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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

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

Sovereign God of our Nation, we ask You for the supernatural gift of wisdom. In the Bible You tell us wisdom is more precious than rubies, more important than riches and honors. Solomon called wisdom a tree of life to those who lay hold of it. Your gift of wisdom enables true success, righteousness, justice, and equity. The Talmud reminds us that with wisdom, we can turn our lives back to You in authentic repentance and commit ourselves to do the good deeds that You guide.

James, the brother of Jesus, extends Your clear invitation to receive wisdom: ''If any of you lacks wisdom, let him ask of God, who gives to all liberally and without reproach, and it will be given to him.''—James 1:5. Bless the women and men of this Senate with a special measure of wisdom today.

We are grateful for the immense contribution to the Senate of the leadership of Sergeant at Arms Jim Ziglar. Thank You for his friendship, his outstanding executive skills, and his commitment to excellence in all he does. Bless him as he moves on to new opportunities and challenges in his ongoing dedication to serve You in government. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 31, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, today the Senate will resume consideration of the Agriculture supplemental authorizations bill. Senator LUGAR, under a previous order entered, will be recognized to offer the House-passed act as an amendment or, in fact, whatever he desires to offer. Rollcall votes will occur on amendments throughout the day. The Senate will be in recess today, as is normal on a Tuesday, from 12:30 to 2:15 for our weekly party conferences.

The majority leader, Senator DASCHLE, has asked me to announce that he wishes to complete this bill this week, also the Transportation Appropriations Act, the VA–HUD appropriations, and the export administration bill.

JIM ZIGLAR

Mr. REID. I would just say, Madam President, quickly, that I appreciate very much the prayer of the Chaplain today mentioning Jim Ziglar. When he came to the Senate he had been a longtime friend of the majority leader, Senator LOTT. A lot of us were somewhat anxious that he would be an extreme partisan. Senator LOTT did very well in choosing Jim Ziglar.

Jim Ziglar has a brilliant mind. He has an outstanding law school record. And he served as a clerk in the U.S. Supreme Court to Justice Blackmun. He was in the private sector where he did extremely well. As Sergeant at Arms, he was an exemplary member of the Senate family. I know that as the leader of the Immigration and Naturalization Service he will bring vigor and intelligence and responsibility to that most important office.

So I appreciate very much the prayer of the Chaplain today mentioning Jim Ziglar, who has become a friend to all of us.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1246, which the clerk will report.

The senior assistant bill clerk read as follows:

A bill (S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Indiana, Mr. LUGAR, is recognized to offer an amendment.

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

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AMENDMENT NO. 1190

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

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

Mr. LUGAR. I ask unanimous consent that the amendment not be read in full.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment by number.

The senior assistant bill clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 1190.

The amendment is as follows:

(Purpose: To provide a substitute amendment)

Strike everything after the enacting clause and insert the following:

SECTION 1. MARKET LOSS ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall, to the maximum extent practicable, use $4,622,240,000 of funds of the Commodity Credit Corporation to make a market loss assistance payment to owners and producers on a farm that are eligible for a final payment for fiscal year 2001 under a production flexibility contract for the farm under the Agriculture Market Transition Act (7 U.S.C. 7201 et seq.).

(b) AMOUNT.—The amount of assistance made available to owners and producers on a farm under this section shall be proportionate to the amount of the total contract payments received by the owners and producers for fiscal year 2001 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

SEC. 2. SUPPLEMENTAL OILSEEDS PAYMENT.

The Secretary shall use $423,510,000 of funds of the Commodity Credit Corporation to make a supplemental payment under section 202 of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of the 2000 crop of oilseeds that previously received a payment under such section.

SEC. 3. SUPPLEMENTAL PEANUT PAYMENT.

The Secretary shall use $54,210,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(a) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of quota peanuts or additional peanuts for the 2000 crop year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payment under this section.

SEC. 4. SUPPLEMENTAL TOBACCO PAYMENT.

(a) SUPPLEMENTAL PAYMENT.—The Secretary shall use $129,000,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to eligible persons (as defined in such section) that previously received a payment under such section.

(b) SPECIAL RULE FOR GEORGIA.—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use the sum of $13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000.

SEC. 5. SUPPLEMENTAL WOOL AND MOHAIR PAYMENT.

The Secretary shall use $16,940,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 814 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387), to producers of wool, and producers of mohair, for the 2000 marketing year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 6. SUPPLEMENTAL COTTONSEED ASSISTANCE.

The Secretary shall use $84,700,000 of funds of the Commodity Credit Corporation to provide supplemental assistance under section 204(e) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers and first-handlers of the 2000 crop of cottonseed that previously received assistance under such section.

SEC. 7. SPECIALTY CROPS.

(A) BASE STATE GRANTS.—The Secretary shall use $26,000,000 of funds of the Commodity Credit Corporation to make grants to the several States and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture. The amount of the grant shall be—

(1) $500,000 to each of the several States; and

(2) $1,000,000 to the Commonwealth of Puerto Rico.

(b) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $133,400,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount that represents the proportion of the value of specialty crop production in the State in relation to the national value of specialty crop production, as follows:

(1) California, $63,320,000.
(2) Florida, $16,860,000.
(3) Washington, $9,610,000.
(4) Idaho, $43,670,000.
(5) Arizona, $3,430,000
(6) Michigan, $3,250,000.
(7) Oregon, $3,220,000.
(8) Georgia, $2,730,000.
(9) Texas, $2,660,000.
(10) New York, $2,660,000.
(11) Wisconsin, $2,570,000.
(12) North Carolina, $1,540,000.
(13) Colorado, $41,510,000.
(14) North Dakota, $1,380,000.
(15) Minnesota, $1,320,000.
(16) Hawaii, $1,150,000.
(17) New Jersey, $1,100,000.
(18) Pennsylvania, $980,000.
(19) New Mexico, $900,000.
(20) Maine, $880,000.
(21) Ohio, $800,000.
(22) Indiana, $660,000.
(23) Nebraska, $640,000.
(24) Massachusetts, $640,000.
(25) Virginia, $620,000.
(26) Maryland, $500,000.
(27) Louisiana, $460,000.
(28) South Carolina, $440,000.
(29) Tennessee, $400,000.
(30) Illinois, $400,000.
(31) Oklahoma, $390,000.
(32) Alabama, $300,000.
(33) Delaware, $290,000.
(34) Mississippi, $250,000.
(35) Kansas, $210,000.
(36) Arkansas, $210,000.
(37) Missouri, $210,000.
(38) Connecticut, $180,000.
(39) Utah, $140,000.
(40) Montana, $140,000.
(41) New Hampshire, $120,000.
(42) Nevada, $120,000.
(43) Vermont, $120,000.
(44) Iowa, $100,000.
(45) West Virginia, $90,000.
(46) Wyoming, $70,000.
(47) Kentucky, $60,000.
(48) South Dakota, $40,000.
(49) Rhode Island, $40,000.
(50) Alaska, $20,000.

(c) SPECIALTY CROP PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops in the use of the grant funds.

(d) SPECIALTY CROP DEFINED.—In this section, the term ''specialty crop'' means any agricultural crop, except wheat, feed grains, oil-seeds, cotton, rice, peanuts, and tobacco.

SEC. 8. COMMODITY ASSISTANCE PROGRAM.

The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States to be used by the States to cover direct and indirect costs related to the processing, transportation, and distribution of commodities to eligible recipient agencies. The grants shall be allocated to States in the manner provided under section 204(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)).

SEC. 9. TECHNICAL CORRECTION REGARDING INDEMNITY PAYMENTS FOR COTTON PRODUCERS.

(a) CONDITIONS ON PAYMENT TO STATE.—Subsection (b) of section 1121 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105–277 (7 U.S.C. 1421 note), and as amended by section 754 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549A–42), is amended to read as follows:

''(b) CONDITIONS ON PAYMENT TO STATE.—The Secretary of Agriculture shall make the payment to the State of Georgia under subsection (a) only if the State—

''(1) contributes $5,000,000 to the indemnity fund and agrees to expend all amounts in the indemnity fund by not later than January 1, 2001 (or as soon as administratively practical thereafter), to provide compensation to cotton producers as provided in such subsection;

''(2) requires the recipient of a payment from the indemnity fund to repay the State, for deposit in the indemnity fund, the amount of any duplicate payment the recipient otherwise recovers for such loss of cotton, or the loss of proceeds from the sale of cotton, up to the amount of the payment from the indemnity fund; and

''(3) agrees to deposit in the indemnity fund the proceeds of any bond collected by the State for the benefit of recipients of payments from the indemnity fund, to the extent of such payments.''.

(b) ADDITIONAL DISBURSEMENTS FROM THE INDEMNITY FUND.—Subsection (d) of such section is amended to read as follows:

''(d) ADDITIONAL DISBURSEMENT TO COTTON GINNERS.—The State of Georgia shall use funds remaining in the indemnity fund, after the provision of compensation to cotton producers in Georgia under subsection (a) (including cotton producers who file a contingent claim, as defined and provided in section 5.1 of chapter 19 of title 2 of the Official Code of Georgia), to compensate cotton ginners (as defined and provided in such section) that—

''(1) incurred a loss as the result of—

''(A) the business failure of any cotton buyer doing business in Georgia; or

''(B) the failure or refusal of any such cotton buyer to pay the contracted price that had been agreed upon by the ginner and the

buyer for cotton grown in Georgia on or after January 1, 1997, and had been purchased or contracted by the ginner from cotton producers in Georgia;

''(2) paid cotton producers the amount which the cotton ginner had agreed to pay for such cotton received from such cotton producers in Georgia; and

''(3) satisfy the procedural requirements and deadlines specified in chapter 19 of title 2 of the Official Code of Georgia applicable to cotton ginner claims.''.

(c) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking ''Upon the establishment of the indemnity fund, and not later than October 1, 1999, the'' and inserting ''The''.

SEC. 10. INCREASE IN PAYMENT LIMITATIONS REGARDING LOAN DEFICIENCY PAYMENTS AND MARKETING LOAN GAINS.

Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(1)), the total amount of the payments specified in section 1001(3) of that Act that a person shall be entitled to receive for one or more contract commodities and oilseeds under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) during the 2001 crop year may not exceed $150,000.

SEC. 11. TIMING OF, AND LIMITATION ON, EXPENDITURES.

(a) DEADLINE FOR EXPENDITURES.—All expenditures required by this Act shall be made not later than September 30, 2001. Any funds made available by this Act and remaining unexpended by October 1, 2001, shall be deemed to be unexpendable, and the authority provided by this Act to expend such funds is rescinded effective on that date.

(b) TOTAL AMOUNT OF EXPENDITURES.—The total amount expended under this Act may not exceed $5,500,000,000. If the payments required by this Act would result in expenditures in excess of such amount, the Secretary shall reduce such payments on a pro rata basis as necessary to ensure that such expenditures do not exceed such amount.

SEC. 12. REGULATIONS.

(a) PROMULGATION.—As soon as practicable after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this Act and the amendments made by this Act. The promulgation of the regulations and administration of this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(b) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Indiana.

Mr. LUGAR. Mr. President, I appreciate the agreement arrived at by the distinguished majority leader and the Republican leader for the beginning of this debate on the supplemental farm emergency amendment.

I cannot emphasize, as the Chair knows as a member of the Senate Agriculture Committee, the importance of this moment for agricultural America, for those who have hopes that we will be successful in this endeavor. I simply pay tribute to our leadership on both sides of the aisle for attempting to frame the debate in this way: by beginning with giving me this opportunity to offer an amendment.

Let me be clear that the bill before the Senate now came by majority vote from the Senate Agriculture Committee. For Members who have followed the debate yesterday—and for those who have not—we had a full debate in the committee during which I offered a substitute amendment to that offered by our distinguished chairman, the Senator from Iowa. Essentially, my amendment called for the expenditure of $5.5 billion. It was apportioned through a number of items, about $5 billion-plus of that through the so-called AMTA payments, these payments that have been made to farmers who, as part of the farm program, have had program crops in the last several years.

It has been the responsibility of the Senate and the House—our Government—to make additional AMTA payments in recent years in addition to those provided by the farm bill in 1996. The reason we have chosen the AMTA framework is that the farmers to be paid are known, their names and the addresses of these farms. They have been a part of the program. As a result, their crop histories are expeditious.

Members of the committee from time to time have raised questions as to: Why these farmers? Why should people who are in corn, wheat, cotton, and rice be the recipients? There is no equitable answer to that. Most of these debates have occurred in an emergency context such as the one we now have.

This is July 31. By definition of the fiscal year, the payments have to be cut and received by September 30. So as a result, for programs that do not have an AMTA history and which are not clear about the criteria or the recipients, those checks cannot physically get there by the 30th.

We found last year, in making a larger list of recipients, that a large list of new program procedures had to be formulated by the Department of Agriculture. That happened, and in due course the checks were cut, but frequently it was a hiatus of 6, 7, 8, 9 months. That is a part of the issue today. We are talking about the fiscal year we are in that ends September 30 and how money might be received by farmers.

Farmers listening to the debate are very interested in this. The testimony we have heard is that they are counting in many cases upon these payments. More to the point, many of our country bankers are counting on these payments, counting on meeting with farmers to settle planting loans from this season's planting and the hope; therefore, that there might be loans for planting next year in the case of farms that are in that situation, literally, needing loans from year to year to continue on in business. That is why there is an emergency aspect involved.

I have sought recognition this morning at the early part of the debate because I sense that we may be successful, and I have some premonition of disaster if we are not, as I read in the press, in the newsletters, in all of the communications that come to us about all the ways in which this particular debate might go. I will not try to be a prophet. My own optimistic spirit is that the debate will go in a constructive way, and that is the purpose of this amendment.

I will not offer the amendment this morning, though I offered it in committee. It did have a limit of $5.5 billion. I thought it was reasonably well constructed as a compromise of various interests within the committee.

Instead, the amendment I have sent to the desk—and I ask for its immediate consideration—is the identical language of legislation that came from the House of Representatives. It is a bill already adopted by our friends in the House Agriculture Committee and the House of Representatives as a whole. It is passed. At some point, probably very quickly, we will have to come to grips—this week, for example—with what we will do if we pass legislation different from that which the House has passed.

The conventional wisdom is, of course, we would have a conference between Members of the House and Senate. We would try to reconcile our differences. We would report back to the two bodies at some time during this week. Presumably because of the emergency, priority would be given to this conference report. Hopefully, both Houses would pass what we do and send it to the President.

The President has left no doubt what he will do if in fact this comes to him in some form with a pricetag higher than $5.5 billion, all to be spent in this fiscal year. We had, first of all, at the time of our committee debates, a letter from Mitch Daniels, Director of the Office of Management and Budget. Mr. Daniels said he would not recommend that the President sign a bill of more than $5.5 billion in this fiscal year.

That was fairly mild in comparison to the letter read on the floor by the distinguished Senator from Pennsylvania yesterday, which was received by many Members and which, after a lot of conversation, including the President of the United States, rather vividly in much of it—the letter came to us and said the senior advisers of the President would advise him to veto the bill if it has more than $5.5 billion and extends beyond this year. They gave reasons for that, and these are debatable, and I am sure we will hear debate about them.

Madam President, there is no doubt in my mind, nor should there be in the minds of other Senators or of the farmers in this country or of anybody listening to this debate, what is going to occur in the event we finally come to a conference and we have a result other than something less or $5.5 billion.

That being the case, I have suggested to the Senate, and in fact taken the action of offering it as an amendment, that if we are serious about coming to a conclusion on this farm bill, we had best at this point adopt the House language. This is not my language. It is not pride of authorship. It is not my way or no way. I have already had a try at it and lost 12–9 in the Ag Committee on what I thought was a pretty good suggestion. That is another day.

We are now in Tuesday of presumably our final week. The distinguished majority leader has said we are going to stay at this, not just this week and this weekend but until we pass a bill. I have no doubt we will pass a bill. The point I am making is, it had better be one the President will sign or at the end of the trail we will not have legislation. We will have an issue. Members may say: The President was wrong; he should not have done that. The President and his supporters will affirm that he was absolutely right.

The net effect, however, for farmers listening to all of that, as we sort out the relative praise and blame, will be that they have no money. That I start the debate with and will probably repeat several times because it is a very critical element.

If the House bill which I have offered today as an amendment did not have a lot of merit, I would not have taken the step this morning to suggest to my colleagues they adopt something that was without the merit at least that I believe it has.

I want to offer, as introduction to the discussion of this House bill and my amendment, a letter that was received yesterday by TRENT LOTT, our Republican leader. It was written by three distinguished Members of the House of Representatives; namely, CHARLIE STENHOLM, the distinguished ranking member of the Agriculture Committee from Texas; JOHN BOEHNER from Ohio; and CAL DOOLEY from California. They essentially were authors and major advocates in the House of the legislation that finally emerged. They say:

> It is our understanding the Senate will begin floor consideration this week on the Fiscal Year 2001 Agricultural Supplemental Assistance bill. We are writing to urge the Senate to stay within $5.5 billion provided for FY2001 in the budget and to approve this measure immediately in order to provide the assistance prior to September 30, 2001 as required by the 2002 Budget Agreement.
>
> As you know, the House reported a bill that will spend $5.5 billion to assist our farmers and ranchers this fiscal year. After much debate in the House Agriculture Committee, we determined that spending more than $5.5 billion would limit our flexibility as we write the 2002 Farm Bill. We believe that if we spend more than the money allowed for fiscal year 2001, we will be borrowing against American agriculture's best chance for a comprehensive safety net.
>
> Last week the House Agriculture Committee approved a landmark farm bill that will provide a safety net for our farmers, fund conservation at an unprecedented levels and renew our commitment to needy families. Passage of agricultural assistance legislation beyond $5.5 billion will imperil these critical needs.
>
> We urge you to remain within the $5.5 billion so that we can provide long-term solutions for America's farmers and ranchers. Thank you in advance for your consideration of this request.

It is signed by the three distinguished Members.

We likewise, Madam President, heard from a good number of our colleagues on the floor yesterday that they appreciate the point of the House. They disagree with it—and Members will disagree with a number of our approaches—in part because all are compromises between interests that have a lot of merit.

For example, in the amendment I offered in committee, the AMTA payment was somewhat over $5 billion. In the amendment we are looking at today, the House legislation, the AMTA payment is somewhat better than $4.6 billion—about $400 million less. Legislation offered by the distinguished chairman of our committee, Senator HARKIN, offers about $400 million more in the end.

If we take an example, for the corn farmer—and I admitted yesterday I am one—this is bad news. Moving from, say, $5.4 billion, or some such figure in the AMTA payment, even to $5 billion is difficult, and $4.6 billion is very difficult; likewise, wheat farmers, cotton farmers, rice farmers. What goes on here? In the old days, the only crops we were talking about were the program crops as I outlined yesterday that started in the 1930s. That is the way it has been all these years.

Now suddenly, in a $5.5 billion bill only $4.6-plus billion is devoted to us. After all, we farm the majority of the acreage and, in terms of crops, the majority of the value.

Livestock producers would say: Welcome. We were never in on the deal to begin with. Program crops meant crops. They did not mean hogs and cattle and sheep. In fact, we will take a look at this situation. We are already in some anxiety as, say, cattlemen and people who produce pork, as we heard in our committee last week.

What do these programs do to feed costs? Is there an input problem for us already in what agriculture committees have been doing cumulatively? We thought there might be, and that would be bad news if one were getting no AMTA payment or consideration. In fact, we are seeing potential costs increase in the programs to help various people.

My only point is within American agriculture there are many diverse, even competing, views among those who produce livestock, feed livestock, and those who produce the feed. If there was one integrated operation, perhaps it all works out, but as we have heard, many farmers in America do one or another or various things. So they are all going to look at this bill and say: What is in this for us?

