domestic supply to satisfy demand.

While growers receive artificially high prices, refiners must bear the high cost of domestic product without any benefits or protection. It is time this Government recognize the value of our sugar refining industry and the jobs that depend on it.

Since 1981, the sugar refining industry has lost forty percent of its capacity not to mention the thousands of blue collar jobs that went with it. Sugar refining is one of the few manufacturing industries still left in our inner cities. Domino Sugar in Baltimore employs almost six hundred people. Their jobs are just as important as the jobs of growers.

I urge my colleagues to support the Gregg amendment and vote for fairness in the sugar program.

The PRESIDING OFFICER. Who yields time against the amendment?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I hope the Senate will join with me and others this afternoon in a motion to table this amendment. We have just crafted a new 7-year farm bill. In a rough and tumble way, we have planned for agriculture, at least as it relates to Government's involvement.

We made major changes in the sugar program. We eliminated marketing allotments, we implemented a 1-cent penalty on loan rates, we created the assessment of $300 million coming into the Treasury all in a sense to create a more balanced field for the production of sugar in our country while there is a more equitable flow of import sugar into our refiners.

The Senator says, let us change the game one more time. I hope that the Senate will work its will, but understand that once we have crafted a farm bill that we would stay with that farm bill for the period of time of that policy. And that is why I hope we will support a motion to table.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COCHRAN. Mr. President, I move to table the Gregg amendment No. 4959, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

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

to lay on the table the amendment No. 4959. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii [Mr. INOUYE] would vote ''aye.''

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

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—63

Abraham	Faircloth	Lieberman
Akaka	Ford	Lott
Baucus	Frahm	Mack
Bennett	Graham	McConnell
Bingaman	Gramm	Moseley-Braun
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Harkin	Pressler
Brown	Hatch	Pryor
Bryan	Hatfield	Reid
Bumpers	Heflin	Robb
Burns	Helms	Rockefeller
Campbell	Hollings	Shelby
Cochran	Hutchison	Simon
Conrad	Inhofe	Simpson
Coverdell	Jeffords	Stevens
Craig	Johnston	Thomas
Daschle	Kempthorne	Thurmond
Dodd	Kerrey	Warner
Dorgan	Leahy	Wellstone
Exon	Levin	Wyden

NAYS—35

Ashcroft	Frist	Moynihan
Biden	Glenn	Nickles
Bradley	Gorton	Nunn
Byrd	Gregg	Pell
Chafee	Kennedy	Roth
Coats	Kerry	Santorum
Cohen	Kohl	Sarbanes
D'Amato	Kyl	Smith
DeWine	Lautenberg	Snowe
Domenici	Lugar	Specter
Feingold	McCain	Thompson
Feinstein	Mikulski	

NOT VOTING—2

Inouye	Kassebaum

The motion to lay on the table the amendment (No. 4959) was agreed to.

Mr. HEFLIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, it is our hope that we will be able to propound a unanimous-consent agreement and get an agreement to take up the remaining amendments on this bill tonight, and for any votes that are required, put them over until tomorrow. That is the effort that we are making now.

There are a number of amendments that we have listed in this proposed agreement. I can read them now. We have given copies to both sides of the aisle. Senators are looking at them in an effort to determine whether this agreement can be reached. I hope it can. I know Senators are tired. They have been here all day.

The leader wants us to finish this bill tonight, but it looks like we cannot because of the long list of amendments. But we can take up the amendments and dispose of the amendments. Those that we cannot dispose of, which require votes, can be voted on tomorrow. That is the suggestion for the further disposition of this Agriculture appropriations bill.

I will be happy to yield to anyone who wants to ask a question about that, or to my distinguished friend from Arkansas, the manager on the Democratic side.

Mr. BUMPERS. Madam President, I ask unanimous consent that Senator HARKIN be added as a cosponsor on amendments Nos. 4979 and 4978.

The PRESIDING OFFICER (Mrs. FRAHM). Without objection, it is so ordered.

Mr. BUMPERS. Madam President, regarding what the Senator just said—and I certainly do not want to take any more time—this is going to be a rather burdensome evening. I am not too hot for this agreement, to tell you the truth. But if we can move expeditiously and get these amendments disposed of—and I defer to the chairman on this—according to my list, we have about five amendments here that have not been cleared. I think that probably the first thing we ought to do is to take the amendments that have been cleared and accept them on both sides and narrow down the list. I think, perhaps, of the remaining amendments, two or three of them will fall. I think that would be an expeditious way to get a resolution of this thing. I do not know whether we are going to get an agreement tonight to say that any amendments that will not be laid down tonight will be in order tomorrow.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I would like to understand a bit more about where we are at the moment. I have noticed an amendment dealing with barley and the problem that has come about as a result of the change in the payment rate for barley under the Freedom To Farm Act.

As some of you might know, those who signed up under freedom to farm to raise barley signed up with the understanding that their original payment under the freedom to farm bill was going to be 46 cents a bushel in 1996. Then they were told later that the calculation under the Freedom To Farm Act was inaccurate and that their payment would be 32 cents. That probably doesn't sound like too much to some, but it is a 30 percent reduction from what the estimate would be and the basis on which they signed up for the program—a 30 percent reduction from that level. It is somewhere around $35 million to $39 million. No State in the country raises more barley than North Dakota, and the folks that go out and plant that barley, and expect to harvest it, did so under the provisions of this farm bill, fully expecting to do so receiving 46 cents a bushel as original payment.

Now, I guess the question that I have is whether we can address this issue in this appropriations bill. This appears to be the only opportunity to address this issue on behalf of the barley growers. And before we agree to a unanimous-consent request of some type in order to compress the time and limit the opportunities to address this issue, I say to the manager and ranking member that I very much would like to discuss, at some length, with them how we can address this issue.

I do not think this is a circumstance where we can say this doesn't matter; it won't be addressed. This is a substantial amount of money coming out of the pockets of those who signed up for this program expecting to get a payment of 46 cents a bushel, which, under current circumstances, they will not get. Before I agree to a unanimous-consent request of any kind, I would like to see if we can work through and solve this problem.

Mr. BUMPERS. Madam President, let me say to the Senator from North Dakota that his amendment actually is a farm bill amendment. The chairman and I have both said in our opening statements that we hope we will not get into trying to amend the farm bill that we passed last year.

I have strong empathy for the Senator from North Dakota because he has a great interest in the issue of barley. But I hope that the Senator would be willing to take the manager's word for the fact that this really needs to be considered by the chairman and ranking members of the Agriculture Committee, because that is where this really belongs. To say that if there is a package of farm bill amendments that might be approved by the authorizers at the conclusion of this bill, there might possibly be a chance—and I do not want to guarantee or promise the Senator from North Dakota this, but we might be able to do something at the end in the way of a package of amendments.

In any case, whether we deal with it that way or not, there might be a possibility of doing something with it in conference. I know the Senator from North Dakota feels strongly about this, but I really feel that we probably ought to deal with this in a slightly different way, because it really is an amendment to the farm bill.

Mr. DORGAN. Madam President, that distinction is obviously lost on people who are out there planting barley and who signed up for a program in which they felt they were going to get a 46-cent-per-bushel payment because they were promised that. Then it turns out there was a miscalculation determined by USDA in the process of constructing this farm bill, which results in a 30-percent reduction in the payment they expected.

Now, the Senator from Arkansas is generous, and I appreciate working with him. But he knows, and I know, that we may not have another opportunity to correct this. It seems to me

that while one can make the case that this is an authorizing committee issue, one can also make the case that this is an appropriations issue, because the Secretary of Agriculture needs to have the money in order to restore this payment that was promised to family farmers.

This is not a circumstance where there is confusion about what the promise was. The Freedom To Farm Act made specific representations about, if you planted a certain commodity, what kind of payment you would receive for that planting. In the case of barley, there is no confusion. The promise was 46 cents a bushel. Now we are told, for those who fuel up the tractor and plant barley seeds, the thing has changed, the deal is off, there is a 30-percent reduction. That just, I say to my colleagues, is not satisfactory to me. I do not think it is satisfactory to the farmers who believe that we ought to keep our word on this.

So I just would say that I am not interested in any sort of unanimous consent request until we can work through this. I am not trying to draw a line in the sand here. I am just saying that we can work through this. This can be done. This can be solved. This is not a problem for which there is no solution. There is a solution. I think there are no two better people in the Senate to help us address it than the Senator from Mississippi and the Senator from Arkansas. Both of them are about as good at doing these things in the Senate as anybody I know. But I really want us to address this.

As the Senator from Mississippi, for whom I have great respect, knows, I am not sure the amendment is the right amendment, and I am not sure the method I have chosen to pay for this is the right method. In fact, I might prefer a different method. But I gave notice a day or two ago that I would want to deal with this issue on the floor of the Senate when this bill came to the floor.

I also understand those who manage this legislation—and the majority leader, for that matter, and others—would like to just package this up tight, wrap a bow around it, and run it through to final passage in the morning. Gee, I would like to see that happen as well, and I am perfectly willing to see that happen as long as the result of this bill addresses their question of how we make good on our word as a Congress to those that produce barley.

So I know my colleague, Senator CONRAD, has an interest in this as well. But I really do hope that we can visit and find a way to address this problem the way farmers would expect us to address it. They were given a promise. We need to keep that promise. A failure to keep that promise will be a failure on all of our parts. We do not need to fail. We can in this piece of legislation find $35 million and keep the promise that was made to those that raise barley.

I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I hesitate to extend the discussion of this matter. I would like to rivet the point and confirm what my colleague from North Dakota is saying.

Barley farmers in this country were made a clear promise. They were told they were going to get 46 cents a bushel under this farm bill. Somebody made a miscalculation. We do not know yet whether it was USDA or the Agriculture Committee staffs of the Senate and the House. But we know with great precision what promise was made—46 cents a bushel. That is already a significant reduction from what they would have gotten under previous legislation. But now they are told they are not going to get 46 cents. They are going to get 32 cents.

Farmers have already planted understanding that they were going to receive a certain level of payment. So they have moved on the promise that was made to them. They have planted the crop. It is there. Nothing can be done about it. But we now cannot go back on the pledge that was made to these people and say, ''Well, you know that is the way Washington works sometimes. You were told you were going to get something, and on that basis you acted, and now we are going to go back on our word and instead of 46 cents you are going to get 32 cents.''

That is an economic disaster to literally thousands of people who plant barley in this country—barley that goes into making beer which is important to our country. You have to have beer. If you do not have beer, what kind of a country have you got?

[Laughter.]

The next thing you know we will have the Germans over here selling all the beer. We do not want to do that to America—to deny those in our country who enjoy a tall cool one; that they are going to have to buy German barley or Canadian barley. They ought to be able to get American barley. And those barley farmers ought to be getting what they were promised.

So I would be very hopeful that our colleagues would recognize this is an extraordinary circumstance that somehow we have to keep our word with respect to what barley farmers were promised.

Mr. DORGAN. Madam President, will the Senator yield?

Mr. CONRAD. Yes.

Mr. DORGAN. I do not want those listening who do not know anything about barley to believe that barley is only used to produce beer. Of course, malting barley is used in the production of beer. But beef barley is used for a great amount of animal feed in this country.

The Senator from North Dakota, Senator CONRAD, makes a point. I would like to stress it. There is not any other commodity in the farm bill that is affected like this. Every other commodity got what they were promised they would get. Every other commodity got what they were promised they would get. But this farm bill contains a provision that says barley will get 46 cents a bushel, and then now it contains another provision that says, ''Oops. Oops''. Someone made a mistake. Oops. We are $35 million short.'' ''Oops'' does not mean very much unless that $35 million comes out of your pocket. Then ''oops'' is a real serious problem.

All we ask is that we find a way somehow to address this dilemma. The failure to address it now means it will not get addressed. That is why we do not want to miss this moment.

We are not talking about some mountain. We are talking about a relatively small problem that can be fixed—a big problem for barley growers, but a problem that can be fixed without great difficulty, in my judgment,

Madam President, I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I appreciate very much the remarks of the distinguished Senators from North Dakota on this barley issue. This is also a subject that is addressed in an amendment that has been crafted and proposed by Senator BURNS of Montana. And the other Senator from Montana, Senator BAUCUS, mentioned to me his interest in the issue. So it is something that Senators on both sides have an interest in.

We would like to see it resolved. Our problem on this appropriations committee is that we have a limited amount of money to allocate among all of these programs administered by the Department of Agriculture. We are advised variously that it would cost up to $40 million. It may not go that high, as the Senator says. It may be $38 million, or something like that.

Rather than spell out specifically a support level in the legislation before the Senate, I hope that we would consider as an option language directing the Secretary of Agriculture to study the suggestion that the Barley program be revised on the grounds and for the reasons stated by the Senators who have spoken and direct that he has the authority to make changes that would result in a fair solution and equitable resolution of the difficulty holding harmless those producers in other commodity programs that already have their signups approved and already have their farm plan in operation.

The reason I say that is one concern I have is that, if we do not have some language like that, the Secretary could take the funds from other commodity programs and give it to the barley producers. And I think we would have a furor on our hands, and that would be understandable.

But so long as the other producers are not harmed by this change, I would have no objection to including language like that in this bill. I think it does have to be cleared by the legislative committee. Senator LUGAR and

Senator LEAHY ought to be consulted about it.

What I can say at this point is that the Senators have my assurance that I will try very hard to get language of that kind approved here in the Senate. If we cannot get it spelled out in this bill, we can do it in conference, but at some point to make sure that this problem is addressed in this bill.