The amendment I have offered will be a disappointment in that respect because it is a compromise. It suggests that in order to accommodate a number of interests, and some say even in the House bill not nearly enough, there is some division of what might be coming in a more whole form in the AMTA payment.

I make that point explicitly because on our side of the aisle I have heard Senators say they want the bigger AMTA payment. I am not so worried about specialty crops or about poultry or livestock. As a matter of fact, I am worried about cotton farmers, rice farmers, wheat farmers, and corn farmers. I understand that. As a matter of fact, this is a part of the business of legislation, trying to find and meld these competing interests.

In any event, we have that predicament at the outset, which I admit. As I said at the beginning, I offered the amendment because I see this potentially as a way in which we will have a bill. I fear if we do not have a solution along those lines we will not have a bill.

Let me go explicitly into the amendment that has been offered this morning. As was suggested by our distinguished Members of the House, whose letter I read, led by Congressmen STENHOLM, BOEHNER, and DOOLEY, on June 26, the House passed H.R. 2213, which provided for $5.5 billion in broad-based market loss assistance to the Nation's farmers and ranchers. The assistance must be provided to farmers by September 30 of this year, the last day of fiscal year 2001.

This market loss assistance is above and beyond $21.7 billion in payments in fiscal year 2001 that the Congressional Budget Office now estimates is already being provided to farmers in this fiscal year under current law commodities support and crop insurance programs. Excluding the new farm assistance we are now considering, the Agriculture Department projects United States net cash farm income for 2001 at $52.3 billion, down $3 billion from last year's $55.3 billion.

As I mentioned in the debate yesterday, herein lies the reason at least the Budget Committees of the Senate and the House allocated the $5.5 billion for this year. They saw a gap. As I recall, they estimated the gap then, in January and February, at $3 billion or $4 billion. With updated figures, we now see an estimate that there is about a $3 billion gap between the $52.3 billion in net cash income last year and what was expected for this year.

Farm income last year was supported by nearly $23 billion in direct payments to farmers, which at that time was an all-time high. If we enact H.R. 2213, the amendment I have offered, in a timely fashion, net cash farm income for this year, based on the current USDA projection, would rise to $57.8 billion, $2.5 billion above last year's level. We will have made up the $3 billion gap and exceeded that by $2.5 billion with a $5.5 billion expenditure.

H.R. 2213 provides for $4.622 billion in supplemental market loss payments.

These are payments to producers enrolled in the 1996 farm bill's Agriculture Market Transition Act, the AMTA acronym. These farmers have contracts, and the bill says the payments come to them throughout the entirety of the 7 years of the bill. That is the AMTA payment, $4.622 billion.

The second provision is $424 million in market loss payments to producers of soybeans and other oilseeds. My first question on this provision was: How will the $424 million in these market loss payments to the soybean and oilseed producers get to them by September 30? The answer to that question, and that will be roughly the same answer but I will be explicit all the way through this list, is they are the same producers who received the money last year.

It was not easy to make the payments last year, and this called for an enormous amount of research and guidance through the whole process, but the results of all of that activity are that there is now a list. The expedition of the payments will be the $424 million goes to those same people and can be paid, if we make a decision to act this week, by September 30.

Next comes $159 million in assistance to producers of specialty crops such as fruits and vegetables. Here we do not have lists of who received the money last year, and therefore the provision in the House bill is there would be grants to the States. Now, the States will have to work out who gets the money within their States, but for the purposes of this act the money is dispensed by the Federal Government to the States before September 30. Therefore, technically, it is out of the Treasury before the fiscal year ends and fits within the $5.5 billion in that way.

That implies a great deal more activity, understandably, for equity for the specialty crops as it goes to the various States and farmers work with their State governments.

Then we have $129 million in market loss assistance for tobacco. This goes to quota holders, who are a well-known group, and payments have been made to these persons in the past.

The next provision is $54 million in market loss assistance for peanuts. Likewise, there are quota holders for peanuts, a well-known list for these producers. The money can be paid to them by September 30.

The same is true for the next provision, $85 million in market loss assistance for cotton seed; the same for $17 million in market loss assistance for wool and mohair producers; the final provision in the House bill is $10 million in emergency food assistance support. This emergency assistance support will go for commodities for the school lunch programs and other important and nutrition programs. Those moneys will be spent before September 30. These are the provisions of the House legislation. That is the total list of provisions.

H.R. 2213 utilizes the full $5.5 billion in fiscal year 2001 provided in this year's budget resolution for farm market loss assistance. It does not touch the $7.35 billion in fiscal year 2002 funds that the budget resolution also provides either for supplemental farm assistance for the 2002 crops or to help the Agriculture Committee write a new multiyear farm bill. That very statement is, of course, the source of some debate. There are Members who say: Why not reach into the $7.35 billion? After all, it is there. The Budget Committee certainly mentioned it. Perhaps the Budget Committee, in mentioning it, implied that the agricultural crisis goes on next year. As a matter of fact, one can suggest the Budget Committee, in talking about over $70 billion payments over 10 years, implies the crisis goes on forever, or at least for 10 years almost at the same level of crisis, maybe with a a few ups and downs, $10 billion payment one year, $5 billion the next, and so forth.

If we adopt this thinking, it makes almost no difference when the money is spent because the crisis goes on and people think if you can't pick it up in this bill, you might try the Agriculture appropriations bill and find an emergency there to provide additional funds.

Sponsored by Congressmen STENHOLM and BOEHNER, whom I mentioned before, the House bill finally represents a bipartisan compromise. It was not easy to come by. Stenholm-Boehner-Dooley, and others I have cited, had contending parties within the House Agriculture Committee. Many people, as I read the debate, asked, What about us? They mentioned various considerations: if we were sending money to farmers, they wanted their fair share, including the brokering of all of that, with payments that could be made physically by the end of this year.

It was not an easy task. Nevertheless, they mastered it in the House. It came out of committee well over a month ago. Their bill passed the House of Representatives by voice vote. Perhaps the House Members, by the time they listened to all of this debate, figured the Agriculture Committee people suffered enough; that they had undergone the agonies and did not want a repetition.

It is remarkable that this body takes a very different view. It appears we are going to have an extensive debate that may go on for days. The House people were able to do this by voice vote. One reason they did so is that they heard from farmers, they heard from their constituents, and the farmers said: Get on with it; we don't want an argument; we understand you are doing your very best. The House people understood most of the Members on the floor of the House were not farmers; they were advocates for farmers. They were doing the best for their constituents who were farmers, but at some point the constituents would say; don't overlawyer me; don't over advocate me; try to get on with a result because September 30 is coming quickly. Now, granted, such voices will be heard coming from agricultural America to this body.

As I indicated at the outset, and the reason I offer this amendment, this amendment offers, I believe, the opportunity to get a result. The bill before the Senate today, which I have sought to amend, represents a very different approach that came out of the Senate Agriculture Committee. The approach is that $1.976 billion in fiscal year 2002 would be spent in addition to the $5.5 billion in the current fiscal year. A significant portion, therefore, of the fiscal year 2002 budget authority is used to fund this farm bill provision as opposed to the emergency that may arise next year or the farm bill which presumably will come out of our committee and set some charter philosophy for the future. The House already passed such a bill. We may or may not agree with it. In any event, they have a pretty full picture now of their activities.

The bill offered by the distinguished chairman of our committee, Senator HARKIN, for example, provides $200 million for the wetlands reserve program, WRP; $250 million for the environmental quality incentive programs, EQIP; $40 million for the farmland protection program; $7 million for the wildlife habitat incentive program; $43 million for a variety of agricultural credit and rural development programs; and $3 million for agricultural research. The outlays from some of these programs would be spread over a number of years, well beyond fiscal year 2002.

I mention these programs because I support these programs. I have been a major advocate for agricultural research, not only of the formula grants to our great universities but cutting-edge research where anyone can compete to try to go out after the most pervasive hunger problems on Earth, or go after production problems, genetic problems, the whole raft of things that are very important for humanity. I think we ought to be about this in a very serious way. The EQIP program that I cited is extraordinarily important. It is at least a way in which our livestock producers can stay alive while meeting the requirements of the EPA or other environmental considerations that impinge very markedly on their operations. As we consider the farm bill in the Senate as a whole, I would be an advocate of doing a great deal more. I have saluted our chairman, Senator HARKIN, for his championship of conservation programs. Both the chairman and I, as we speak, are missing a hearing on conservation programs and we regret that because these are people who are in the field, championing things that we believe in very strongly.

There is an argument, which you will hear in due course as the farm bill is presented, between those who advocate a lot more for conservation and maybe less for crop payments and subsidies of that sort and much more for the EQIP

program that helps livestock people and maybe less for support of certain crops. Those are the tradeoffs, again, and the difficulties within the whole agricultural family that we finally have to face. But it would be very difficult to argue, in the sense that we are attempting to get emergency money to farmers to pay the county banker and get the money to them by September 30, that these broad-gauged, important programs of research and conservation for America belong in this particular emergency supplemental bill.

Our distinguished Senators will offer: ''They certainly do. And why not?'' And: ''If we believe in them, why not do more of them?'' And: ''Why not now?''

Earlier in the debate I pointed out one reason, as a practical matter, is that President Bush has said he will veto the bill if it is more than $5.5 billion. One way, perhaps, for the distinguished Senator from Iowa to remedy that is to downsize everything in his package to about five-sevenths of where he is, get it under $5.5 billion. But that, of course, then gets into an argument between the people who want more AMTA payments, crop payments, as well as those who want to take care of conservation and various other aspects all in this same emergency bill which is not a full-scale farm bill by any means.

As a result, we have that dilemma, and I come down on the side of saying we try to do the conservation, the research, the EQIP, and the farm bill as opposed to the suggestion in this day's discussion.

Let me just comment further that, with the program improvements we made in the Agricultural Risk Protection Act of 2000—that was the very important debate on crop insurance—participation in crop insurance has risen sharply, as we hoped it would. Without repeating even a portion of that important debate, the point of last year's discussion about this time was that crop insurance can offer a comprehensive safety net.

For example, take once again a personal, anecdotal experience with my corn and soybean crops. This year I have about 200 acres each on the Lugar farm in Marion County in Indiana. We have taken advantage of the legislation we talked about last year and we purchased the 85-percent revenue protection. Very simply, this means that our agent takes a look at the last 5 years of records of production and that gives a pretty good baseline of what could be anticipated from those fields and, simply, we are guaranteed about 85 percent of revenue based upon the average crop prices for those 5 years. At the present time, the average for the last 5 years is higher than the current price. It may rise and meet that average.

So, as a corn farmer, for example, I know I am going to get 85 percent of a higher price than in fact is the market now, at least on the average production I have had. So I do not have the problems of the bad weather one year, or so forth, affecting that abnormally. The net effect of that is, as a corn farmer, before I even planted the crop this year, I knew that x number of dollars were at the end of the trail—as a matter of fact, a pretty good number of those dollars that I could expect in a reasonably good year. That is a safety net that is very substantial any way you look at it.

Many farmers may say: I have never heard of such a program.

That is a part of our problem, the educational component, trying to understand what crop insurance and marketing strategies, and so forth, are all about. For instance, once guaranteed this income from that cornfield, I could be alert for spikes in the market that come along and make forward sales of corn when prices were up. I am not beholden to sit there and hope the Lord will provide at the time I ship it in, in the fall. So I can enhance that 85 percent a whole lot. So can any corn farmer in America who hears these words this morning and adopts such a policy.

But we in the Senate and the House provided that. The President signed it last year. One of the problems of it is that it costs probably about $3 billion a year. I mention that because that—we are not debating that this morning—flows right along. It is a part of the base as well as these AMTA payments that are made, regardless of what we do, or the loan deficiency payments made at the elevator even as we speak.

So the safety net already is very heavy. But I mention with those improvements—and I think they were constructive ones—a part of our problem remains information dissemination, education on marketing insurance strategies in the hope that farmers will take advantage of actions the Congress has already taken.

In addition, as to what we do today, we will be hearing soon from the Agriculture Subcommittee of the Appropriations Committee. Typically, that subcommittee takes a look at miscellaneous disasters of all sorts throughout the United States. I cannot remember an Agriculture appropriations bill that did not take into consideration weather disasters. But sometimes there are other disasters. In other words, it provides still an additional safety net for events that seem extraordinary and beyond anything we have considered or that could have been helped with crop insurance or any of our AMTA payments that flow whether or not you even have a crop.

Overall, the bill of the distinguished Senator from Iowa, the underlying bill in this debate, provides $6.75 billion in supplemental farm assistance for 2001 crops and $750 million in other spending over 2 fiscal years. It leaves, now, $5.35 billion for the supplemental farm assistance of next year and very likely, in my judgment, will create a funding shortfall for that farm assistance. Senators can argue maybe no assistance will be required so why not try it this year. But that is a value judgment.

The President, the White House, and others, have come to the conclusion that this year is this year and we ought to look at next year on its merits because any way you look at it, $2 billion borrowed from next year theoretically could be spent for anything in America; there is no obligation to spend that $2 billion on emergencies. For example, without getting into a debate that is deeper than I want to get today, by next year people could say: In fact we take very seriously the problem of prescription drugs for the elderly under Medicare. We take very seriously Social Security reform. How are you folks going to pay for that?

We might say: Well, the $2 billion will never be missed. It was simply a part of a debate we had awhile back. But every $1 billion is going to be missed when we come to those fundamental issues.

Agriculture is a part of this general amount of $1 trillion that the President discussed in the State of the Union Address. As he outlined his assurance to the American people that we have to be thoughtful about Medicare, about Social Security, about education, and about health generally, he said there is still this contingency of about $1 trillion from which we make the reforms in Medicare, from which the supplementary legislation for prescription drugs for the elderly come, Social Security reform, and agriculture.

There are a number of people in both the House and the Senate committees who say we had better get busy because when this general debate gets going, if we have not pinned down the agriculture money on all four corners for the next 10 years, Katy bar the door. People are likely to take a look at priorities.

I understand that. This $2 billion reaching across the line is not an egregious misstep. And clearly one can argue the Budget Committee provided this liberal interpretation. But $2 billion is $2 billion, and it is an expenditure. The Senate must determine priorities; the House has. They have said $5.5 billion, and the President said that is the only figure he is going to sign. We may, once again, get into that kind of argument in behalf of farmers. We are strong advocates for farmers.

But farmers, by and large, will say: Pass the bill and cut the checks because we have an appointment with the banker. You can have your argument when you come back.

It is a good argument for farmers as well as for other Americans.

The President's advisers in advising the President to veto this bill made a number of statements with regard to the need for it at this time. This is an important part of the debate. Members, in fact, yesterday got into this in a big way. The most common way of getting into this is for a Senator to address the Chair and say, I have been to this county seat or that county seat or on my friend's farm. Anybody who does not

understand the profound suffering and difficulty has just not been there and doesn't have eyes to see. All over America people are in grave trouble. Each one of us from a farm State, as a matter of fact, could cite hundreds of instances of farmers who are having severe difficulty. There is no doubt about that. I simply state that as a basic premise for the debate.

If there were any doubt about it, we would not be debating $5.5 billion of emergency payments on top of over $20 billion of support that Congress has already voted. That is a lot of money, but I understand that a vast majority of Senators are in favor of legislation that would be helpful in this respect. We are not talking about a situation in which the needs have not been perceived, but at the same time in reality sometimes people can overstate this. That is always dangerous to do.

I have found in meetings with farmers around my State that, by and large, most people do not want to have a cheerful meeting. There are not a lot of good-news apostles coming forward and pointing out how well they are doing. In fact, that is totally out of the question.

I made a mistake at a meeting a while back in pointing out that on my farm we had made money for the last 45 years without exception. You don't do that, I found out. No one wants to hear that because, as a matter of fact, it just isn't true for most people. And they would say that for some it has never been true for the 45 years. They lost money for all of the 45 years, or at least essentially that is the case. I hear that.

On the other hand, let me say that essentially there has been some modest improvement in agricultural America. For example, world markets that are extremely important to the growth of the U.S. sector show some promise of increase this year. That is amazing on the face of it. The reason why our export sales fell out of bed 4 years ago was not because we were not competitive in this country. The price of rice and the quality were good, but anybody reading about the Asian economies understands that they had severe banking difficulties. The IMF even to this day has not been able to cure it in some instances. As a result, we lost about 40 percent of our exports to the Asian sector in 1 year's time. That was a big hit. That really meant that 10 percent of our exports overall vanished overnight—not through any misdeed of American agriculture but because of the lack of demand and lack of effective money to buy it. Much of that has not yet been restored. There is always the possibility. We wish that the Indonesian economy would get healthier in a hurry. We are grateful for some good news from Thailand and South Korea. The Japanese are always big customers but not any bigger. This is not an economy that is growing. We all are working with our friends there to try to restore some activity.

In the European case, we have been hit—not on the questions of price or income but on biotechnology—with essentially all of our corn being exported and very few soybeans. That is a real problem.

Our export sales fell to $49 billion in 1999 but are forecast to increase to $53.5 billion in 2001—an increase of $500 million, as a matter of fact, over the forecast by USDA in February—with livestock products, cotton, and soybeans accounting for much of the gain over the previous year. That is truly good news.

Export levels in 2001—the year we are in—are still well below the record highs of 1996. Primarily in response to these problems that I have cited in Asia, and production increases by competing exporters that sometimes are becoming much better at the task, nevertheless, sales appear to be increasing significantly.

During the first half of fiscal year 2001, the surplus in U.S. agricultural trade grew to $9.4 billion, almost $2 billion more than the same period last year. Year-to-date exports are $32.4 billion, $1.8 billion higher than they were during the same time period of last year, primarily due to $1.5 billion in more shipments of high-value products. That includes significant gains in livestock and feed, but bulk commodities have also contributed modestly to that.

Although the intermediate term outlook for agriculture is clearly uncertain at this point, it is clear that many underlying farm economic conditions are stronger this year than last year. Farm cash receipts could be a record high for 2001, driven primarily by a nearly 7-percent increase in livestock sales while crop sales could increase by as much as 1 percent. That scenario depends on $15.7 billion in direct payments from the Federal Government.

Those taking a look at this situation could say that is still not the real market. The sales are up because the Federal Government already has put up $15.7 billion, and we are about to put up at least $5.5 billion more. But, nevertheless, it is up rather than down.

As I pointed out earlier, if we had the $5.5 billion in my amendment, we are clearly going to have a net cash income situation that is at least $2.5 billion stronger than last year.

The projected increase in sales for 2001 is projected to more than offset the decline in Government payments and will boost gross cash income to $234 billion, up slightly with the bulk of the increase from livestock. Net cash income is forecast to decline $3 billion, as I pointed out earlier. That is why the $5.5 billion in my amendment takes care of that, plus $52.3 billion for the year, albeit through the health of the American taxpayers generally.

Therefore, the outlook for 2001 farm income performance includes:

Livestock sales, up 6.7 percent; Crop sales up 1 percent; gross cash income up .1 percent; and net cash income down—before we act—5.4 percent. And we remedy that with the $5.5 billion we are about to adopt, I hope. If you take a look at the balance sheet for agriculture, that is somewhat more promising.

Overall, the agricultural sector was strong throughout the year 2000, with part of that strength coming from strong balance sheets. Assets in 2000—the year previous—increased 3.6 percent and reached $1.12 trillion. Farm debt increased 4.1 percent to $183.6 billion. But farmers' equity increased 1.4 percent to $941.2 billion. For many observers that is astonishing. This being a year or 2 or 3 or 4, however you count it, of an agricultural crisis, the net worth of farmers as a whole has increased every year. It increases this year as compared to last year. Total farm debt has still stayed well under constraints at a very modest percentage of that overall equity.

During the mid-1990s, farm debt rose steadily at $5 to $6 billion annually. That clearly is not the case as farmers were much more prudent during this particular period.