I cannot—like the Senator from Arkansas said—guarantee it because I just have 1 vote in here, and there are 99 others. But we can recommend and we can work with the Senators to craft that kind of language. I pledge to them my best efforts to do that.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I guess what I would encourage us to do is to work this evening and tomorrow morning to see if we can craft a solution to include in this bill that solves the problem. As the Senator knows, he has been a veteran of these many battles in the Congress directing the Secretary to study something, suggestions that it may or may not get solved, and it may or may not get solved in the next 5 years.

Mr. COCHRAN. If the Senator will yield, there are two parts: The study to do something equitably to address and resolve the issues; and we have to worry, too, about how the Congressional Budget Office may score language like that.

I do not know what their scoring would be. I am sometimes mystified and dumbfounded by the scoring decisions that are made by the Congressional Budget Office on something like this.

So we will have to reserve judgment on that basis. We do not want to put ourselves out of business because of some scoring decision that they make.

Mr. DORGAN. I understand that. My point was that I do not know that the problem needs much study. I understand the problem. We understand that those who signed up with the program who raise barley find out now that they are going to get 30 percent less than the freedom to farm bill proposed at 46 cents a bushel.

Mr. COCHRAN. Madam President, if the Senator will yield, it has to be studied. There was a misinterpretation of estimates provided by Department of Agriculture for the payments for barley producers. But the barley producers were told that an erroneous support level would be made a part of the barley program. Then they found out later that they were wrong and it would be a lower level. Now they are caught in this situation where they do not want to have to admit that the facts were misrepresented about the support level and the basis on which it was calculated.

That is why it ought to be studied because there is a difference of opinion at the Department of Agriculture as to what this level ought to be. I do not know what the level ought to be. You are saying one level. The barley producers are expecting that level that you are talking about. That is the part of the problem.

Mr. DORGAN. The Department indicates that the majority party in constructing the freedom to farm bill made the error. I do not know who made the error. I do know this. That when someone signs up for a program and is told they will get 46 cents a bushel for a barley payment under a contract, and then are told later, ''Well, gee. That was wrong. You actually are going to get 30 percent less than that,'' and, where this is the only crop in the country that is put in that position, our position is let's go ahead and make them whole.

We do not have to wait forever to do that. Let us try to find a way to do that now. It has been kicking around here for a while. I have talked to the Senator from Montana, Mr. BURNS, so I know you have been working with him, and Senator BAUCUS. My understanding is some of the original discussions about that would be maybe to fix part of the problem.

I would very much like to fix this problem so that those who signed up on the basis of getting 46 cents a bushel for barley will be able to understand that is what they are going to get. That is what everybody else got. Everybody else got exactly what this Congress told them they would get as a payment under freedom to farm. It was a fixed payment. It did not require rocket scientists to understand what it was going to be; it was a fixed payment. Everybody signed up and understood what they were going to get.

The only crop that is disadvantaged this way, the only farmers who are going to be short-changed will be those who raise barley who were told it is not 46; something happened in between with calculations and it will be 30 percent less than that. Our position is that is not the right way to deal with these growers.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I believe that the distinguished chairman of the Agriculture Appropriations Subcommittee has offered to work with the Senator and the other Senator from North Dakota and the Senator from Montana, Mr. BURNS, and has an amendment reservation pending to try work this out in a way that is acceptable to Senators.

We need to get an agreement on how we are going to proceed tonight and in the morning. I would like to propound a unanimous consent agreement, and the chairman, I am sure, is going to be prepared to work with Senators right now and see if he can find something that is acceptable. As he said, he is in an awkward position because he is, in effect, trying to represent what he understood the Agriculture Department's position might be. We are not all barley experts, but he is willing to work with Senators on that.

So let me ask consent so that we try to get agreement on how we proceed. By the way, I want to say the distinguished Democratic leader has been working with me to come up with a fair and equitable way to handle this bill and amendments. There is a lot of emotion on agriculture bills and commodities, and we have worked together to try to come up with a procedure here that will be a fair process that everybody can get their case made and maybe we can go ahead and be working on barley and water rights and peanuts and FDA and everything that is pending.

So I ask unanimous consent that the following amendments be the only remaining first-degree amendments in order to the pending agriculture appropriations bill, that they be subject to relevant second-degree amendments, that no motions to refer be in order and no points of order be considered as having been waived by this agreement. The amendments are as follows and must be offered and debated prior to the close of business this evening with the exception of the Kennedy amendment regarding FDA: Burns regarding barley; Brown regarding water rights; Santorum regarding peanuts, eight amendments, which I hope will wind up being no more than one; the Mikulski amendment regarding FDA; Leahy regarding milk orders; Craig regarding GAO study; Lugar regarding double cropping; Kerrey Nos. 4978, 4979 and 4980; Kennedy regarding an FDA amendment; Simpson regarding wetland easements; a Pell amendment unspecified; Thurmond regarding agriculture research; a Frahm amendment regarding section 515, rental housing program; Bryan No. 4977; and Gregg No. 4955.

I further ask that following the conclusion of debate on the above-listed amendments, any votes ordered with respect to the amendments be stacked to occur beginning at 11 a.m. on Wednesday, tomorrow, with the first vote limited to the standard 15 minutes and any stacked votes thereafter limited to 10 minutes with 2 minutes for debate to be equally divided prior to each vote.

Mr. LEAHY. Madam President, reserving the right to object.

Mr. DORGAN. Reserving the right to object—

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, would the distinguished majority leader note on his list instead of an amendment by me on milk orders, that it is an amendment on the Northern Forest Stewardship Act.

Mr. LOTT. Northern Forest Stewardship Act.

Mr. LEAHY. I suspect it is going to be accepted anyway, but it will not be on milk orders.

Mr. LOTT. I amend my unanimous-consent request to reflect that.

Mr. LEAHY. I appreciate it.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Reserving the right to object, it is not my intention to hold up the Senate, and I do want to help this process move along. I am constrained to object at the moment.

What I would like to suggest is that we sit down here for a few minutes and see if we can divine a way by which we can address this problem so that we can have a UC that I would not object to. I do not want to be in a circumstance where we now lock in a process so that at 11:30 in the morning this thing is done and gone and our opportunity to address this issue is over and we are told, well, we are very sympathetic; we think you had an awfully good case; we have 16 people studying it; we have 86 staff people looking at it. And the fact is, nothing will get done and we know that.

So what I want to do, if we can, is spend a few minutes, perhaps in the next few minutes, seeing if we can find a way to solve this problem now that we have the opportunity to solve it, and if we can find a way to do that and find a process by which that can be done, then we can have the unanimous-consent request that I would not object to.

It is not my intention to hold this up. I want to be helpful, but I do also want to be helpful to some thousands of farmers out there who signed up for something that under the current circumstances they will not get, and that is not fair and we ought to fix it. So I do object. I object.

The PRESIDING OFFICER. The Senator from Mississippi still has the floor.

Mr. LOTT. Madam President, as I stand here before you, amendments are coming in. It is growing. If we do not get a unanimous-consent agreement, it is going to continue to grow. We need to get the agriculture appropriations bill done. I understand Senators want to work it out. The Senator has indicated he is willing to do that. But maybe we should just go ahead and go on with the business and get a recorded vote up as soon as we can. I believe we have one we could do on maybe market research, something, but we have to get our work done. If we cannot get a UC, then let us start voting.

Mr. BUMPERS addressed the Chair.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Is there objection to the request?

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Is there a unanimous-consent request pending?

The PRESIDING OFFICER. There is not.

Mr. LOTT. I do not know if the Senator actually objected or not.

Mr. DORGAN. I did.

Mr. LOTT. He did.

Mr. DORGAN. Madam President, I made the point that if we can take just a couple minutes here, we may be able to solve this problem. I suggest that we have a brief quorum call and see if we could through some discussion solve this problem. It is not my intention to hold up the Senate. I understand exactly what the majority leader wants to do.

Mr. LOTT. I think that is a fair request. Let us make a run at it.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. If I may direct a comment to the majority leader on this—

Mr. DORGAN. Excuse me. Did the Chair note my objection?

Mr. LOTT. The objection was heard, I believe.

The PRESIDING OFFICER. The objection was heard.

Mr. BUMPERS. Let me say, first of all, I want to cooperate with the majority leader. I am afraid, as they say, he has poured out more than we can smooth over this evening. There are a lot of amendments here that are going to require a lot of debate. For example, Senator SANTORUM does not have one amendment; he has eight amendments.

To suggest that all of these amendments will be debated tonight, and we start voting at 11 o'clock in the morning, we would be lucky to finish by 11 o'clock in the morning if we stayed here all night the way I look at this thing. So I would suggest that we try to craft this in such a way that we say, first, these amendments be the only ones in order. I sympathize with that totally, and I think that is the first part of the agreement that we get, if we possibly can, to stop the very hemorrhaging you are talking about of new amendments.

Second, I think we ought to limit the time agreement on these amendments so that we do not take 2 hours. I know Senator KENNEDY feels very strongly about one amendment and wants 2 hours. So I am just saying that if we could limit the amendments in the unanimous-consent agreement—and I do not believe the Senator from North Dakota would object to that—I think we could get that done now, and that would be a major step toward getting this bill finished.

Mr. LOTT. Madam President, let us see if we can get the sticking point we have before us worked out. In the meantime, while the interested parties are talking about that, we will see how we can craft a unanimous consent that would reflect that.

Several Senators addressed the Chair.

Mr. LOTT. I will be glad to yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I am glad to either file the amendment which I would hope we would have an opportunity to debate—but I am glad to send that at an appropriate time to the desk this evening. I was told by the floor managers they preferred to deal with the agricultural issues this evening. I said I would speak tonight on this amendment. They indicated that, as much as they wanted to hear me speak, they would rather deal with particularly agricultural amendments and then go over until tomorrow.

I want to indicate I am not interested in an undue delay, but I have had a number of Members who have spoken to me, saying that they would like to speak on this issue. I can file the amendment here this evening. We will be prepared to be on the floor at a time to be designated by the leader to either follow those amendments that deal with agriculture or whatever order the majority leader wants. But I want to be able to preserve both my right and time tomorrow to address this issue, which is of major importance and really not relevant to the subject at hand.

The subject at hand is the agricultural appropriations. This is dealing with the Food and Drug Administration. It is a part of a bill that is currently before the Senate and also before the House, where there are good-faith negotiations, allegedly, taking place to try to work out some of the differences. I want to have an opportunity to speak to that issue, but I want to also indicate I have been requested to restrain that now to deal with the agricultural issues. I will follow that request.

Mr. LOTT. Madam President, we have been working as the Senator has been talking. If the Senator will allow me to renew this unanimous-consent request, I think we have something we can get done.

Mr. KENNEDY. Certainly

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Madam President, I ask unanimous consent the following amendments be the only remaining first-degree amendments in order to the pending agriculture appropriations bill, that they be subject to second-degree amendment, that no motions to refer be in order, and no points of order be considered as having been waived by this agreement. The amendments are as follows. My intent here is to lock in this list of amendments so it will not continue to grow as the night progresses. Here is the list:

Burns, regarding barley; Brown, regarding water rights; Santorum amendments, regarding peanuts; Mikulski, regarding FDA; Leahy, regarding Northern Forest Stewardship Act; Craig, No. 4971; Leahy, regarding double cropping; Kerrey, Nos. 4978, 4979, and 4980; Kennedy, regarding FDA; Simpson, regarding wetlands easements; Bumpers, regarding agriculture research; Thurmond, regarding agriculture research; Frahm, regarding section 515, rental housing program; Bryan, No. 4977; Gregg, No. 4959; Burns, relevant; Smith, relevant; Hatfield, two relevants; Brown, relevant, one,

and the second would be water rights task force; Murkowski, two relevant amendments; Domenici, regarding drought; Cochran, two relevant amendments; Hatch, regarding FDA; Lott-Bumpers-Wellstone with two; Daschle with two; Leahy, regarding agriculture; Sarbanes, regarding agriculture; Leahy, regarding wild rice; Dorgan, regarding barley; and Dorgan, regarding a sense of the Senate on Canadian trade; that we would have stacked votes at 11 o'clock on those that have been debated and debate completed, then we would resume after those stacked votes with the remainder of these amendments until we complete the list, many of which I hope will not be offered.

Mr. DASCHLE. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. For clarification purposes, the majority leader did not note, I do not believe, second-degree amendments would have to be relevant, but I am sure that was the intent.

Mr. LOTT. I may have read over that because I was reading it fast: be subject to relevant second-degree amendments.

Mr. DASCHLE. And there is no time limit on the amendments for purposes of debate?

Mr. LOTT. Not at this time. We are just trying to lock in the list of amendments, which is a lengthy list, and all of our agriculture friends, I am sure, would like to have an agriculture appropriations bill. So we need a little cooperation here.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Further reserving the right to object, I hope we could agree with this. The majority leader and I have been working. As he made the list, I am quite sure there are at least as many Republican as Democratic amendments, so this is true bipartisanship. There is as much interest in amending this from the Republican side as there is from the Democratic side, so I certainly hope no one would come to any conclusion that it was only the Democrats that were holding this up.

But I do believe this unanimous consent works for both sides. It protects Senators to offer their amendments, and it gives us an opportunity to work tonight to address some of them. I hope we could finish the work sometime tomorrow.

Mr. CONRAD. Reserving the right to object.

Mr. LOTT. I thank the Democratic leader for his effort to be helpful in this regard.

Mr. CONRAD. Reserving the right to object, I ask the able majority leader that I be added, a Conrad amendment with respect to barley, so we have another slot. So, hopefully, we can get this worked out in a way that achieves a result. If we could reach that understanding, I would not object.

Mr. LOTT. I will amend my unanimous-consent request to that extent: Senator Conrad regarding barley.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. If I could ask the distinguished majority leader, did that list include under my name an aquaculture reauthorization?

Mr. LOTT. I had it listed as agriculture. Is it supposed to be aquaculture?

Mr. LEAHY. Aqua. You have to forgive my New England accent.

Mr. LOTT. You talk a little funny.

Mr. LEAHY. We talk a little funny up in New England, but we do our best. I have no objection.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Put my name down for an amendment on dairy.

Mr. LOTT. Heflin regarding dairy. We need to get dairy in here. It would not be a normal agriculture bill without it. All right, sir. We have added that.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Reserving the right to object, and I will not object to this request, the majority leader does not, by this request, limit the time on the bill. He attempts to limit the amendments that will be offered. I only want to make certain the amendment that he has referenced, the barley amendment that I would offer—you are describing an amendment about barley, not necessarily the amendment that I have sent to the committee. I may want to change the method of paying for that. I assume the unanimous-consent request simply allows me a relevant barley amendment; is that correct?

Mr. BUMPERS. That is right.

Mr. LOTT. Yes, you are on the list for a relevant barley amendment.

Mr. DORGAN. But I am not necessarily tied to the amendment I submitted to the committee. I assume I will be able to modify that amendment.

Mr. LOTT. Any Senator can modify his amendment.

Mr. DORGAN. I will not object.

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

Mr. LOTT. Then I further ask, as I did earlier, when we begin the stacked votes at 11 o'clock, the first vote be 15 minutes and the stacked votes thereafter be limited to 10 minutes, with 2 minutes of debate equally divided prior to each vote.

Mr. HEFLIN. Reserving the right to object, I sort of feel like some of these things are a little complicated. Could we have, on peanuts, 4 minutes equally divided instead of 2?

Mr. LOTT. If there are any peanut amendments, then 4 minutes on the first of those that might be offered, equally divided. Is that all right?

Mr. HEFLIN. First two. We have eight.

Mr. LOTT. Four minutes on first two equally divided with the hope there would not be more than one. That agreement is included in our request.

Mr. BUMPERS. Reserving the right to object, Madam President, as I understood the unanimous consent agreement, the first part was these amendments would be an exclusive list.

Mr. LOTT. Right.

Mr. BUMPERS. The second part of the agreement, the second unanimous consent agreement said that we would stack votes beginning at 11 o'clock in the morning.

Mr. LOTT. Right, sir.

Mr. BUMPERS. It did not say all of these amendments would be disposed of prior to that time?

Mr. LOTT. No, just those debated and ready for votes.

Mr. BUMPERS. I am confused by the Senator's request for 4 minutes on peanut amendments.

Mr. HEFLIN. If they come up. If we can get everyone to agree to a 4-minute time agreement, maybe we could finish tonight.

Mr. LOTT. He wants 4 minutes immediately prior to the votes in the stacked order.

Mr. BUMPERS. OK.

Mr. LOTT. I renew my request.

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

Mr. LOTT. I think the best thing to do at this point, as laboriously as that agreement was worked out, let us go forward now with the efforts to get an agreement on barley and start taking up the amendments and turn it over to the very able managers of the legislation. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, if I could have the attention of the two managers, I do have an amendment on behalf of myself, the Senators from Maine, Ms. SNOWE and Mr. COHEN; the Senators from New Hampshire, Mr. GREGG and Mr. SMITH; the Senator from Vermont, Mr. JEFFORDS; and Senators MOYNIHAN, KENNEDY, and KERRY regarding the northern forest stewardship.

If the managers are in a position to accept this, I am willing to offer it and go forward. If they prefer we wait until a later time, I am willing to do that. I just understand some people want to get some things moving forward. So I ask the distinguished managers, if that is the case, I will offer it on behalf of those Senators, otherwise I will withhold until a later time.

Mr. COCHRAN. Madam President, if the President will yield, let me respond by saying this is an issue that is not an agriculture appropriations issue, as the Senator knows.

Mr. LEAHY. That is right.

Mr. COCHRAN. It is related to forestry and comes under the jurisdiction of other committees. So I am not able to accept the amendment or recommend it be accepted. I understand there are some objections to it.

Mr. LEAHY. I will withhold, Madam President. If I can ask the Senator from Mississippi a further question, my

understanding is that under the unanimous-consent agreement we are now operating under, this amendment, however, is protected at least to the extent of being able to bring it up, subject to all the other conditions. If I do not bring it up tonight, it is still protected.

Mr. COCHRAN. As I understand it, he has the right to offer the amendment at any time. He can offer it now, and it will become a pending amendment which will have to be laid aside temporarily to consider other amendments, or he can offer it later.

Mr. LEAHY. Madam President, I believe, then, I will offer it now and then yield to the Senator from Mississippi who will then move to set it aside and make the bill available for other amendments.

AMENDMENT NO. 4987

(Purpose: To implement the recommendations of the Northern Forest Lands Council)

Mr. LEAHY. Madam President, I ask unanimous consent that it be in order to offer an amendment on behalf of myself and Senators SNOWE, GREGG, JEFFORDS, SMITH, COHEN, MOYNIHAN, KENNEDY, and KERRY, and that it be reported and become the pending business.

Mr. CRAIG. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I am attempting to understand this amendment and would like to work with the Senator from Vermont. It has not had the kind of airing I would hope for, and there is a question, as the chairman just said. I do not want to object this evening to this, but I would like to sit down with the Senator from Vermont prior to the consideration of it.

Mr. LEAHY. Madam President, let the distinguished chairman move to set it aside, but it will be there. Under the unanimous-consent agreement, I have the right to bring it up at any time. I will offer it just so I can now leave the floor and it is there. Obviously, it will not be brought up until such time as the distinguished Senator from Idaho and I have had a chance to talk.

Mr. CRAIG. Under that understanding and consideration of the Senator from Vermont, I will not object.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I was going to say for point of clarification, there are other amendments pending as well, so it is not like this is the only amendment offered. There is a market access amendment, Senator KERREY has three amendments pending, and there are others, all of which are pending before the Senate now. This is not unusual. The only reason you were asking unanimous consent was so that those could be set aside and you could offer that amendment. I suggest that the clerk report the amendment.

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

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Ms. SNOWE, Mr. GREGG, Mr. JEFFORDS, Mr. SMITH, Mr. COHEN, Mr. MOYNIHAN, Mr. KENNEDY, and Mr. KERRY proposes an amendment numbered 4987.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LEAHY. Madam President, I rise to seek the Senate's approval of S. 1163, the Northern Forest Stewardship Act, the result of a joint effort on the part of my colleagues from New England and New York—Senators JEFFORDS, GREGG, SMITH, SNOWE, COHEN, MOYNIHAN, KENNEDY, KERRY, and thousands of constituents who live in our region, one characterized by some 26 million acres of forest spanning four States.

The Northern Forest Stewardship Act of 1995, S. 1163, is an example of what Congress can achieve when it heeds the public's voice. The bipartisan legislation that I introduced with several other northern forest Senators on August 10, 1995, is founded on extensive research, open discussion, consensus decisions, and visionary problem solving by the people who have a stake in the future of the forest.

Legislation rarely embodies such a thorough effort by so diverse a constituency. Our goal was to accurately reflect the recommendations of the northern forest communities, envisioned in the final report of the Northern Forest Lands Council.

The council process was initiated to avoid the conflicts that have divided communities in some regions of our country. These conflicts have very often been fueled by misinformation, politics and short-term economic gain.

Over the past 4 years, northern forest communities have made a dedicated effort to develop a shared vision for their future. They have worked hard to arrive at a consensus and our job is to insure that their efforts are rewarded.

This legislation is guided solely by the council's recommendations—it goes no further, nor does it fall short. The bill includes a package of technical and financial assistance which the Congress can and should support.

Between the Family Forestland Preservation Act (S. 692) and the Northern Forest Stewardship Act (S. 1163), Congress can meet the recommendations made by the people of the northern forest.

The Northern Forest Stewardship Act includes provisions on the council's fundamental principles; formation of forestry cooperatives; defining measurable benchmarks for sustainability; a northern forest research cooperative; interstate coordination and dialog; forest-based worker safety and training; funding for land conservation planning and acquisition; landowner liability; and nongame wildlife conservation.

The legislation embodies the conservation ethic of the 1990's—non-regulatory incentives and assistance to realize community-based goals for sustainable economic and environmental prosperity. The rights and responsibilities of landowners are emphasized, the primacy of the States is reinforced, and the traditions of the region are protected. Yet, the bill also promotes new ways of achieving our goals and a common vision that did not exist several years ago.

Moving ahead with the Council's work, we will pursue enhanced forest management, land protection that supports the recreational and wildlife needs of the region, integrated research and decision making, and increased productivity in the traditional as well as new compatible industries.

Through this bill, we can boost sustainable development and protect the ecological integrity of biological resources across the landscape. The Nation has taken notice of this highly successful effort as a model for meeting the conservation challenges of the country, and I am confident of its inevitable success.

We welcomed the constructive input of many people and organizations who compared our legislation with the final recommendations, research, and public participation of the Northern Forest Lands Council.

It was our goal to create the best possible representation of the future described in the report to Congress, Finding Common Ground: Conserving the Northern Forest—to make the Council's solutions work, and work well. I want to thank the many citizens for their hard work which helped shape the final product.

The Northern Forest Stewardship Act is the work of many people. I want to congratulate the members of the council for their success, and most importantly the people of the northern forest for their enthusiasm during the long process. Thousands of people took time to turn out for public meetings and share their views on the northern forest. Hundreds more put pen to paper or picked up the phone to register their thoughts.

Senators GREGG, JEFFORDS, COHEN and SNOWE deserve particular thanks for their contributions to this effort.

The Northern Forest Lands Council recommendations reflect the first, true consensus vision of northern forest communities. We must reward that cooperation by providing a fair and true legislative reflection of their combined wisdom.

Mr. JEFFORDS. Madam President, I rise in support of the Northern Forest Stewardship Act and commend Senator LEAHY for his leadership on this initiative.

It was almost a decade ago that a sudden sale of a large tract of forest land in northern Vermont and New Hampshire forced people to take notice of the value and vulnerability of the timber lands in an area which has become known as the Northern Forest.

Foresters, conservationists, and recreationists became somewhat alarmed at the prospects that these forest lands, long valued for the aforementioned traditional uses, might instead be parceled and sold to bidders whose intentions and values did not necessarily match those of the landowners who had long provided stewardship of these lands.

The States of Vermont, New Hampshire, Maine, and Vermont marshaled their resources and convened a study group to investigate the nature and extent of the matter. We learned, frankly, that some of our concerns were overstated. A study of land transfers did not reveal an imminent threat of large scale land sales. But we also learned how fragile the economics of forestry has become. And if the business of forestry cannot be sustained, then neither can we take for granted the benefits of the wooded lands.

So the Northern Forest Lands Council studied these issues in depth and in 1994, issued its recommendations. These recommendations, it is important to note, reflect a consensus among many sectors concerned with forest issues. The council worked hard to ensure a high level of agreement between diverse constituencies, and we here in Congress have sought to continue in that mode.

We have followed two tracks to implement the consensus recommendations, and the Northern Forest Stewardship Act represents the conservation and stewardship part of the equations. Our goal here has been to closely follow the council's suggestions, and I greatly appreciate the efforts and energies of the many stakeholders who have helped move this initiative forward. This Stewardship Act is designed to help the States and private owners to move forward on many initiatives designed to protect and enhance the forest health, forest economies, and community development.

The other part of the equation has been put forward in a bill sponsored by Senator GREGG. These measures would implement the many Federal tax policy changes recommended by the council. My desire would be to merge the two bills, as one complements the other. As I have said, there is broad agreement that it is increasingly difficult to make a living as a forester, and the tax changes contained in the Gregg bill would be of great benefit to Vermont forestry professionals. While it is not practical or possible to move the Gregg bill in concern with the Stewardship bill at this time, I think it is something toward which we should work, and I know several of my colleagues share this view.

Madam President, this bill is an important step for the Northern Forest. As our progress here tonight is only possible because of the work already done by the Lands Council and all those involved in developing the consensus recommendations, I ask unanimous consent that the mission statement of the Northern Forest Lands Council be printed in the RECORD. This statement reflects the guiding principles of the council, and serves as our benchmark, as well.

There being no objection, the statement was ordered to be printed in the RECORD, as follows;

NORTHERN FOREST LANDS COUNCIL

MISSION STATEMENT

The mission of the Northern Forest Lands Council is to reinforce the traditional patterns of land ownership and uses of large forest areas in the Northern Forest of Maine, New Hampshire, New York, and Vermont, which have characterized these lands for decades. This mission is to be achieve by:

Enhancing the quality of life for local residents through the promotion of economic stability for the people and communities of the area and through the maintenance of large forest areas;

Encouraging the production of a sustainable yield of forest products, and;

Protecting recreational, wildlife, scenic and wildland resources.

Mr. LEAHY. Madam President, I thank my distinguished friend from Mississippi for his usual courtesy and help, and the rest of the Leahy family thanks him, because I think this will make my evening somewhat easier than his.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I appreciate the remarks of the Senator from Idaho, who is chairman of the Forestry Subcommittee of the Senate Committee on Agriculture. He is familiar with these issues, and his help and efforts to understand the implications of this amendment will be deeply appreciated.

I am hoping that other Senators can come to the floor and offer their amendments or debate amendments that are pending. We had a lot of debate yesterday on the market access program. I suggest we probably debated that enough. We can vote on that at 11 o'clock in the morning, in accordance with the request of the majority leader.

There may be other amendments that can be voted on at that time as well. Certainly, the market access program is one we fully debated yesterday, and I expect a vote can occur at 11 o'clock on that amendment. There are probably others as well.