The value of livestock and poultry, machinery, purchased inputs, and financial assets are all expected to increase this year, but the value of stored crops could decline modestly as a part of that asset situation.

Farm operators and lenders learned during the crisis of the 1980s that ill-advised borrowing cannot substitute for adequate cash flow and profits. In addition to gains in farmland values, cautious borrowing has kept the sector sound.

The farm sector equity growth continues. During the 2001 forecast, we see a moderate increase in debt, suggesting modest levels of new capital investments financed by debt, and a very low incidence of farms borrowing their way out of cash flow problems.

I mention that because of testimony we heard from farmers who need the $5.5 billion in our amendment. But at the same time, they are paying back their loans. They are not in a crisis situation with the country banker. And the country bankers need to make the loans because they do have a relatively sound market situation.

Land prices: Cash rents reinforce economic strength and suggest investment is profitable for many farmers. That raises another issue because, in fact, with land prices rising each year—and I cited yesterday sector by sector all over the country land prices have been rising throughout this decade. The young farmer coming into this picture, trying to buy land or to rent land, with rents going up every year, has raised some questions about our farm policies.

They have said: You folks in the Senate and the House are busy sending payments to farmers. They are capitalizing that in the value of the land. They are charging more rent. How are young farmers such as ourselves ever going to get in the game?

We say: We will try to give you some low-cost loans. And the Presiding Officer, from his background in finance, will immediately recognize that these policies have some contradictions. On the one hand, we are doing our very best to boost income and the net worth, the balance sheets. I pointed, with pride, to the fact that we have some strength here. But it is not strength to everybody. The competing sectors, once again, are fairly obvious once you get to the fissures in our farm policy.

Nothing we do today will remedy that problem specifically. We are talking about an emergency. We are plugging in the net income, but it is all a part of this picture of well over $20 billion of Federal payments and who gets them, how are they capitalized, how does that work out in balance sheets, and for which farmers.

These are important issues. The chairman of our committee has had to try to resolve that within the committee. I salute him. As chairman for the 6 previous years, I had that responsibility. It is not easy, as you take a look around the table just in the Ag Committee, quite apart from the Senate as a whole. Therefore, I have had modest arguments in favor of the amendment I offer today. It is clearly not meant with the wisdom of Solomon. It is a pragmatic approach to how we might get action on the Agriculture bill as opposed to having a monumental argument for many hours and perhaps a veto at the end of the trail.

Let me just simply say that clearly the bill the Senator from Iowa has offered is different from the House bill—significantly different—and no less a group than the White House people have pointed out the difference and indicated the action they would take if that difference was not resolved.

So my hope is that essentially Members will gather as much of this together as they wish and try to distill at least the picture of agriculture in America that I have suggested and come to a conclusion that the amendment I have offered in a way—hopefully, with as much equity as possible on both sides of the aisle, and for farmers all over America—resolves our problem.

It would be unseemly to try to point out all the other scenarios that could happen if my amendment is not adopted. But let me just describe very clearly a part of the task ahead of us if we do not adopt the House language.

Whatever we adopt has to have a conference. I have cited that the bill the Senate Agriculture Committee passed the other day, maybe inadvertently, appears to touch at least three different House committees that have jurisdiction over some of this material. Maybe all of them will be happily cooperative in these final days, but I am not certain that is the case.

As I take a look at the chairmanships, the ranking members, and the general views of some of these committees—and they are not all Ag Committee people—they have other views. Maybe the distinguished Senator will excise various items and try to get these folks out of the picture. That would be helpful.

I have suggested he might downsize all of his items by five-sevenths and get it under $5.5 billion. Maybe that is a pragmatic solution to that. As he does so, of course, he will run into the same problem I have. He will run into people who want a bigger AMTA payment, and say: By golly, I am not going to vote for that bill unless the AMTA payment is at least as it was last year and the year before. I can't go home and see my cotton farmers and my corn farmers with anything less. Whether we have any money or not, I am going to fight to the very last hour to get that dollar, if I can.

Or you run into the so-called specialty crops people. Strawberry farmers have said: We have not been in on this business before. Why not?

Apple growers will say: We have a special problem this year. Without some payments, it is curtains for us.

It goes down through the line. So the chairman has to face all these people. He has already promised the AMTA people that they get the same as last year. That takes almost all the $5.5 billion. It is no wonder that the bill spills beyond $5.5 billion. It is—without any disrespect—a collection of the wish lists of members of the Ag Committee thrown together, listed ad seriatim. When you add up the total, it happens to come to $7.4 billion-plus.

You can say: Why not? But I am suggesting the ''why not.'' I think it is fairly clear it does not come close to our friends in the House. It does not come close to the requirements of the President to sign the bill. Although it may satisfy Members who say we have to go home and say we did the very best we could, that will not satisfy American farmers who, in the end result, do not get the money.

Let me just add, if there is anybody in this body with a perverse belief that we should be doing nothing here—in other words, in his or her heart of hearts who says, why are we having another farm debate; Is there no end of expenditure that is required?—if such a Member exists who perversely says, these folks, out of their own overlawyering and overadvocacy, will kill each other off, the net result at the end of the day will be zero expenditure, and that is a good result because that leaves $5.5 billion for something else in life that is more important—there could be a problem.

I suppose my suggestion would be, if there is not a constructive majority on my amendment, those folks will be interspersed with those purporting to be friends of farmers and suggesting more and more. The two extremes will finally get their wish, which is no bill.

I am not one of them. In a straightforward way, we have offered a pragmatic solution—not my own bill, not one that I find has extraordinary merit, but one that I believe has enough merit to be the basis for a good conclusion of a lot of difficulty in farmland and a lot of difficulty we have as legislators. It is something to broker all the interests of America into this particular situation.

At the appropriate time, I am hopeful Members will vote in favor of the amendment. I have been advised that there may in due course be a motion to table my amendment. Some have suggested that would offer at least a clue of the strength of how we are doing. I hope that will not come too soon, before Members really have considered what our options are, because I predict, in the event my amendment is tabled and no longer really is a viable possibility, almost all of the possibilities that follow are fairly grim.

If, for example, other amendments should be adopted that are more than $5.5 billion or the basic underlying bill, which is about 7.4, the odds of that becoming legislation are zero. Members need to know that at the outset. There has never been a more explicit set of messages from the White House before we even start. One could say, well, let's taunt the President; let's sort of see really what he wants to do. That is not a very good exercise, given 3 days of recess and the need for these checks by September 30.

In addition, if my amendment fails, this I suppose offers open season for anybody who has an agricultural problem in America. If this is going to be a failing exercise, why not bring up a whole raft of disputes, try them on for size, sort of test the body, and see what sort of support there is out there as a preliminary for the farm bill. This really offers spring training for arguments that might be out there in due course. We might try out a whole raft of dairy amendments, for example, try to resolve that extraordinary problem, all on this bill with both sides predicting filibusters that curl your hair throughout the whole of August, not just the whole of this week, or we could try out other experiments that have been suggested as Members truly believe we ought to discuss the trade problems and work out priorities with Social Security or Medicare and how we do those things.

Given the rules of the Senate, you could say, why not? Is anybody going to say it is nongermane? Does anybody really want to bring the thing to a conclusion?

I simply do want to bring it to a conclusion. I am hopeful that after both parties, both sides of the aisle, have considered the options, they will adopt my amendment, and we will swiftly join hands with the House and the President and give assurance to American farmers, which, as I understand, was the beginning of our enterprise.

I thank the Chair and the Senate for allowing me to make this extensive presentation.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to address the amendment offered by the Senator from Indiana, the distinguished ranking member of the Senate Agriculture Committee, someone for whom I have enormous respect and listen carefully when the Senator from Indiana speaks on a subject. He has always done his homework, and he has a clear view. In this circumstance, I regret to say I have a different view.

As I look at the history over the last 3 years of the assistance bills we have passed in the Senate for agriculture in these situations, this is a very modest bill. In fact, it is significantly less than we have passed in each of the last 3 years.

The amendment offered by the Senator from Indiana is precisely what passed in the House. It is exactly the legislation that comes to us from that body. The chairman of the House Agriculture Committee, the Republican chairman, has, in his written views on this bill, said it is inadequate, has pointed out that this bill would provide $1 billion less than what we have passed in the last 3 years—$1 billion less than what has been passed each of the last 3 years to assist farmers at a time of real economic hardship. And as the Republican chairman of the House Agriculture Committee pointed out, this is at a time when farmers face the lowest real prices since the Great Depression.

The hard reality here is that prices for everything farmers buy have gone up, up, and away, especially energy prices, and yet the prices they receive are at a 70-year low in real terms. That is the situation we confront today. That is the hard reality of what we face today. The decision we have to make is, are we going to respond in a serious way, or are we going to fail to respond?

I hope very much that we will just look at the record. This chart depicts it very well. The green line is the prices farmers paid for inputs. The red is the prices farmers have received from 1991 through 2000. Look at the circumstance we have faced. The prices farmers have paid for inputs have gone up, up, and up. The prices farmers have received have declined precipitously.

That is the situation our farmers are facing. We can either choose to respond to that or we can fail. I hope we respond. I hope we respond quickly because the Congressional Budget Office has told us very clearly: If we fail to respond this week, the money in this bill will be scored as having been passed and effective in the year 2002. In effect, we would lose $5.5 billion available to help farmers.

There has been a lot of suggestion that things have been improving lately. I don't know exactly what they are talking about in terms of improvement. We have searched the markets to try to find where these improvements are occurring.

There has been modest improvement in lifestock. We do not see improvement in the program crops or the nonprogram crops, the things that are really covered by this bill.

Let me go back to what the chairman of the Agriculture Committee in the House of Representatives said about this very amendment, this precise legislation, that is before us now. This is the Republican chairman of the House Agriculture Committee. He said: H.R. 2213 as reported by the Agriculture Committee is inadequate in at least two respects:

First, the assistance level is not sufficient to address the needs of farmers and ranchers in the 2001 crop-year.

Second, the bill's scope is too narrow, leaving many needs completely unaddressed.