There may be some amendments that have been cleared. I do know Senator THURMOND had an amendment that we talked about involving research by the Department of Agriculture. It might be cooperative State research. I am prepared to submit that amendment. I ask unanimous consent that the pending amendments be set aside for the purpose of offering this amendment.

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

AMENDMENT NO. 4988

(Purpose: To provide funding for the Cooperative State Research, Education, and Extension Service)

Mr. COCHRAN. Madam President, on behalf of the Senator from South Carolina [Mr. THURMOND] and the other Senator from South Carolina [Mr. HOLLINGS], I send an amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. THURMOND, for himself, and Mr. HOLLINGS, proposes an amendment numbered 4988.

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

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

The amendment is as follows:

On page 12, line 25, strike ''$46,330,000'' and insert in lieu thereof ''$46,830,000''.

On page 14, line 10, strike ''$418,620,000'' and insert in lieu thereof ''$419,120,000''.

On page 21, line 4, strike ''$47,517,000'' and insert ''$47,017,000''.

Mr. THURMOND. Madam President, I rise today, along with my colleague from South Carolina, Senator HOLLINGS, to introduce an amendment to restore funding for three agricultural research projects that are conducted by Clemson University. While I am aware that funding is limited this year for all programs, these particular research projects will benefit all American farmers.

The alternative cropping systems project is a joint research effort with Clemson University, the University of Georgia, and North Carolina State University, which is conducting research in production and marketing of alternative crops to the traditional agronomic crops grown in the southeast. To continue this research, $232,000 is needed.

The peach tree short life research project is currently conducting field trials to determine if a ground cover used in peach orchards inhibits reproduction of ring nematodes, a contributing cause of peach tree short life. This disease causes the premature death of peach trees. Of the $500,000 included in this amendment, $162,000 would be used to continue this research.

The last program this money would be used for is the pest control alternatives research project. Currently, Clemson University is working to develop innovative pest control techniques which help reduce environmental concerns and increase returns to farmers. For this research program, $106,000 is requested.

The consumer is asking for safer food production methods. Further, our farmers need research assistance to help reduce pesticide usage on fruits and vegetables and increase the marketing potential of our crops. These research projects will help find solutions to these problems, thus aiding farmers as well as consumers.

Mr. COCHRAN. Madam President, this amendment has been cleared on both sides. It deals with research in the State of South Carolina. I know of no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4988) was agreed to.

AMENDMENT NO. 4989

(Purpose: To make necessary reforms to the rural multifamily loan program of the Rural Housing Service)

Mr. COCHRAN. Madam President, I ask unanimous consent that I be permitted to set aside the pending amendments and send an amendment to the desk on behalf of the Senator from Kansas, Mrs. FRAHM.

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

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mrs. FRAHM, proposes an amendment numbered 4989.

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

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

The amendment is as follows:

At the appropriate place in title VII of the bill, add the following new section:

SEC. 7 . RURAL HOUSING PROGRAM EXTENSIONS.

(a) EXTENSION OF MULTIFAMILY RURAL HOUSING LOAN PROGRAM.—

(1) AUTHORITY TO MAKE LOANS.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4) is amended by striking ''September 30, 1996'' and inserting ''September 30, 1997''.

(2) SET-ASIDE FOR NONPROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1) is amended by striking ''fiscal year 1996'' and inserting ''fiscal year 1997''.

(b) EXTENSION OF HOUSING IN UNDERSERVED AREAS PROGRAM.—The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking ''fiscal year 1996'' and inserting ''fiscal year 1997''.

(c) REFORMS FOR MULTIFAMILY RURAL HOUSING LOAN PROGRAM.—

(1) LIMITATION ON PROJECT TRANSFERS.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by inserting after subsection (g) the following new subsection:

''(h) PROJECT TRANSFERS.—After the date of the enactment of the Act entitled 'An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes', the ownership or control of a project for which a loan is made or insured under this section may be transferred only if the Secretary determines that such transfer would further the provision of housing and related facilities for low-income families or persons and would be in the best interests of residents and the Federal Government.''.

(2) EQUITY LOANS.—Section 515(f) of the Housing Act of 1949 (42 U.S.C. 1485(t)) is amended—

(A) by striking paragraphs (4) and (5); and

(B) by redesignating paragraphs (6) through (8) as paragraphs (4) through (6), respectively.

(3) EQUITY TAKEOUT LOANS TO EXTEND LOW-INCOME USE.—

(A) AUTHORITY AND LIMITATION.—Section 502(c)(4)(B)(iv) of the Housing Act of 1949 (42 U.S.C. 1472(c)(4)(B)(iv)) is amended by inserting before the period at the end the following: ''or under paragraphs (1) and (2) of section 514(j), except that an equity loan referred to in this clause may not be made available after the date of the enactment of the Act entitled 'An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes', unless the Secretary determines that the other incentives available under this subparagraph are not adequate to provide a fair return on the investment of the borrower, to prevent prepayment of the loan insured under section 514 or 515, or to prevent the displacement of tenants of the housing for which the loan was made''.

(B) APPROVAL OF ASSISTANCE.—Section 502(c)(4)(C) of the Housing Act of 1959 (42 U.S.C. 1472(c)(4)(C)) is amended by striking ''(C)'' and all that follows through ''provided—'' and inserting the following:

''(C) APPROVAL OF ASSISTANCE.—The Secretary may approve assistance under subparagraph (B) for assisted housing only if the restrictive period has expired for any loan for the housing made or insured under section 514 or 515 pursuant to a contract entered into after December 21, 1979, but before the date of the enactment of the Department of Housing and Urban Development Reform Act of 1989, and the Secretary determines that the combination of assistance provided—''.

(C) TECHNICAL CORRECTION.—Section 515(c)(1) of the Housing Act of 1949 (42 U.S.C. 1485(c)(1) is amended by striking December 21, 1979'' and inserting ''December 15, 1989''.

(d) EQUITY SKIMMING PENALTIES.—

(1) INSURANCE OF LOANS FOR THE PROVISION OF HOUSING AND RELATED FACILITIES FOR DOMESTIC FARM LABOR.—Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by adding at the end the following new subsection:

''(j) EQUITY SKIMMING PENALTY.—Whoever, as an owner, agent, or manager, or who is otherwise in custody, control, or possession of property that is security for a loan made or insured under this section willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual or necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined not more than $250,000 or imprisoned not more than 5 years, or both.''.

(2) DIRECT AND INSURED LOANS TO PROVIDE HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES IN RURAL AREAS.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by adding at the end the following new subsection:

''(aa) EQUITY SKIMMING PENALTY.—Whoever, as an owner, agent, or manager, or who is otherwise in custody, control, or possession of property that is security for a loan made or insured under this section willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual or necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined not more than $250,000 or imprisoned not more than 5 years, or both.''.

Mr. COCHRAN. Madam President, this deals with the 515 housing program, the low-income housing program.

● Mrs. FRAHM. Madam President, this is an amendment to H.R. 3603, the 1997 agriculture appropriations bill, to remedy a problem with an important low-income housing program.

My amendment specifically addresses the Rural Housing Services Program administered by the Department of Agriculture—the so-called section 515 program. This multifamily rural rental housing program is one of the few resources available to give very low-income and low-income residents of rural America access to decent, safe, and affordable housing. My staff has been informed by the CBO that this amendment will not increase the deficit.

While I firmly believe that housing issues and problems are best resolved on the State and local level, as the Agriculture Department still retains control of these programs we should make them work as efficiently as possible. I hope that in the near future we can make sweeping reforms that push these responsibilities to State and local governments; just as our forefathers originally intended when they wrote the tenth amendment.

Despite improvements in housing quality, 2.7 million families still live in substandard housing. According to 1990 census data, rural renters were more than twice as likely to live in substandard housing as people who owned their homes. With lower median income and higher poverty rates than homeowners, many renters simply cannot find decent, affordable housing.

The section 515 program assists the rural elderly, the disabled, and families. The average tenant served by the program has an income of $7,300. In my home state of Kansas the average tenant income is even lower, only $6,590. Make no mistake, these people would not be able to afford decent housing without this program.

My amendment would make several changes to the section 515 program that help alleviate existing problems. It would limit project transfers to instances when the Secretary determines that such transfer would be in the best interest of the Federal Government.

Currently, when a project begins to fail financially, the Rural Housing Service transfers the property to another owner rather than institute foreclosure proceeding. When the property is transferred, the new owner assumes the terms of the old debt, but at the fair market value at the time of the transfer. As many of these properties have decayed and experienced vacancy problems, the appraisal will often be for much less than the previous loan amount. The losses the Government incurs can be substantial as properties age and tax credits are exhausted.

Under current law, an account is established in the Department of Agriculture to offset the cost of guarantees for private-market equity takeout loans. Owners pay a certain amount into the account to offset the future cost of those loan guarantees.

Current law requires each owner to deposit $2 per unit rent into the reserve account each month. It further allows the owner to increase the per unit rent by this amount to pay for these deposits. Since tenants are limited as to how

much they can pay for rent, these payments must come from additional rental assistance. My amendment would reduce the cost of rental assistance by no longer letting owners increase the rents to fund their deposits into the reserve.

The most important part of the amendment is the addition of criminal penalties for any owner, agent, or manager who willfully uses or authorizes the use of rents or income of the property for any purpose other than to meet actual or necessary expenses. This provides an effective deterrent to wrongdoing by unscrupulous participants.

Madam President, I believe these modifications to the section 515 program are a good first step toward getting the program back on track. They return the program to its important public purpose, one that has worked in Kansas, of creating safe and sanitary rental alternatives for very low-income residents in America's rural communities. I ask that my colleagues support my amendment and urge its adoption.●

Mr. D'AMATO. Madam President, I rise to support the amendment sponsored by the gentlelady from Kansas which would reform the Department of Agriculture's section 515 Rural Rental Loan Program. I salute Senator FRAHM for her dedication and commitment to reforming and improving this program which serves as the only source of affordable rental housing in much of our Nation's rural areas. As chairman of the Committee on Banking, Housing and Urban Affairs I would like to personally commend our newest Member for her quick action in proposing bipartisan reform measures which should become law this year.

I would also like to express appreciation to Senator COCHRAN and Senator BUMPERS for their consideration of this amendment at the request of the Banking Committee. The Banking Committee will consider more comprehensive reforms to the section 515 program in the context of an overall examination of housing programs within the Rural Housing Service of the Department of Agriculture. However, Senator FRAHM's amendment includes changes to section 515 which are overdue and should be made in advance of a thorough analysis of this important program.

This amendment would respond to a February, 1996 evaluation report entitled ''Legislative Proposals to Strengthen the Rural Housing Services' Rural Rental Housing Program'' issued by the Department of Agriculture's Office of Inspector General. Specifically, the amendment would include the inspector general's No. 1 legislative objective—the enactment of civil and criminal penalties for participants in the program that misuse rural rental housing project assets or income. It is absolutely imperative that those in criminal violation be swiftly and severely punished. Specifically, any owner, agent or manager of section 515 or section 414 farm labor housing projects that willfully uses or authorizes the use of any part of the rents, assets, proceeds, income or other funds derived from the property for an unauthorized purpose may be fined up to $250,000 or imprisoned for up to 5 years.

In addition, the amendment would make reforms to the section 515 program which include: the prohibition of transfer of ownership of a project unless the Secretary of Agriculture—Secretary—determines that such transfer would further the provision of low-income housing and be in the best interests of residents and the Federal Government; the elimination of the occupancy surcharge charged to residents to fund equity loans; and the requirement that an equity loan may not be made unless the Secretary determines that available incentives are not adequate to provide a fair return on the investment, prevent prepayment, and prevent resident displacement.

Finally, the amendment would extend the section 515 program for 1 year, from its current expiration date of September 30, 1996 to September 30, 1997. A permanent extension will be considered during comprehensive reform of the program.

The need for affordable housing in rural areas is severe. The 1990 census estimated that 2.7 million rural Americans live in substandard housing. The section 515 program is one of the few resources available to respond to this critical unmet housing need. Since its inception in 1962, the section 515 program has financed the development of over 450,000 affordable rental units in over 18,000 apartment projects. The program assists elderly, disabled, and low-income rural families with an average income of $7,300.

I thank Senator FRAHM for her recognition of the great need for this program and her steadfast commitment to ensuring that every Federal dollar appropriated serves the greatest number of rural poor. I look forward to working with her to further improve this much needed program in the future and I support immediate passage of this amendment. Thank you.

Mr. COCHRAN. Madam President, I know of no objection to this amendment, and I recommend its approval.

Mr. BUMPERS. The amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4989) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Madam President, on the authority of the majority leader, I can announce there will be no further rollcall votes this evening. That information is being hotlined to all Senators' offices, but for those who might be watching their television monitor, there will be no more votes this evening. The first vote will occur tomorrow no earlier than 11 o'clock a.m.

AMENDMENT NO. 4990

(Purpose: To reauthorize the National Aquaculture Act of 1980)

Mr. BUMPERS. Madam President, on behalf of Senator LEAHY, I send an amendment to the desk.

The PRESIDING OFFICER. If there is no objection, the pending amendments are set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. LEAHY, proposes an amendment numbered 4990.

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

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

The amendment is as follows:

At the end of the bill, and the following:

SEC. . REAUTHORIZATION OF NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking ''1991, 1992, and 1993'' each place it appears and inserting ''1991 through 1997''.

Mr. BUMPERS. This is an amendment offered on behalf of Senator LEAHY dealing with reauthorization of the aquaculture program. It has been cleared on both sides.

Mr. COCHRAN. We have no objection to the amendment.

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

The amendment (No. 4990) was agreed to.

Mr. BUMPERS. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4991 AND 4992, EN BLOC

Mr. BUMPERS. Madam President, I send two amendments to the desk on behalf of Senator KERREY of Nebraska that I understand have been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] for Mr. KERREY, proposes amendments numbered 4991 and 4992, en bloc.

The amendments (Nos. 4991 and 4992) are as follows:

AMENDMENT NO. 4991

(Purpose: To provide the Secretary of Agriculture authority through fiscal year 2000 for the use of voluntary separation incentives to assist in reducing employment levels, and for other purposes)

In lieu of the pending amendment insert the following:

SEC. . DEPARTMENT OF AGRICULTURE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) DEFINITIONS.—For the purposes of this section—

(1) the term ''agency'' means the Department of Agriculture;

(2) the term ''employee'' mean an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency (or an individual employed by a county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5))), is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(C) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(D) an employee who, upon completing an additional period of service as referred to in section 3(b)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 5597 note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(E) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(F) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(G) any employee who, during the twenty-four month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, Untied States Code, or who, within the twelve month period preceding the date of separation, received a retention allowance under section 5754 of title 5, United States Code.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The head of the agency, prior to obligating any resources for voluntary separation incentive payments, shall submit to the House and Senate Committees on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered; and

(C) a description of how the agency will operate without the eliminated positions and functions.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by an agency to any employee only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; or

(ii) an amount determined by the agency head not to exceed $25,000 in fiscal year 1997, $20,000 in fiscal year 1998, $15,000 in fiscal year 1999, or $10,000 in fiscal year 2000;

(D) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(E) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(3) LIMITATION.—No amount shall be payable under this section based on any separation occurring before the date of the enactment of this Act, or after September 30, 2000.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term ''final basic pay'', with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) EFFECTIVE DATE.—This section shall take effect October 1, 1996.

AMENDMENT NO. 4992

(Purpose: To provide funds for risk management, with an offset)

On page 25, line 16, strike ''$795,000,000'' and insert ''$725,000,000''.

On page 29, between lines 7 and 8, insert the following:

RISK MANAGEMENT

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $70,000,000, of which not to exceed $700 shall be available for official reception and representation expenses, as authorized by section 506(i) of the Federal Crop Insurance Act (7 U.S.C. 1506(i): *Provided*, That this appropriation shall be available only to the extent that an official budget request for a specific dollar amount is submitted by the President to Congress.

Mr. BUMPERS. Madam President, I ask unanimous consent that the amendments be agreed to, en bloc.

Mr. COCHRAN. Madam President, we have reviewed the amendments, and they have been cleared on this side.

Mr. BUMPERS. I urge the adoption of the amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments Nos. 4991 and 4992, en bloc.

The amendments (Nos. 4991 and 4992), en bloc, were agreed to.

Mr. BUMPERS. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4993

Mr. BUMPERS. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 4993.

On page 12, line 25, strike ''$46,830,000'' and insert in lieu thereof ''$47,080,000''.

On page 14, line 10, strike ''$419,120,000'' and insert in lieu thereof ''$419,370,000''.

On page 21, line 4, strike ''$47,017,000'' and insert in lieu thereof ''$46,767,000''.

Mr. BUMPERS. Madam President, this deals with a project in Rhode Island. I think it has been cleared by both sides.

Mr. COCHRAN. Madam President, that amendment has been cleared on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 4993.

The amendment (No. 4993) was agreed to.

Mr. BUMPERS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BUMPERS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COCHRAN. Madam President, I ask unanimous consent that the pending amendments be set aside so I may offer this amendment on behalf of Senator HEFLIN of Alabama.

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

AMENDMENT NO. 4994

Mr. COCHRAN. Madam President, on behalf of Senator HEFLIN I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] for Mr. HEFLIN, proposes an amendment numbered 4994.

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

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

The amendment is as follows:

At the appropriate place, insert: ''Section 101(b) of the Agriculture and Food Act of 1981 (Public Law 97–98; 7 U.S.C. 608c note) is amended by striking ''1996'' and inserting ''2002''.

Mr. COCHRAN. Madam President, this deals with the dairy issue, and it has been cleared on this side of the aisle.

Mr. BUMPERS. It has been cleared on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 4994.

The amendment (No. 4994) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Madam President, I do not know of any other amendments we have cleared at this point. Senators, of course, who would like to offer their amendments tonight should do so. We are going to try to get as many amendments dealt with tonight as we can. But if Senators do not come and offer them, we cannot do anything.

Mr. BUMPERS. Madam President, I would like to fortify what the chairman just said. And that is, that we should not be required—and I do not think we are going to be required—to sit here all night pending some Senator deciding to come over and offer his amendment.

The unanimous-consent agreement has been entered into. Everybody knows which amendments are going to be in order. Senator COCHRAN and I do not have any interest in sitting here during numerous quorum calls hoping that somebody will show up. So I hope Senators will be considerate enough to get them offered and disposed of this evening, if we can. And with that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I understand that the majority leader is working on an agreement of some sort. So I will not begin any kind of formal amendment proceedings. But I do have an amendment at the desk, which I would like to talk about.

I am not going to offer this amendment. I want to talk about it because I think it is important to realize the cost of the peanut program. Not only do I refer to the cost of the peanut program to the American peanut farmers, to the millions of processing jobs, and to the consumers, but the cost to the Federal Government of the peanut program.

As a result of the past farm bill, we now have a no-cost peanut program. Well, that may be true within the confines of the peanut program, but the program does two things. It limits the amount of peanuts grown for domestic consumption. It is a program that says here is how much will be grown in this country for use in this country. The Department of Agriculture sets that amount. In addition, it doesn't just limit the amount of the peanuts that are grown, it also sets the price.

You might think that I am talking about the former Soviet Union here. No, this is America. We set how much farmers can grow, and we set what we are going to pay for that—all done by the Federal Government—which is an amazing thing, but that is how the peanut program works.

Well, the fact is that the Federal Government is a consumer of peanuts. We have a variety of nutrition programs in the Federal Government. We have TEFAP and the school lunch programs, and all down the list. You would not be surprised that a lot of these programs are focused on kids, and you probably wouldn't be further surprised that one of the major staples of young kids is peanuts and peanut butter. I have a 5-year-old who loves peanut butter. Guess where we have to buy our peanuts for domestic consumption with the Federal programs; we have to buy quota peanuts.

Quota peanuts sell between $600 and $700 a ton. The world market price for peanuts—the price for additional peanuts not grown under the blessings of the Federal Government, which can be sold here but have to be exported—is about $350 to $400 a ton. So the Federal Government has to pay roughly twice what the world pays for peanuts. All these nutrition programs have to pay twice what the world pays for peanuts to go ahead and feed our kids.

The GAO—this was some 6 years ago, and the quota price has jumped around a bit, but it is relatively the same as 6 years ago—said that over $14 million a year the Federal Government spends. Where? Out of the mouths of people who could be fed through Federal nutritious meals. To where? To wealthy quota farmers. That is where that money goes, instead of feeding more kids.

We heard Member after Member, frankly, on both sides of the aisle, say, ''What about the kids? Don't you care about the kids? We should have more money to feed these children. We should have more money to take care of these kids.'' So what do we do with the peanut program? We suck money out of these nutrition programs to go to help kids, and it goes where? To a bunch of wealthy quota owners, many of whom don't even farm the land. They sit all over the world with their little quota that they got passed down from their granddaddies. They take money right out of the mouths of kids in our Federal Government programs.

I had an amendment at the desk that would say that USDA, who purchases peanuts and peanut products for the variety of the nutrition programs that they operate, would not have to buy quota peanuts, would not have to pay twice the world price to feed our poor kids in America.

The problem with that amendment, as I find out, is that the quota has already been set for this year. Thereby, if we took those quota peanuts that—the way they calculate the market and the production—would have ordinarily come to the USDA, we would, in a sense, have more peanuts go on loan, which means the price of the peanut program would go up about $5 million. So we score it as a $5 million loss this year.

Unfortunately, because this is an appropriations bill, I cannot change the law in the future. As a result, the savings in the future are tens of millions of dollars. But because of the quirk in the way this bill is structured, and the way the amendment had to be structured to comply with the bill, the amendment that I have to offer, in fact, would not be a cost-effective amendment. Therefore, I am not going to offer it. But the principle is a solid one.

We just finished welfare reform. We just finished saying that we need to make sure that those resources that we do have dedicated to helping the poor should be used as efficiently and effectively as possible. A lot of the reform we saw in the nutrition programs out of the Department of Agriculture, particularly the Food Stamp Program, were focused in on making this system a more effective and efficient system in delivering services to people who need them in this country. Yet, we have this dinosaur of a program that looks more like something that came out of Communist Russia than out of the United States, which is costing children food.

Let us just lay it on the line. We are taking food out of the mouths of children and putting money in the pockets of wealthy quota holders. Now, that is wrong. That is wrong by anybody's standard. We should fix that.

Unfortunately, again, because of the legislative vehicle we have before us, we cannot fix that. But I will tell you that I will be back. We will talk about this issue. I am anxious to hear how those who defend the peanut program can defend money being taken away from these necessary feeding programs for children to put money in the pockets of wealthy quota holders, most of whom don't even farm their own land to grow peanuts.

At this point, because I understand the majority leader is working on something, I will yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HEFLIN. Mr. President, I rise in disagreement with the Senator from Pennsylvania. I do not want to prolong this, so I will make a brief statement.

I assume the distinguished Senator from Pennsylvania was speaking of the amendment he had at the desk, No. 4962, which was the prohibition on purchase of quota peanuts for domestic feeding programs. I assume that is what he had. He was talking about the School Lunch Program. As I understand it, he was saying that, because of the program, the Government has to pay twice the world price—twice as much for peanuts that go to the School Lunch Program and other programs that the Government might be involved in. Unfortunately, I believe that the distinguished Senator is not really familiar with the School Lunch Program and the other USDA commodity distribution programs.

We have a chart here that I will point out briefly, which is based upon USDA calculations. This chart here is designed to show the manufacturer's cost, based on USDA figures, of two jars of peanut butter, both being the same size, both being generic.

This chart shows that the manufacturers are able to make and sell peanut butter to the USDA School Lunch Program at 81 cents a pound. Yet, consumers at the market would pay $1.87 a pound. Eighty-one cents doubled is $1.62. So already when you have a program by which the manufacturers, in effect, bid against each other for the school lunch purchases, it ends up that there are considerable savings.

I would like to point out the pack of peanuts and the jar of peanuts. This chart was prepared before the bill was passed dealing with the farm bill which had the peanut program and in which the peanut program was substantially reformed. In fact, it was reformed to the extent that it is about a 30-percent cut to the producer. But this is where it was prior to that time. A bag of peanuts that cost 50 cents is 99 percent peanuts. This is the jar of peanuts, and of peanut butter, which shows that the farmer was getting 7 cents out of the 50. Then on peanut butter where it is 90 percent peanuts, the farmer was getting 54 cents. That would have been $1.64, and then 44 cents in addition to that, which would be $2.08 for a jar of peanuts which had 90 percent peanuts. But with the cuts that have now taken place under the farm bill and under this reform, you would have to take away 30 percent, which would show 4.9 cents that the farmer got. And here, in regard to the 30 percent, it was changed; the farmer, instead of getting 54 cents, is going to get 38 cents.

There has been a lot of talk that there would be pass-ons by which the savings would be passed on to the consumer. The GAO, in a study, consulted and talked to the manufacturers, and the manufacturers had indicated that they could not guarantee any savings would be passed on in that the money would be used to develop new products and advertising.

It is sort of interesting what has occurred recently in regard to cereals. This is not about peanuts but about cereals. Corn and other grain prices today are at an all-time high. Corn, for example, was at a 5-year historical average of $2.30 a bushel, and the price today on corn is $5.35 a bushel, which is substantially more than double. But yet, the cereal manufacturers have recently reduced the price of their breakfast cereal by as much as 25 percent to 30 percent.

I think this demonstrates that there is very little relationship between what the farmers are paid for their commodity and what food products are sold for at retail.

So, therefore, it ought to be plain that any savings to the manufacturers through reduced or capped costs on the farmer would not translate into savings to the retail consumers.

To give you some idea as to the cost, we have a chart showing what a jar of peanut butter sells for in the United States, being an 18-ounce equivalent jar of brand name peanut butter, not generic. It sells for $2.10. These are USDA figures. In Mexico it is $2.55, and so on.

Actually, ours are the lowest in the world and by far the safest. There are matters pertaining to inspection of foreign peanuts coming in that raise questions concerning food safety because there is a problem that is known as aflatoxin, and aflatoxin in the United States is controlled. It is a disease, and it is such that can cause cancer. But the peanuts that come in from foreign countries do not have the standards that we have in the United States.

I could go on, but I do not want to unduly take time to talk about this. The matter of peanuts could be discussed for a great while. The peanut program has been substantially reformed. The Department is now in the process of implementing the law. I just do not believe that we ought to move at this time to try to change it. Let us see what is going to happen with the program.

So I would say that this is not the time. Most of the peanut farmers have gone to the bank, and they have made their loans. They have made their plans for the year. They have signed up relative to the crop insurance and other things. Now in the middle of a crop year, I just do not believe is the time for us to be changing the peanut program.

I appreciate very much the fact that the distinguished Senator from Pennsylvania is not planning to offer the amendment.

I yield the floor.

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

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

Mr. BUMPERS. Mr. President, I ask unanimous consent that the pending amendment be set aside in order to offer a couple of amendments that have been agreed to.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUMPERS. Mr. President, I ask unanimous consent that an amendment by myself, which was inadvertently left off the unanimous consent agreement list, be in order.