This is the Republican chairman of the Agriculture Committee in the House of Representatives talking about the very legislation being offered by the ranking member of the Agriculture Committee in the Senate today.

This is, again from the House Agriculture chairman, at a time when real net cash income on the farm is at its lowest level since the Great Depression, and the cost of production is expected to set a record high. H.R. 2213, that has precisely the same provisions as are being offered by the Senator from Indiana, cuts supplemental help to farmers by $1 billion from last year to this year. Hardest hit will be wheat, corn, grain sorghum, barley, oats, upland cotton, rice, soybean, and other oilseed farmers since the cuts will come at their expense.

I say to my colleagues, if they are representing wheat farmers, if they are representing corn farmers, grain sorghum, barley, oats, rice, soybean, and other oilseed farmers, to vote for the amendment of the Senator from Indiana is to cut assistance to their producers at the very time they are suffering from this circumstance.

The prices they pay are increasing each and every year. The prices they receive are plunging.

The House Agriculture Committee chairman went on to say, H.R. 2213, the bill that was reported by the House committee, the identical language which has been offered here, also fails to address the needs of dairy farmers, sugar beet and sugar cane farmers, farmers who graze their wheat, barley and oats, as well as farmers who are denied marketing loan assistance either because they do not have an AMTA contract or because they lost beneficial interest in their crops.

The House Agriculture chairman went on to say, earlier this year, 20 farm groups pegged the need in farm country for the 2001 crop-year at $9 billion. We do not have $9 billion available to us. We have, under the budget resolution, $5.5 billion available to us, and that is what the bill from the Agriculture Committee provides, $5.5 billion this year, $1.9 billion out of what is available to us next year in 2002.

What the amendment from the Senator from Indiana would provide is $5.5 billion this year, period. It is not enough. It represents, according to the Republican chairman of the Agriculture Committee in the House, a billion dollar cut from what we did last year. That is not what we should do.

The House Agriculture Committee chairman went on in his report to say, those who championed this legislation, as reported in the committee, argued in part a cut in help to farmers this year is necessary to save money for a rewrite of the farm bill, but the fly in the ointment is many farmers are deeply worried about whether they can make it through this year, let alone next year.

That is what we are down to in farm country across America. We are down to a question of survival. In my State, I have never seen such a loss of hope as has occurred in the agricultural sector, and it is the biggest industry in my State. If one were out there and they were paying for everything they buy, all of the inputs they use, every input going up, up, and up —if this chart extended to 2001, it would be more dramatic—we would see the prices going up even further.

On the other hand, if we looked at the prices for everything one sold going almost straight down, they would be hopeless, too.

This chart does not show just the last 6 months. This pattern of prices is since 1996. These are not KENT CONRAD's numbers. These are the numbers from the U.S. Department of Agriculture.

The pattern of the prices which farmers receive is virtually straight down, and the prices they pay have been going up, up, up.

I do not know what could be more clear. We have an obligation to help. We have an obligation to move this legislation. We have a requirement to move this legislation this week, not just through this Chamber but through the whole process. It has to be conferenced with the House, and the conference report has to be voted on before we go on break or we are going to lose $5.5 billion. The money will be gone because the Congressional Budget Office has told us very clearly if this bill is not passed before we leave on break, they will score this legislation, even though it is being passed in fiscal year 2001, as affecting 2002 because they say the money cannot get out to farmers before the end of the fiscal year.

It is all at stake in this debate we are having, and I urge my colleagues to think very carefully about what they do in these coming votes.

I will close the way I started, by referring to the report of the chairman from the House Agriculture Committee, who said very clearly the identical legislation, which is contained in the amendment from the Senator from Indiana, is inadequate. This is the Republican chairman of the House Agriculture Committee, and he calls the

amendment being offered inadequate in at least two respects: First, the assistance level is not sufficient to address the needs of farmers and ranchers in the 2001 crop-year.

Second, the bill's scope is too narrow, leaving many needs completely unaddressed.

Finally, he said, clearly this legislation, precisely what we are going to be voting on in the Senate, cuts supplemental help to farmers by $1 billion from last year to this year. We are cutting at the time we see a desperate situation in farm country all across America. It does not make sense. It is not what we should do. We ought to reject the amendment by the Senator from Indiana.

I thank the Chair, and I suggest we move forward.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the distinguished chairman of the Budget Committee for pointing out the letter we received from the Office of Management and Budget, which is not signed, but it is from the Office of Management and Budget and says: ''The President's senior advisers would recommend he veto the Senate bill we have before us based upon improvements in agricultural markets. Stronger livestock and crop prices means that the need for additional Federal assistance continues to diminish.''

I grant that livestock prices are a little bit higher. Are crop prices better than last year? Yes, but last year was a 15-year low. So it has come up a little bit. We are still at a 10- or 12-year low in crop prices. Simply because they were a little bit better than last year's disastrously low prices does not mean we don't have a need for additional farmer assistance. We do need it desperately.

It seems to me if that is the advice the President is getting, he is getting bad advice. I hope the President—he is the President; he does make the final decision—will look at the low crop prices we have all over America, and not only low crop prices, that is just looking at one thing. Crop prices may be marginally better than last year, but the input costs have skyrocketed.

We all know what has happened to fuel prices and fertilizer prices. They have skyrocketed. So the gap between what the farmer is receiving and what he is paying out continues to widen, as indicated in the chart of the distinguished Senator from North Dakota.

The President's advisers do not really know what is happening in farm country.

The Senator from North Dakota read from the report of the Agriculture Committee. I reemphasize that the chairman of the House Agriculture Committee, a Republican, LARRY COMBEST from Texas, along with 17 members of the House Agriculture Committee, said their bill was inadequate for two reasons: One, it is not sufficient to address the needs of farmers and ranchers; second, the scope is too narrow, leaving many needs completely unaddressed.

He points out that earlier this year 20 farm groups pegged the need for the 2001 crop-year at $9 billion. The farmers represent, according to LARRY COMBEST's letter, the views of 17 members of the Agriculture Committee. The farmers they represent had every reason to believe the help this year would be at least comparable to the help Congress provided last year. Producers who graze their wheat, barley, and oats, as well as producers who are denied marketing loan assistance—either because they do not have an AMTA crop or they lost beneficial interest in their crops—need help, too.

As this process moves forward, the letter continues, we will work to build a more sturdy bridge over this year's financial straits, straits that may otherwise threaten to separate many farmers from the promise of the next farm bill.

If all we are going to do is adopt the farm bill the House passed, there is no bridge. They are saying they hope the Senate might do something else so we can work on building that bridge.

A letter dated March 13, 2001, to the Honorable PETE DOMENICI, chairman of the Committee on the Budget, is signed by 21 Members of the Senate on both sides of the aisle: Senators COCHRAN, HUTCHISON, BREAUX, LANDRIEU, BOND, SESSIONS, LINCOLN, SHELBY, BUNNING, HELMS, MCCONNELL, CRAIG, CLELAND, INHOFE, THURMOND, FITZGERALD, MILLER, FRIST, THOMAS, HUTCHINSON, and HAGEL.

It says:

Specifically, since conditions are not appreciably improved for 2001, we support making market loss assistance available so that the total amount of assistance available through the 2001 Agricultural Market Transition Act payment and the Market Loss Assistance payments will be the same as was available for the 2000 crop.

Further, the letter says:

In addition to sluggish demand and chronically low prices, U.S. farmers and ranchers are experiencing rapidly increasing input costs including fuel, fertilizer and interest rates.

Further reading from the letter:

With projections that farm income will not improve in the near future, we believe it is vitally important to provide at least as much total economic assistance for 2001 and 2002 as provided for the 2000 crop.

I ask unanimous consent this be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, March 13, 2001.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR PETE: We are writing to request your assistance in including appropriate language in the FY02 budget resolution so that emergency economic loss assistance can be made available for 2001 and 2002 or until a replacement for the 1996 Farm Bill can be enacted. Specifically, since conditions are not appreciably improved for 2001, we support making market loss assistance available so that the total amount of assistance available through the 2001 Agricultural Market Transition Act payment and the Market Loss Assistance payments will be the same as was available for the 2000 crop. We understand it is unusual to ask that funds to be made available in the current fiscal year be provided in a budget resolution covering the next fiscal year, but the financial stress in U.S. agriculture is extraordinary.

According the USDA and other prominent agriculture economists, the U.S. agricultural economy continues to face persistent low prices and depressed farm income. According to testimony presented by USDA on February 14, 2001, ''a strong rebound in farm prices and income from the market place for major crops appears unlikely . . . assuming no supplemental assistance, net cash farm income in 2001 is projected to be the lowest level since 1994 and about $4 billion below the average of the 1990's.'' The USDA statement also said . . .'' (a) national farm financial crisis has not occurred in large part due to record government payments and greater off-farm income.''

In addition to sluggish demand and chronically low prices, U.S. farmers and ranchers are experiencing rapidly increasing input costs including fuel, fertilizer and interest rates. According to USDA, ''increases in petroleum prices and interest rates along with higher prices for other inputs, including hired labor increased farmers' production expenses by 4 percent or $7.6 billion in 2000, and for 2001 cash production expenses are forecast to increase further. At the same time, major crop prices for the 2000–01 season are expected to register only modest improvement from last year's 15–25 year lows, reflecting another year of large global production of major crops and ample stocks.''

During the last 3 years, Congress has provided significant levels of emergency economic assistance through so-called Market Loss Assistance payments and disaster assistance for weather related losses. During the last three years, the Commodity Credit Corporation has provided about $72 billion in economic and weather related loss assistance and conservation payments. The Congressional Budget Office and USDA project that expenditures for 2001 will be $14–17 billion without additional market or weather loss assistance. With projections that farm income will not improve in the near future, we believe it is vitally important to provide at least as much total economic assistance for 2001 and 2002 as was provided for the 2000 crop.

Congress has begun to evaluate replacement farm policy. In order to provide effective, predictable financial support which also allows farmers and ranchers to be competitive, sufficient funding will be needed to allow the Agriculture Committee to ultimately develop a comprehensive package covering major commodities in addition to livestock and specialty crops, rural development, trade and conservation initiatives. Until new legislation can be enacted, it is essential that Congress provide emergency economic assistance necessary to alleviate the current financial crisis.