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

AMENDMENTS NOS. 4996 AND 4997, EN BLOC

Mr. BUMPERS. Mr. President, I ask unanimous consent that amendment together with an amendment that I would like to offer on behalf of Senator SARBANES and Senator MIKULSKI be considered en bloc. They have been agreed to by both sides.

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

Mr. BUMPERS. I send those amendments to the desk.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes amendments numbered 4996 and 4997, en bloc.

The amendments (Nos. 4996 and 4997), en bloc, are as follows:

On page 42, line 22, after ''development'', add the following, ''as provided under section 747(e) of Public Law 104–127''.

AMENDMENT NO. 4997

(Purpose: To restore funding for certain agricultural research programs, with an offset)

On page 5, line 8, strike ''$25,587,000'' and insert ''$23,505,400''.

On page 5, line 10, strike ''$146,135,000'' and insert ''$144,053,400''.

On page 10, line 18, strike ''$721,758,000'' and insert ''$722,839,600''.

Mr. COCHRAN. Mr. President, the amendments have been cleared on this side of the aisle.

Mr. BUMPERS. I urge their adoption.

The PRESIDING OFFICER. Is there no further debate?

Without objection, the amendments are agreed to.

The amendments (Nos. 4996 and 4997), en bloc, were agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4998

(Purpose: To require that certain funds be used to comply with certain provisions of the Federal Food, Drug, and Cosmetic Act relating to approval deadlines)

Mr. COCHRAN. Mr. President, in behalf of Senator HATCH and Senator HARKIN, I send an amendment to the desk and ask it be considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. HATCH, for himself and Mr. HARKIN, proposes an amendment numbered 4998.

Mr. COCHRAN. 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:

On page 55, line 7, after the colon, insert the following: *Provided further,* That a sufficient amount of these funds shall be used to ensure compliance with the statutory deadlines set forth in section 505(j)(4)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(4)(A)):''.

Mr. HATCH. Mr. President, the purpose of this amendment is simple. It directs the Food and Drug Administration [FDA] to devote sufficient resources to making sure that generic drug applications are reviewed within the statutory deadline, which is 180 days.

Many of my colleagues may be surprised to know that the FDA is not meeting this deadline. In fact, it has fallen woefully short of meeting the law's requirement.

It is obvious to me that the Senate has learned one thing from our extensive debate on GATT and pharmaceutical patents over the past 8 months. We all want to do what we can to speed less-costly pharmaceutical products to the marketplace.

And that is the goal of our amendment.

There are two compelling points I want to leave with Members of this body.

The first is that FDA resources devoted to review of generic drugs are insufficient, and are dwindling from an alltime high in 1993.

The second is that the FDA's actual review time for generic drugs is increasing, even while their estimates of that review time would have us believe the time is falling.

Let me elaborate.

On the first point, the FDA estimates that they will devote 390 full-time equivalents [FTE's] to generic drug review in fiscal year 1997, which is down from the fiscal year 1996 estimate of 397 FTE's. It is also down from the actual number of 396 FTE's in fiscal year 1995 and 432 FTE's in fiscal year 1994.

As a matter of fact, statistics provided by the FDA itself indicate that there has been a build up over the past decade from 227 FTE's devoted to generic drug reviews in fiscal year 1986, steadily increasing to the all-time high of 448 FTE's in fiscal year 1993, and now declining each year.

Perhaps not coincidentally, the start of the decline was the exact time when the Prescription Drug User Fee Act [PDUFA] was enacted, the law which guaranteed subsidization of innovator drug reviews through new user fees. Those fees were not applied to generic drug reviews.

On the second point, I would like to note that there is a substantial gap between the FDA's estimates of how long it will take them to review generic drugs and the actual review time.

For 2 recent years for which I have statistics supplied by the FDA, there has been a large discrepancy between the time FDA thinks it will need to review generic drug applications and the actual review time. In fiscal year 1995, for example the FDA told the Appropriations Committee it would take an average of 24 months to review generic drug applications; in fact, it took 34.2 months. The next year, the current fiscal year, even though the FDA had not come close to meeting its target from the year before, FDA estimated that the approval time would fall—to an average of 20 months. In fact, the current estimates are that it is taking an average of 30 months.

What is really astonishing is that the law mandates a 6-month review time.

Instead of seeking the resources to meet that statutory deadline, the FDA has been seeking to expand its regulatory purview, by dusting off old regulations such as ''Medguide'' or starting new initiatives such as tobacco, each of which undoubtedly requires new funding.

While the FDA blindly rushes to make a case for both initiatives, only part of which is compelling from a public health perspective, I find it intriguing that the Agency has chosen to ignore a statutory mandate on the one hand while it voluntarily seeks to expand its purview on the other.

What is particularly compelling is that, as the review times for generic drugs increased, the review times for innovator drugs has decreased dramatically. It is now about 24 months on average; the median is estimated at 17.5 months.

And so we find ourselves in the ironic position that review times for new drugs—both actual and projected—is shorter than the review time for the generic copies, a position I find untenable.

Mr. President, generic drugs represent a very cost-effective means of controlling health care expenditures.

Any delay in sending these drugs to market increases costs to patients, who may end up paying more for pharmaceuticals, and it increases costs to taxpayers through Government-funded programs such as Medicare and Medicaid.

It is clear to me that the FDA should be giving generic drug applications more attention, not less.

That is the motivation for the amendment we offer today, and I urge its adoption.

Mr. COCHRAN. Mr. President, this is an amendment that deals with a generic drug issue in the Food and Drug Administration jurisdiction. We support passage of the amendment and recommend its approval.

Mr. BUMPERS. Mr. President, the amendment has been cleared on this side. It is agreeable to us.

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

The amendment (No. 4998) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4999

Mr. COCHRAN. Mr. President, in behalf of the Senator from New Hampshire [Mr. SMITH], I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. SMITH, proposes an amendment numbered 4999.

Mr. COCHRAN. 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:

On page 47, line 17, before the period, insert the following: '': *Provided further,* That, notwithstanding section 306(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(7)), the town of Berlin, New Hampshire, shall be eligible during fiscal year 1997 for a grant under the rural utilities assistance program''.

Mr. COCHRAN. Mr. President, this amendment has been cleared on this side. It deals with a water issue in the State of New Hampshire. I understand it has been cleared on both sides.

Mr. BUMPERS. Mr. President, let me ask the indulgence of the Senator from Mississippi for a moment. We have not seen the language on this yet. We probably will have no objection but before agreeing to it, we would like to see the language.

Mr. COCHRAN. Mr. President, I ask unanimous consent to withdraw the amendment.

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

The amendment (No. 4999) was withdrawn.

CANE SUGAR REFINING

Mr. MOYNIHAN. Mr. President, cane sugar refining has been around in America since the beginning of the Republic. Christopher Columbus introduced sugarcane from West Africa to Santo Domingo on his second voyage in 1495. Our Nation's leading cane sugar refiner, Domino Sugar, which is headquartered in New York City, has been in business for nearly 200 years. Domino's Brooklyn refinery has been in operation for 119 years.

The refining industry is an important part of our economy, employing thousands of Americans in good-paying manufacturing jobs. The Domino employees at the Brooklyn plant, for instance, make about $40,000, on average. Domino alone employs over 800 people in New York and 2,000 nationwide. Refined Sugar Inc., located in Yonkers, employs another few hundred. These refining jobs are, for the most part, located in inner cities and along urban waterfronts where other manufacturing jobs are scarce.

But the refining industry is on the brink of collapse. In the last 10 years, the number of cane sugar refineries nationwide has been cut in half, from 22 to 11. Plants in Boston and Philadelphia have closed; a refinery in Hawaii may have to close later this year. Other domestic refiners, including Domino and Refined Sugar Inc., have had to shut down several times because they have been unable to obtain adequate quantities of the raw product and affordable prices.

The domestic refining industry—one of the last bastions of manufacturing in some of our cities—is being crippled by overly restrictive administration of the sugar price support program. The loan rate for sugar is 18 cents per pound. But bowing to pressure from beet sugar producers, the administration has kept cane imports so low that the domestic price for raw sugar has fluctuated between 22 and 25 cents per pound. These prices are far higher than what is necessary to prevent loan forfeitures, and they have stimulated beet sugar production, which has driven down the price of refined sugar. Cane refiners operated in the red throughout 1995.

The situation has eased somewhat this year as the administration belatedly and sporadically increased the quotas. But more is needed, and it is needed urgently, or we will lose this industry.

I understand my colleagues' concerns about potential disruptions to sugar growers in their States. In turn, I would expect them to share my concern about the very real disruptions refiners in my State and elsewhere are experiencing.

The House version of H.R. 3603 includes an eminently sensible provision, section 729, designed to ensure that the sugar price support program is operated in a fashion beneficial for both growers and refiners. The provision stipulated that no Federal funds could be spent to support raw cane sugar prices at more than 117.5 percent of the statutory loan rate of 18 cents per pound. This amounts to a little more than 21 cents per pound. A very reasonable price for producers. More than the loan rate, more than enough to prevent forfeitures—a price sufficient to repay loans and cover interest and transportation of raw sugar to market. And a price at which refiners can operate. In practice, the House provision would require the Secretary of Agriculture to allow sufficient imports from existing quota holders so that the price does not exceed 21.1 cents per pound. Growers would profit. Refiners could stay in business. Adequate supplies would be available at affordable prices.

Let me be clear. I'm no fan of the sugar price support program. It's Soviet-style intervention in the market. But if we are stuck with it—for the time being—at least we can operate the program so that it doesn't drive our refiners out of business.

The House provision does not abolish the sugar program. It does not lower the loan rate for sugar. It will not induce loan forfeitures or cost the Federal Government any money. Indeed, revenue from import duties would increase. And the provision does not open the door for ''subsidized European sugar.''

I think the House provision is a very fair compromise that balances the interests of producers, refiners, and end users. I urge the Senate conferees to H.R. 3603 to agree to the House provision, or something much like it. Last year, when Congress reviewed the sugar price support program and a majority decided to retain it, there was an understanding the program would be operated in a way that is beneficial not only to producers, but to refiners, users, and consumers alike. Implementation of the program has left something to be desired in this respect. Section 729 would help. I entreat the Senate conferees to H.R. 3603 to support the House provision. Otherwise, we will be driving thousands of manufacturing jobs overseas.

EMERGENCY DISASTER LOAN PROGRAM

Mr. DOMENICI. Mr. President, let me first commend the Chairman on the outstanding work he has done on this important appropriations bill. I would like to bring his attention to one provision in the bill that is especially important to New Mexico and the Southwest in general. The entire Southwest is currently in the grip of the worst drought in half a century. Despite recent rains, stream flows in New Mexico are predicted to be 33 to 100 percent below average through the summer, with no end in sight. This drought has devastated crops and livestock in my State to such an extent that every single county in New Mexico is currently eligible for USDA's disaster assistance programs. I know that every State in the Southwest is suffering just as greatly.

One of the USDA programs that has been critical in helping the citizens of my State cope with this drought is the emergency disaster loan program. The Western Governors' Association has identified funding this program at the maximum level possible as one their top priorities in combating the effects of the drought. Sadly, the Clinton administration chose to zero this crucial program out of its fiscal year 1997 budget. In addition, the House has allocated the program a mere $25 million for fiscal year 1997. Fortunately, under the Chairman's leadership, the Senate has included $75 million for emergency disaster relief. I would like his commitment to fight to maintain the Senate funding level for this much-needed program.

Mr. COCHRAN. I understand just how important the emergency disaster loan program is to those people whose farms and ranches have been devastated by this drought, and I agree with the Senator that it was unfortunate that the Clinton administration chose to zero out the program just when those farmers and ranchers will need it the most. The Senator has my commitment that I will seek to maintain the Senate level of $75 million when this bill goes to conference.

Mr. DOMENICI. I thank the Chairman for his outstanding leadership on this important issue.

RAW CANE SUGAR SUPPLY

Mr. COVERDELL. Mr. President, I commend the chairman for his work on this bill and recognize the delicate balance he must strike in satisfying the varying interests of each Member. I would like to bring to the chairman's attention a situation that has plagued many of our domestic sugar refineries with regard to raw cane sugar supply. Is the chairman aware that the Secretary of Agriculture has administered the Sugar Program in such a manner as to cause shutdowns and cutbacks in certain sugar refineries across the country?

Mr. COCHRAN. Yes, I am aware of this.

Mr. COVERDELL. Is the chairman also aware of the fact that it is the Secretary's responsibility to administer the program in such a manner that provides an adequate supply of sugar to satisfy our domestic needs?

Mr. COCHRAN. I am aware of this and am cognizant of the Senator's point.

Mr. COVERDELL. I would like to advise the chairman that we have a recurring problem with regard to supply of raw sugar for cane refineries in the current administration of the sugar program. I would appreciate the chairman's support in reviewing report language addressing this supply issue as the bill moves to conference. I will be

happy to provide him with such language.

Mr. COCHRAN. The comments of the Senator from Georgia are appreciated and his points are well received. We will review such language that the Senator provides in conference.

Mr. COVERDELL. The Senator's overture is appreciated.

AMENDMENT NO. 4995

(Purpose: To prohibit the use of funds to provide a total amount of nonrecourse loans to producers for peanuts in excess of $125,000)

Mr. SANTORUM. Mr. President, I call up amendment No. 4995 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 4995.

Mr. SANTORUM. 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:

At the end of the bill, add the following:

SEC. . LIMITATION ON AMOUNT OF NONRECOURSE LOANS FOR PEANUTS.

None of the funds appropriated or otherwise made available by this Act may be used to provide to a producer of a crop of quota peanuts a total amount of nonrecourse loans under section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271) in excess of $125,000.

Mr. SANTORUM. I thank the Chair.

Mr. President, I am offering an amendment here that I think remedies a huge inequity in the peanut program that makes the peanut program, frankly, different than any of the other traditional commodity programs in existence. The other commodity programs in existence have a limitation on payments for a particular entity that farms that product, that produces that product. Under the freedom to farm act, the limitation per commodity, per entity—entity can be either a single person or a partnership, corporation or whatever—the limitation of a commodity payment—and for the purposes of making it easier on me—per person is $40,000. Prior to the freedom to farm act the limitation was $50,000 per payment to an entity, to a person. We reduced it to $40,000 in the freedom to farm bill.

Now, unlike all of these other commodity programs, there is no limitation on how much Government support a peanut quota holder can receive. And in fact there are quota holders who receive in Government subsidized quota payments $6 million a year —$6 million in guaranteed income from the Federal Government as a result of the peanut program.

We made some reforms in the freedom to farm bill. This is one area that slipped through the noose. What this amendment does—it is a very simple amendment. It says we are going to limit the benefits of the peanut program to small- and medium-size farmers.

I hear my friends on the other side of the aisle and, frankly, on this side of the aisle who support the peanut program say: You know, Rick, if you go after this program, there are thousands of small farmers in my State you will destroy, the small- and medium-size farmers in my State, if you change the peanut program.

I have been sensitive to that. I understand the rural economy. In many areas where peanuts are grown, there is a limited number of crops that can be grown. Many areas are impoverished. I understand that, and I sympathize with the Members who represent those areas. But what we are talking about here are not small farmers.

Let me review. I have talked about this many, many times, and I have talked about the peanut program. But just let me report to you what a GAO study reported: That 22 percent of the peanut growers in this country receive 85 percent of the quota benefits. What does that mean? You have a bunch of big farmers who get almost all the benefits of this program.

What I am doing here is actually a very modest change, one I would think, if Members want to target these funds, target the benefits of the program to the farmers who need it, then they should be supportive of this. This is one I am hoping we can get some support for.

It is an amendment that says that every entity, person, can get up to—are you ready for this?—$125,000 of loan payments from the Federal Government—$125,000. That means every entity can get that much. If you have $6 million of peanuts to sell, you still get $125,000 at the guaranteed quota price, but the rest you have to sell on your own. If you are producing $6 million worth of peanuts, I would think you have a pretty good slice of the market and you can probably get a pretty good price for your peanuts. What we have done here is focus the program in on the folks who need it the most.

I want to step back and give a little bit of the origin of the peanut program, to show how it has evolved over the years to concentrate more and more of these quotas in the hands of bigger and bigger quota holders. I mentioned before who holds 68 percent of these quotas. A quota is the right to grow peanuts and sell them in this country. You get a quota from the Federal Government. It is passed on from generation to generation. They are sold like stocks. It is a right. It is worth something. It is worth a lot. It is worth $200 to $300 a ton, if you are growing peanuts.

Mr. President, 68 percent of the quota production in this country is held by people who do not touch one speck of dirt. They do not farm a lick. They rent it to somebody else to do it for them. These are people who sit in—I am from Pennsylvania. We have quota holders in Pennsylvania. We do not grow a whole lot of peanuts in Pennsylvania. There are quota holders in New Hampshire, and I am sure they do not grow any peanuts in New Hampshire.

What we are trying to do here is deal with those folks who have sat back and said, ''This looks like a pretty good investment. Let's buy some quota shares and make a little money on the Federal Government program.'' They have done that. They have done very well for many years. Now we are going to say, ''Look, you folks, start selling those quotas back to the small farmers.''

If anything, what this will accomplish, in my mind, is not to really affect the overall amount of quota peanuts grown. What it will do is make some of these big barons, quota barons, sell their quotas to folks who are out there leasing land right now to grow their additional peanuts, which are peanuts that do not get these big, high prices. Imagine. This is the United States of America. If you do not have a quota to grow peanuts, if you do not have a license from the Federal Government to grow peanuts, you cannot sell your peanuts in this country. This is America. If you do not have a license from the Federal Government to grow peanuts, you cannot sell your peanuts here.

I know some may have just tuned in and thought, ''Am I looking at the Russian Duma?'' No. This is the U.S. Senate, not the Russian Duma. You are not getting a translation from an interpreter. My lips actually match the words that I am saying. But, in America this goes on every day. This is a program that started during the Depression. They handed out these quotas during the Depression, prior to World War II.

You can imagine who got these quotas. It is no surprise that most of the quotas are held by wealthy landowners. You had to own your land to qualify for a quota. There were a lot of sharecroppers back then, many of them minorities, who did not own their land. Who were these quotas given to? They were given to these local associations to distribute around to their buddies and themselves. It is no shock that a lot of the unwashed never ended up with any quotas. This is a system that, from its origin, is rife with injustice, injustice to the people who grow peanuts, injustice to the consumers who have to pay higher prices as a result.

What we are trying to do here is put one little—little—restriction in, to say $125,000 of guaranteed income from the Federal Government of 50 percent more than what your peanuts are really worth is a pretty good deal. Take it. Be happy. And sell some of those quotas to other people who can use them and maybe benefit from them a little bit more.

If I was a Senator from the peanut States, I would say this is a good amendment because what this will do is divest a lot of these peanut quotas

and give more people a stake in this program. That means more people who want to see this program survive. There are a lot of people in peanut-growing States who do not have quotas who would very much like to see this program go away. We are giving you an opportunity to say let us get some of these benefits, if they are going to continue. I know the powerful Senator from Alabama—and I will miss him, I will miss him as a person, I will not miss him as an adversary on this issue because he whips me every time we come to the floor—but I will tell the Senator from Alabama that he has an opportunity here to broaden his coalition, to get more folks to participate in the quota system because of the limitation on what people can benefit from the program.

I would think, if you are truly concerned about small- and medium-size farms, farms of 100 or 200 acres, if you really are concerned about those folks, then give them a chance here. They will be fine under this amendment. They will not be hurt at all under this amendment. They will not be hurt one bit by this amendment.

I am hopeful that maybe we can get this amendment accepted. It is a change to the peanut program. I know nobody likes to change programs. I heard the Senator from Idaho come down here and say: You know we have 7-year farm bills and 5-year farm bills for a reason. We do not like to change and monkey with these programs year by year, and we want to keep the farm communities stable.

I do not think this will have a major impact on the farm communities. I think what it will do, it will have a major impact on small farmers, on farmers who do not have quotas right now, who will be able now to go out and have quotas available to them because a lot of these wealthy quota barons will have to divest themselves of all these quotas they hold.

Who are they going to sell them to? They are going to sell them to folks who right now have to sweat, toil as hard as the folks who get $650 a ton for their peanuts, and they sweat and toil for $350 a ton for their peanuts. Now we are going to give them a chance at the pot at the end of the rainbow that Washington has created in this program. We are going to get the small and medium-size farmers in Alabama, in Georgia, in Mississippi, in Oklahoma, in Texas, in New Mexico, all over the United States where they grow, now we are going to have people who have heretofore never had the opportunity to enjoy the fruits and benefits of this very generous program, to participate in it. I am hopeful that we can get this amendment accepted.

I think this is an amendment that probably, contrary to my own good, will broaden the base of support of this program by including a lot of small farmers who have heretofore been boxed out by folks who have gobbled up, used their masses of wealth to gobble up these quotas and make money out of this Federal program.

Now we are going to get this money out of the boardrooms in Pittsburgh and in Concord and Boston and Paris and all the other places they own these quotas, and get them back into the hands of the folks who go out everyday and till that soil and make sure those crops are healthy and produce a good yield.

That is the way it should be. If we are going to have a program—and I am resigned to the fact that the Senator from Alabama, the Senators from Georgia and the others, have whopped me fair and square—but I am saying, if we are going to continue this program, let's continue this program to where it benefits everyone—all of the small farmers, all of the medium-size farmers.

If you folks really believe that is who you are representing and you are not representing the big peanut interests, the big guys who come down here in force and lobby and the big guys who are very influential lobbyists, very influential in the political process in these States, if that is not who you are representing, then you will be for this amendment. You will be for an amendment that says ''get the big guys out of the big money of big Government and put it back to the little guy who really needs the help.''

Mr. President, I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, let me say that one aspect of his argument was agreed to in the recently passed farm bill, when he talks about these people who had quotas and lived in Boston and farmed in Alabama. There was a provision in the farm bill where production was shifted to the family farm, and that was one of the accomplishments that the Senator from Pennsylvania brought about.

He has already brought about several changes in this bill which was in the farm bill. The production will shift to the family farms. Public entities and the out-of-State nonproducers are ineligible now for participation in the program.

What he was talking about, in giving his illustration, he has already accomplished. So that argument, I do not think, is applicable to this amendment.

Originally, the amendment had a $40,000 figure on it. We figured up at 2,500 pounds of production per acre that this would come out to about a farm of about 52 acres, and the national average of the peanut farmer is 98 acres. But he then, in effect, by raising it to 125, has tripled it, which means that basically he is talking about a farm of about 156 acres which would be involved.

The Senator from Pennsylvania confuses payments with a loan. They are two separate and distinct things. You put a commodity in loan; therefore, it is sort of like going to the bank, you get some money. But the commodity is in loan, and it is designed for farmers to use in order that if the price goes up, then they can make money. It is a sort of hedge. The loan program is a Government program designed to allow for generally and, in most of the commodities, for 12 months that it stays in the loan. During that time, the price may go up and down, and the farmer can choose when he wants to sell. It is sort of an aid and assistance, it is not a payment.

Payment limitations, as we have it, have been in the past, up until this farm bill was passed, a limitation on what is known as target prices in a deficiency payment, and that is where the limitations came in as to how much a farmer could draw relative to a deficiency payment.

For example, in cotton, there was a target price that they hoped a cotton farmer might be able to obtain in order to be able to meet the cost of production. As I recall, up until this year, it was 72.9 cents a pound. If the cotton price per pound fell below that price, then that deficiency payment paid the difference between the market price and the target price, but there was a limitation in that.

Loans are different. They are not any type of limitation relative to that. It is a different situation.

Now the farm bill came along and we have a contract price, and there is a limitation relative to contract price. But peanuts have never had any deficiency payments. It has only had a loan; therefore, it is entirely different. You are mixing apples with oranges here, and, therefore, it is a confusing situation.

In regard to peanuts and the fact that he is talking about these people who have these quotas and they do not farm, that is more of the factor of what is known as tenants or leasing. In regard to all of the commodities—these are based on the Bureau of Census figures—actually there are more farmers who farm their land in peanuts than there are in wheat, than there are in soybeans, than there are in cotton. So that argument relative to that, I think, is one that is just misunderstood and a lot of people misunderstand it because of the fact of quotas.

In regard to price, this next chart shows the relationship between the peanuts and the peanut support price and the farm value and the retail price of a 16-ounce jar of peanut butter over a period from 1984 to 1992. That is basically the same as to the present time. The blue shows the support price. The red shows the farm price. And then the green here shows the retail price.

Well, note that really that in the loan price, it has always in each of these years been lower than the farm price that they got on the market. In none of these years has it been where the loan rate of where the Government is involved in it, with the payment—that could be made in the event that the peanuts have defaulted to the loan

to the CCC—but in all of those years, the price has always been above the loan rate where he wants to put a limitation in regard to it. So again, that is a misunderstanding of the program as it has occurred over the years relative to this.

Then the argument is made that you have to have a license to sell peanuts in the domestic market. I think you find here that this is a chart which shows that we have had a substantial increase from 1986 now here to 1995 of the number of new farms that receive quotas.

Farmers have easy access into the peanut program. More than 10,000 new farmers received quotas under the peanut program over the last 10 years, proving the point that the program is not closed to outsiders. And so we have had a situation that has developed over the years that has shown that you can grow peanuts, you can start growing peanuts, you can gain quotas, you can do it. And the people that grow peanuts can sell in the U.S. market.

There is, in regard to the national eatable market, restrictions relative to that. But as to the other aspects of it, they can be sold. And you do not have to have a license. You can start growing additional peanuts today anywhere you want to. There are many farmers that are doing that that have started growing it.

In the new farm bill that we had, the peanut is open to new producers, more so than even in the past. Access to the program has been made easier for producers desiring to grow peanuts. So I think there is some confusion.

I think, No. 1, that the Senator from Pennsylvania is to be congratulated relative to the fact that out-of-State people in these nonentities, that are public entities, that held it before —he moved and was able, with the help of his staff, to get that changed.

But we now find that we are in a situation where I think there is confusion here, particularly on a payment as opposed to a loan. They are just two different things. He wants to limit the ability to use the loan. And what he is saying, in arguing on all the rest of the commodities, they have a payment limitation on Government payments to them. So I think there is a distinction there that has sort of been overlooked relative to this.

So we are really talking about small farmers here, when the average peanut farm in the country is 98 acres. And we are talking about here at the utmost this would apply to a farm of about 150 acres. And those are not big farmers, the people involved in it. They are just slightly above what is the average farmer in this country. I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. The Senator from Alabama is a clever man. And he focuses in on a number of farmers. I have never said that there are not a lot of farmers who have a little quota. The point I have tried to make is 22 percent of the farmers own 80 percent of the quota. Sure there are people who have, you know, a little quota here, a little quota there. But it does not amount to much. This program is stacked with the big farmers.

So he makes these arguments that, you know, well, you look at peanuts and cotton and soybeans and that, you know, peanut farmers are a disproportionate number of them, more of them own the farms that they grow peanuts on than cotton, soybeans, and the like. What he does not say in the chart—maybe it is true—he does not say whether those peanut farmers are quota holders or nonquota holders.