We realize these recommendations add significantly to projected outlays for farm programs. Our farmers and ranchers clearly prefer receiving their income from the market. However, while they strive to further reduce costs and expand markets, federal assistance will be necessary until conditions improve.

We appreciate your consideration of our views.

Sincerely,

Thad Cochran, John Breaux, Kit Bond, Blanche Lincoln, Jim Bunning, Mitch

McConnell, Max Cleland, Strom Thurmond, Zell Miller, Craig Thomas, Chuck Hagel, Tim Hutchinson, Mary Landrieu, Jeff Sessions, Richard Shelby, Jesse Helms, Larry Craig, James Inhofe, Peter Fitzgerald, Bill Frist, Kay Bailey Hutchison.

Mr. HARKIN. The bill reported from the Agriculture Committee meets everything in this letter, signed by all these Senators, sent to Senator DOMENICI. We have met the need. We have provided for the same market loss assistance payment this year as provided last year.

The House bill that Senator LUGAR has introduced as an amendment provides 85 percent of what was provided last year; the Agriculture Committee bill provides 100 percent. I hope Senators who sent this letter earlier to Senator DOMENICI recognize we met these needs; we provided 100 percent, exactly what they asked for, the same as available for the 2000 crop.

As Senator CONRAD pointed out, the gap, as pointed out in the letter, in rapidly increasing input costs, fuel, fertilizer, and high interest rates, still means farmers have a big gap out there between prices they are receiving and what they are paying out.

Ms. STABENOW. Will the Senator yield?

Mr. HARKIN. I am delighted to yield to my colleague from Michigan, a valuable member of the Agriculture Committee.

Ms. STABENOW. I take a moment to thank the chairman for his leadership in putting forward a bill that is balanced and that meets the criteria laid out, the needs expressed by Members on both sides of the aisle. I thank the Senator for putting together a package addressing those crops that are not considered program crops but are in severe financial situations.

One example in the great State of Michigan, among many, are our apple growers who have needed assistance and received assistance—late but did receive assistance—last year. I am deeply concerned when we hear as much as 30 percent of the apple growers in this country will not make it past this season. If we are to look at their needs for, not the fiscal year, but as the Senator eloquently stated in the past, the crop year, and the needs of the farmers, it means the version that came from the Senate committee needs to be the version adopted.

I ask my esteemed chairman, it is my understanding in the amendment before the Senate, there is not a specific loss payment for apple growers; is that correct? I could address other specialty needs in dairy, sugar, and a whole range of needs in the great State of Michigan, but is it true that this does not, as the Senate Agriculture Committee bill does, put forward dollars specifically for our apple growers? It is my understanding this amendment adopted by the House of Representatives would not address the serious needs of America's apple growers.

Mr. HARKIN. I respond to my colleague from Michigan, she is absolutely right, there is nothing in the House bill providing any help for the tremendous loss, 30-some percent loss, that apple producers have experienced in this country. We are talking about apple producers from Oregon, from Washington, Michigan, to Maine, Massachusetts, New York, Pennsylvania, all who experienced tremendous losses.

Under the AMTA payment system, they don't get money, but they are farmers. They are farmers.

Many are family farmers and they need help, too. So I think, I say to my friend from Michigan, what LARRY COMBEST and the 17 others who signed the ''additional views'' on the House bill said was that the bill was too narrow in scope. There are a lot of other farmers in this country who are hurting, who need some help.

So, yes, I say to my friend from Michigan, we provided $150 million in there to help our apple farmers. That is a small amount compared to the $7.5 billion in the total package. But it is very meaningful. It will go to those apple producers, and it will save them and keep a lot of them in business for next year, I say to my friend from Michigan.

I especially want to thank the Senator from Michigan for bringing this to our attention. To be frank, I don't have a lot of apple growers in Iowa. We have a few, but not to the extent of many other States. It was through the intercession and the great work done by the Senator from Michigan that this was brought to our attention, the terrible plight of our apple farmers all over America. I thank her for sticking up for our family farmers.

I just have a couple of other things. The Lugar amendment, the House bill, strikes out all the money we have for conservation. It strikes all the conservation money out. Earlier this year—June 14 of this year—130 Members of the House of Representatives, including many members of the House Agriculture Committee, wrote a letter to Chairman COMBEST and Ranking Member STENHOLM. They said:

> We believe conservation must be the centerpiece of the next farm bill.

They talk about the farm bill, but, they said:

> We should not leave farmers waiting while a new farm bill is debated. We urge you to work with the House Appropriations Committee to increase FY 2002 annual and supplemental funding for voluntary incentive-based programs. In particular, we urge you to use 30 percent of emergency funds to help farmers impacted by drought, flooding and rising energy costs, through conservation programs. Currently, demand for the Environmental Quality Incentives Program exceeds $150 million. Demand for the Farmland Protection Program exceeds $200 million, demand for the Wetlands Reserve Program exceeds $350 million, and demand for the Wildlife Habitat Incentives Program exceeds $150 million.

That is signed by 130 Members of the House.

I have to be honest; we didn't meet 30 percent of the emergency funds but we did put in about 7 percent, if I am not mistaken—a little over 7 percent. The Lugar amendment gives zero for conservation—zero.

Again, these are family farmers. Many of these farmers do not get the AMTA payments that go out, but they are farmers nonetheless and they need help. Certainly we need to promote conservation because a lot of these farms simply will lie dormant if we do not provide this assistance in this bill.

There are two other things I want to point out. I have a letter I received today from some Members of the House—two Members. The House bill passed by 1 vote. The House Agricultural Committee passed out the Lugar amendment. What Senator LUGAR is putting out there is the House Agriculture Committee bill. It passed by 1 vote. I have a letter from two members of that committee who voted on the prevailing side. Listen to what they said:

> DEAR CHAIRMAN HARKIN: Although we supported H.R. 2213—The Crop-Year 2001 Agricultural Economic Assistance Act—as it passed the House of Representatives, we applaud the comprehensive approach you have taken in the aid package passed by the Senate Agriculture Committee to address the many diverse needs of agricultural and rural communities.
>
> By including additional funding for conservation programs, nutrition, rural development and research, many farmers in rural communities who do not benefit from the traditional commodity programs will receive assistance this year. In particular, the $542 million you included for conservation programs will help reduce the $2 billion backlog of applications from farmers and ranchers who are waiting for USDA assistance to protect farm and ranchland threatened by sprawling development and critical wetlands and riparian areas for wildlife habitat, water quality, and floodplains.

Signed by Representative RON KIND and Representative WAYNE GILCHREST.

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

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

WASHINGTON, DC,
July 31, 2001.

Hon. TOM HARKIN,
Chairman, Senate Committee on Agriculture, Washington, DC.

DEAR CHAIRMAN HARKIN: Although we supported H.R. 2213—The Crop Year 2001 Agriculture Economic Assistance Act—as it passed the House of Representatives, we applaud the comprehensive approach you have taken in the aid package passed by the Senate Agriculture Committee to address the many diverse needs of agriculture and rural communities. We look forward to working with you to reconcile the competing measures in order to ensure that we meet the diverse needs of both our family farmers and the overall environment.

By including additional funding for conservation programs, nutrition, rural development and research, many farmers and rural communities who do not benefit from the traditional commodity programs will receive assistance this year. In particular, the $542 million you included for conservation programs will help reduce the $2 billion backlog of applications from farmers and ranchers who are waiting for USDA assistance to protect farm and ranchland threatened by

sprawling development and critical wetlands and riparian areas for wildlife habitat, water quality, and floodplains.

Earlier this year, 140 House members called on the House Agriculture Committee to ''not leave farmers waiting while a new farm bill is debated'' and instead allocate 30 percent of emergency funding to conservation programs this year. Your conservation package will maintain critical conservation programs before the farm bill is reauthorized. Without this additional funding, the Wetlands Reserve Program, Farmland Protection Program, and Wildlife Habitat Incentives Program would cease to operate. It is our hope that the conferees will view conservation programs favorably during conference proceedings.

We believe this short-term aid package should reflect the needs of all farmers in this country and set the tone for the next farm bill by taking a balanced approach to allocating farm spending among many disparate needs.

Sincerely,

RON KIND,
WAYNE GILCHREST,
Members of Congress.

Mr. HARKIN. Then I have a letter also today saying:

DEAR SENATOR HARKIN: I am writing to you today to express my support for the comprehensive approach you have taken in drafting the Senate agricultural economic assistance bill. In providing important funds for nutrition and conservation, the agriculture economic assistance package recognizes that the jurisdiction of the Agriculture Committee goes beyond the critically important task of providing economic support for producers of commodities.

I urge you to ensure that the bill reported out of the Senate retain these vitally important resources and look forward to working with you to ensure that any bill sent to the President is similarly cognizant of the broad array of issues before the Agriculture Committees of the House and Senate.

EVA M. CLAYTON, Member of Congress.

I ask unanimous consent this letter be printed in the RECORD.

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

WASHINGTON, DC,
July 31, 2001.

Hon. TOM HARKIN,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HARKIN: I am writing to you today to express my support for the comprehensive approach that you have taken in drafting the Senate agriculture economic assistance bill. In providing important funds for nutrition and conservation, the agriculture economic assistance package recognizes that the jurisdiction of the Agriculture Committee goes beyond the critically important task of providing economic support for producers of commodities.

In providing funds for important nutrition programs such as the Senior Farmers Market and the Emergency Food Assistance Program, the Committee acknowledges its responsibility to ensure that American children live free from the specter of hunger. Additionally, by providing important resources for farmland conservation and environmental incentive payments, the Committee recognizes the important fact that the degradation of our natural resoruces and the decay of vitally important water quality and farmland are emergencies that affect our rural communities and thus are deserving of our immedate attention.