Probably a lot of these peanut farmers do own their land but they did not own a quota. He said, well, you know, there are some restrictions. I know it was an euphemism, but he said there are some restrictions on the domestic sale of additional peanuts. I will tell you what those ''some restrictions'' are. You cannot sell them for eatable use. That is some restriction. I think maybe he meant to say that is sum restriction instead of saying that is some restriction. Maybe it was the emphasis. But that is a complete restriction. You cannot sell them here. You have to sell them overseas. And you have to sell them at a heck of a lot less than what the quota price is.

He said there are, you know, there are no restrictions. Everybody wants to go out and plant peanuts. That is right. No restrictions. Go out and plant peanuts and sell them at $300 a ton, if you own quota, at $400 a ton or $700 a ton, but there is no restriction to sell your peanuts for half the price to the guy next door that has a quota. You are absolutely right. It is a good deal.

But I would just suggest that this amendment, which says that every person who owns a quota of peanuts can put on loan up to $125,000 worth of peanuts, and get a price double the world market, that that is a pretty good deal. I mean, that is a pretty generous offer.

How many peanut growers are we talking about? How many would be covered by this amendment? Oh, about 1,900. So 1,900 farmers would be limited as to how much they could put on loan, a very select few of the tens of thousands, and maybe hundreds of thousands of peanut growers in this country. Talking about 1,900 of the wealthiest farms.

I have made this sound like this is a dramatic change for those folks who are the 1,900 select few. The point of fact is, and the Senator from Alabama knows this, this is not. This is not a substantial amendment. The Senator from Alabama, and folks who know this issue, realize that the only reason you would put your peanuts on loan is if you could not sell your peanuts for more than the quota price.

As we know, as a result of the farm bill, the Secretary of Agriculture has an interest in keeping demand above supply, in other words, shorting the market, keeping the price well above the quota price. Why? Because in the farm bill we say we want peanuts to be a no-cost program. We do not want peanuts to be put on loan and have the Federal Government buy this crop. That is what ''put on loan'' means. That means the quota holder will sell the peanuts to the Government for that quota price.

We do not want that to happen. The only way you can stop that from happening is to control the amount of peanuts that are open. If you short the market, prices go up. So the only time that this might—this amendment, as minor as it is, as limited as it is to the number of farmers that we are talking about—the only time that this could even have an impact is if there is a huge crop of peanuts in excess of what the Secretary thought could be grown by the number of quota holders.

In that case you are talking about a lot of farmers who have a lot of product, who will sell a goodly amount at the quota price. And they have to sell the rest out on the market and make, I suggest, well above what additional farmers are making. So this is an amendment that is fair.

This is an amendment that has limited scope with respect to the number of people involved and is limited to an occurrence that is not likely to happen, given the controls of the Secretary of Agriculture over the amount of peanuts grown in this country. This truly is an amendment that is more principle than it is of tremendous substance.

That is why I was hoping the Senator from Alabama, who made a lot of arguments about the difference between loans and deficiency payments—and I understand the difference—that is why deficiency payments were limited to $50,000 and I put $125,000 as a loan payment. It is substantially more. There is a reason: Because there is a difference. I recognize that difference. I set a limit that was a very small percentage of the people who farm peanuts. I wanted to get at the hoi polloi of the peanut growers. We have done that. I think this is a fair amendment.

Mr. President, I ask unanimous consent to set aside amendment 4995.

AMENDMENT NO. 4967

(Purpose: To prohibit the use of funds to carry out a peanut program that is operated by a marketing association if the Secretary of Agriculture determines that a member of the Board of Directors of the association has a conflict of interest with respect to the program)

Mr. SANTORUM. I send to the desk an amendment No. 4967.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 4967.

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

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

The amendment is as follows:

At the end of the bill, add the following:

SEC. . PROHIBITION ON CONFLICTS OF INTEREST IN PEANUT PRICE SUPPORT PROGRAM.

None of the funds appropriated or otherwise made available by this Act may be used to carry out a peanut program under section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271) or part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1357 et seq.) that is operated by a marketing association if the Secretary of Agriculture determines, using standards established to carry out title II of the Ethics in Government Act of 1978 (5 U.S.C. App.), that a member of the Board of Directors of the association has a conflict of interest with respect to the program.

Mr. SANTORUM. This is an amendment that gets, again, to what I see as a group of very influential, wealthy, graced quota holders who have been put in a position to profit extraordinarily by this program, and have put themselves in a position that is, I think, virtually unique in the agriculture industry.

Most of the commodity programs, all but a couple, have been run historically by the U.S. Department of Agriculture. That would make sense. USDA has the authority to oversee these programs, and, as a result, the USDA has taken the responsibility of running the program, of operating their loan programs or deficiency programs, of carrying out the price of programs, of penalizing wrongdoers, of promulgating regulations—all of that has been done within the Department of Agriculture, with the soybean program, the cotton program, and a whole lot of other programs. All of them have been run and operated by a bureaucrat out of USDA, but not the peanut grower. Not the peanut grower.

The Government, USDA, contracts with what are called marketing associations or cooperatives to administer the program. What does that mean? These are associations—get this—these are the people who operate the program, who oversee it, penalize wrongdoers, help promulgate regulations for the program. And who are the people who compose the marketing associations? I will give three guesses—you are right, the quota growers. The people who participate in the program run the program.

Now, some of the skeptics among us might consider that to be a conflict of interest, that people who own the quotas are responsible for overseeing the program of which they benefit, of administering the program of which they benefit, of promulgating regulations of which they benefit, of punishing the wrongdoers among them, of which they benefit.

My amendment is a very simple amendment dealing with conflicts of interest. My amendment is very straightforward. It says you have to comply with the Government standards for conflict of interest. Since you are in a sense an agency of the Federal Government carrying out this program, we will hold you to the same standards as someone who would, in fact, be a member of the Government in administering this program, and that is, you cannot have a conflict of interest.

Now, if they are, in fact, vested, as they are, with the authority to carry out this program and have, in fact, the ministerial duties and other policymaking duties and other programs reserved to USDA, they should be held to the conflict-of-interest standard of a USDA employee administering the program.

I know that sounds like a very radical idea. What that will cause is a much more arm's-length regulation of this industry than the folks who are running it now, for their benefit. Maybe you need to look back historically how these associations—and they have run them for a long time, and maybe this anomaly that has occurred with a small percentage of the farmers owning a big percentage of the quotas is a result of who runs the program. I suggest if we look at these marketing associations that run the programs locally, they probably are not a lot of the folks who have just a ton or two of quota. They are folks who have the big quotas, who have the big interest in this program, and run the program to benefit themselves.

That clearly is a conflict of interest. This has nothing to do with denying anybody a quota. This has nothing to do with, really, reforming the program per se. What this is, again, these are two amendments that I am offering today on peanuts, where I have accepted the fact this program is going to continue. We are going to have a peanut program. I will not mess around with it. Like the Senator from Idaho, Senator CRAIG said, ''Do not mess around with these programs; keep them in place so we have some certainty.'' Well, I am for that. If that is what happens, that is the way it has to be, then that is the way it has to be, but at least have a program that does not benefit the wealthy, which is what my first amendment deals with, and, No. 2, does not have what appears to be a blatant, bald-faced conflict of interest between the people who benefit from the program who also happen to be the very same people who operate and regulate the program.

What I am offering here is an amendment that, again, I hope, given the nature of the amendment, we can get an agreement on this and maybe adopt it tonight with little discussion after mine. I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. There are marketing co-ops. There is the Virginia-Carolina peanut growers marketing cooperative and the Georgia-Florida-Alabama co-op, and the Southwest peanut growers co-op, who are allowed under the USDA regulation to enter into various activities pertaining to the operation of the peanut program.

In regard to this, it is my understanding that the manufacturers are in the process of having a lawsuit pertaining to this issue. They have filed a protest letter to the U.S. Department of Agriculture, but the issue over the years has been worked out with the co-op with the U.S. Department of Agriculture in such a manner as to be within the purview of the ethics rules and regulations. And therefore the concept is not a violation of a conflict of interest. The associations and co-ops are closely supervised by the U.S. Department of Agriculture personnel. They have extensive in-house audits by Government officials, which are conducted each year. It results in cost savings to the Government because the operation is contracted out. These are conducted in small towns where the cost is less than it would be if operated in Washington.

Now, there have been large groups of merchants pertaining to it that have attempted to bid for these positions and to qualify to administer the program, and that has been several years ago, but they did not qualify pertaining to this matter. This is a matter that if there is any violation or any conflict of interest, in our judgment, it ought to be determined by the courts rather than by the Congress at this time, because there is a law firm that is very much involved. They have already filed some letters, and they certainly are in the process of working themselves into a court case pertaining to this matter. But under it, the U.S. Department of Agriculture has clearly looked at this over the years, and they do not feel that this is any violation of any conflict of interest.

Mr. SANTORUM. Mr. President, I just say to the Senator from Alabama that my amendment merely says

if the Secretary of Agriculture determines, using standards established to carry out title II of the Ethics in Government Act of 1978, that a member of the Board of Directors of the association has a conflict of interest with respect to the program.

You say that is something informally being done. If we have an agreement here, I would be happy to move the amendment and, hopefully, we can adopt it by consent.

Mr. HEFLIN. We can consult with the Department of Agriculture before any agreement relative to this matter. As I understand it, this has been submitted to them and they have objections to it.

Mr. SANTORUM. I can't hear the Senator.

Mr. HEFLIN. As I understand it, this has been shown to the Department of Agriculture, and they have reservations pertaining to this. They are in the process right now of probably becoming involved in a lawsuit. Therefore, they object to it, and because they object to it, I cannot agree to it.

Mr. SANTORUM. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4995

Mr. SANTORUM. I call up amendment No. 4995 and ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SANTORUM. I yield the floor to the Senator from Mississippi, so we can all go home.

AMENDMENTS NOS. 4979 AND 4980, WITHDRAWN

Mr. COCHRAN. Earlier tonight, the Senate adopted two amendments offered by the Senator from Nebraska, Mr. KERREY. These were modifications of previous amendments that he had filed and were at the desk.

I, therefore, ask unanimous consent to withdraw amendments Nos. 4979 and 4980, offered previously by the Senator from Nebraska, Senator KERREY.

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

The amendments (Nos. 4979 and 4980) were withdrawn.

Mr. COCHRAN. Mr. President, there have been cleared two additional amendments—one we offered earlier and had withdrawn, and another amendment.

I will send one up on behalf of Mr. SMITH of New Hampshire, dealing with rural utilities assistance program, and the other offered on behalf of the Senator from Idaho, Mr. CRAIG, and others.

AMENDMENTS NOS. 5000 AND 5001, EN BLOC

Mr. COCHRAN. Mr. President, I send two amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes amendments numbered 5000 and 5001, en bloc.

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

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

The amendments are as follows:

AMENDMENT NO. 5000

(Purpose: To provide that the town of Berlin, New Hampshire, shall be eligible during fiscal year 1997 for a grant under the rural utilities assistance program)

On page 47, line 17, before the period, insert the following: ": *Provided further*, That, notwithstanding section 306(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(7)), the town of Berlin, New Hampshire, shall be eligible during fiscal year 1997 for a grant under the rural utilities assistance program".

AMENDMENT NO. 5001

(Purpose: To require a review and report on the H–2A non immigrant worker program)

At the end of the matter proposed to be inserted by the amendment, insert the following:

SEC. . REVIEW AND REPORT ON H–2A NON IMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the enactment of this Act may impact the future availability of an adequate work force for the producers of our Nation's labor intensive agricultural commodities and livestock.

(b) REVIEW.—The Comptroller General shall review the effectiveness of the H–2A nonimmigrant worker program to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the Comptroller General shall review the program to determine—

(1) that the program ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the date of enactment of this Act;

(2) that the program ensures that there is timely approval of applications for temporary foreign workers under the H–2A nonimmigrant worker program in the event of shortages of United States workers after the date of enactment of this Act;

(3) that the program ensures that implementation of the H–2A nonimmigrant worker program is not displacing United States agricultural workers or diminishing the terms and conditions of employment of United States agricultural workers; and

(4) if and to what extent the H–2A nonimmigrant worker program is contributing to the problem of illegal immigration.

(c) REPORT.— Not later than December 31, 1996, or three months after the date of enactment of this Act, whichever is sooner, the Comptroller General shall submit a report to Congress setting forth the findings of the review conducted under subsection (b);

(d) DEFINITIONS.—As used in this section—

(1) the term "Comptroller General" means the Comptroller General of the United States; and

(2) the term "H–2A nonimmigrant worker program" means the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

Mr. COCHRAN. Mr. President, I am authorized to announce to the Senate on behalf of the Senator from Arkansas that these two amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendments are agreed to.

The amendments (No. 5000 and No. 5001) were agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

(During today's session of the Senate, the following business was transacted.)

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 22, the Federal debt stood at $5,169,928,910,388.19.

On a per capita basis, every man, woman, and child in America owes $19,483.10 as his or her share of that debt.

REPORT OF A NOTICE CONCERNING THE CONTINUATION OF THE IRAQI EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 164

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1996, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 22, 1996.*

MESSAGES FROM THE HOUSE

At 11:22 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3159. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes.

H.R. 3267. An act to amend title 49, United States Code, to prohibit individuals who do not hold a valid private pilots certificate from manipulating the controls of aircraft in an attempt to set a record or engage in an aeronautical competition or aeronautical feat, and for other purposes.

H.R. 3536. An act to amend title 49, United States Code, to require an air carrier to request and receive certain records before allowing an individual to begin service as a pilot, and for other purposes.

H.R. 3665. An act to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture.

H.R. 3845. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District