I urge you to ensure that the bill reported out of the Senate retain these vitally important resources and look forward to working with you to ensure that any bill sent to the President is similarly cognizant of the broad array of issues before the Agricultue Committees of the House and the Senate.

Sincerely,

EVA M. CLAYTON,
Member of Congress.

Mr. HARKIN. These are two people who voted for the House-passed bill, which only passed by 1 vote, I might add.

So I would say there is a lot of support in the House of Representatives for what we have done in the Senate Agriculture Committee. I believe what we have done truly does provide that bridge.

I will close this part of my remarks by just saying we have a limited amount of time. We need to get this bill out. We need to go to conference, which we could do tomorrow. If we can get this bill done today, we can go to conference tomorrow. I believe the conference would not last more than a couple of hours, and we could have this bill back here, I would say no later than late Wednesday, maybe Thursday, for final passage, and we could send it to the President.

I believe his senior advisers notwithstanding, the President would listen to the voices here in the House and the Senate as to what is really needed.

I also ask unanimous consent to print a news release in the RECORD that was put out by the American Farm Bureau Federation dated June 21. It says:

The House Agriculture Committee's decision to provide only $5.5 billion in a farm relief package ''is disheartening and will not provide sufficient assistance needed by many farm and ranch families,'' said American Farm Bureau Federation President Bob Stallman.

We believe the needs exceed $7 billion.

This is according to Mr. Stallman, president of the American Farm Bureau Federation.

I ask unanimous consent that be printed in the RECORD.

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

FARM BUREAU DISAPPOINTED IN HOUSE FUNDING FOR FARMERS

WASHINGTON, DC, June 21, 2001.—The House Agriculture Committee's decision to provide only $5.5 billion in a farm relief package ''is disheartening and will not provide sufficient assistance needed by many farm and ranch families,'' said American Farm Bureau Federation President Bob Stallman.

''We believe needs exceed $7 billion,'' Stallman said. ''The fact is agricultural commodity prices have not strengthened since last year when Congress saw fit to provide significantly more aid.''

Stallman said securing additional funding will be a high priority for Farm Bureau. He said the organization will now turn its attention to the Senate and then the House-Senate conference committee that will decide the fate of much-needed farm relief.

''Four years of low prices has put a lot of pressure on farmers. We need assistance to keep this sector viable,'' the farm leader said.

''We've been told net farm income is rising but a closer examination shows that is largely due to higher livestock prices, not most of American agriculture,'' Stallman said.

''And, costs are rising for all farmers and ranchers due to problems in the energy industry that are reflected in increased costs for fuel and fertilizer. Farmers and ranchers who produce grain, oilseeds, cotton, fruits and vegetables need help and that assistance is needed soon.''

Mr. HARKIN. I have a letter dated July 11 from the National Association of Wheat Growers that said:

However, given current financial conditions, growers cannot afford the reduced level of support provided by the House in H.R. 2213. Wheat farmers across the nation are counting on a market loss payment at the 1999 PFC rate. Thank you for your leadership and support.

Dusty Tallman, President of the National Association of Wheat Growers.

What is in our bill provides to wheat farmers across the country a market loss payment at the same rate they got in 1999.

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

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

NATIONAL ASSOCIATION
OF WHEAT GROWERS,
Washington, DC, July 11, 2001.

Hon. TOM HARKIN,
Chairman, Senate Agriculture Committee, Washington, DC.

DEAR CHAIRMAN HARKIN: As President of the National Association of Wheat Growers (NAWG), and on behalf of wheat producers across the nation, I urge the Committee to draft a 2001 agriculture economic assistance package that provides wheat producers with a market loss payment equal to the 1999 Production Flexibility Contract (AMTA) payment rate.

NAWG understands Congress is facing difficult budget decisions. We too are experiencing tight budgets in wheat country. While wheat prices hover around the loan rate, PFC payments this year have declined from $0.59 to $0.47. At the same time, input costs have escalated. Fuel and oil expenses are up 53 percent from 1999, and fertilizer costs have risen 33 percent this year alone.

Given these circumstances, NAWG's first priority for the 2001 crop year is securing a market loss payment at the 1999 PFC rate. We believe a supplemental payment at $0.64 for wheat—the same level provided in both 1999 and 2000—is warranted and necessary to provide sufficient income support to the wheat industry.

NAWG has a history of supporting fiscal discipline and respects efforts to preserve the integrity of the $73.5 billion in FY02–FY11 farm program dollars. However, given current financial conditions, growers cannot afford the reduced level of support provided by the House in H.R. 2213. Wheat farmers across the nation are counting on a market loss payment at the 1999 PFC rate.

Thank you for your leadership and support.

Sincerely,

DUSTY TALLMAN,
President.

Mr. HARKIN. I have a letter from the National Corn Growers Association:

DEAR CHAIRMAN HARKIN: We feel strongly that the Committee should disburse these limited funds in a similar manner to the FY00 economic assistance package—addressing the needs of the 8 major crops—corn, wheat, barley, oats, oilseed, sorghum, rice and cotton. . . .

Again, we urge the Committee to allocate the market loss assistance payments at the FY99 production flexibility contract payment level for program crops.

Our bill does exactly that. The House bill only puts in 85 percent.

I ask unanimous consent the letter from the National Corn Growers Association be printed in the RECORD.

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

NATIONAL CORN GROWERS ASSOCIATION,
Washington, DC, July 23, 2001.

Hon. TOM HARKIN,
Chairman, Senate Committee on Agriculture, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN HARKIN: We write to urge you to take immediate action on the $5.5 billion in funding for agricultural economic assistance authorized in the FY01 budget resolution.

The fiscal year 2001 budget resolution authorized $5.5 billion in economic assistance for those suffering through low commodity prices in agriculture. However, these funds must be dispersed by the US Department of Agriculture by September 30, 2001. We are very concerned that any further delay by Congress concerning these funds will severely hamper USDA's efforts to release funds and will, in turn, be detrimental to producers anxiously awaiting this relief.

We feel strongly that the Committee should disperse these limited funds in a similar manner to the FY00 economic assistance package—addressing the needs of the eight major crops—corn, wheat, barley, oats, oilseeds, sorghum, rice and cotton. It is these growers who have suffered greatly from the last two years of escalating fuel and other input costs. The expectation of these program crop farmers is certainly for a continuation of the supplemental AMTA at the 1999 level.

Again, we urge the Committee to allocate the market loss assistance payments at the FY99 production flexibility contract payment for program crops. We feel strongly that Congress should support the growers getting hit hardest by increasing input costs.

Sincerely,

LEE KLEIN,
President.

Mr. HARKIN. Madam President, I have another piece from the National Corn Growers Association in which they say the National Corn Growers Association is optimistic about the Senate Agriculture Committee's $7.5 billion emergency aid package.

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

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

[From NCGA News, July 26, 2001]

NCGA OPTIMISTIC ABOUT SENATE AGRICULTURE COMMITTEE $7.5 BILLION EMERGENCY AID PACKAGE

The Senate Agriculture Committee yesterday approved a $7.5 billion emergency aid package for farmers in the current fiscal year, championed by Chairman Tom Harkin (D–IA).

A substitute amendment offered by Richard Lugar (R–IN), ranking member, failed by a vote of 12–9. Lugar sought an aid package totaling $5.5 billion, similar to what the House Agriculture Committee passed in late June.

The package approved yesterday will provide help to program crops such as corn, as well as to oilseeds, peanuts, sugar, honey, cottonseed, tobacco, specialty crops, pulse crops, wool and mohair, dairy and apples. The Senate package is expected to move to floor consideration at anytime, where Sen. Thad Cochran (R–MS) may offer an amendment to curb the overall spending while maintaining emergency spending for the major commodities.

Because the aid packages passed by the Senate and House are markedly different, a conference committee will be scheduled to craft a compromise.

''This development places even more pressure on Congress to act expeditiously, because any aid package approved by Congress must be done soon so that the USDA can cut checks and mail them to farmers before fiscal year ends on September 30, 2001,'' said National Corn Growers Association (NCGA) Vice President of Public Policy Bruce Knight.

Mr. HARKIN. Madam President, I have a release from the National Farmers Union, in which they say:

The National Farmers Union today applauded the Senate Agriculture Committee on its approval of $7.4 billion in emergency assistance for U.S. agriculture producers.

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

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

FARMERS UNION COMMENDS SENATE ON EMERGENCY ASSISTANCE PACKAGE

WASHINGTON, DC, July 25, 2001.—The National Farmers Union (NFU) today applauded the Senate Agriculture Committee on its approval of $7.4 billion in emergency assistance for U.S. agriculture producers. The bill provides supplemental income assistance to feed grains, wheat, rice and cotton producers as well as specialty crop producers. The Senate measure provides the needed assistance at the same levels as last year and is $2 billion more than what is provided in a House version of the measure. NFU urges expeditious passage by the full Senate and resolution in the House/Senate conference committee that adopts the much needed funding at the Senate level.

''We commend Chairman Tom Harkin for his leadership in crafting this assistance package,'' said Leland Swenson, president of NFU. ''We are pleased that members of the committee have chosen to provide funding that is comparable to what many farmers requested at the start of this process. This level of funding recognizes the needs that exist in rural America at a time when farmers face continued low commodity prices for row and specialty crops while input costs for fuel, fertilizer and energy have risen rapidly over the past year.''

The Senate Agriculture Committee approved the Emergency Agriculture Assistance Act of 2001 that provides $7.4 billion in emergency assistance to a broad range of agriculture producers and funds conservation programs. It also provides loans and grants to encourage value-added products, compensation for damage to flooded lands and support for bio-energy-based initiatives. The funding level is the same as what was provided last year and is comparable to what NFU had requested in order to meet today's needs for farmers and ranchers. The House proposal provides $5.5 billion.

''We now urge the full Senate to quickly pass this much-needed assistance package,'' Swenson added. ''It is vital that the House/Senate conference committee fund this measure at the Senate level. As we meet the challenge of crafting a new agriculture policy for the future, today's needs for assistance are still great. We hope for swift action to help America's farmers and ranchers.''

Mr. HARKIN. Madam President, I have another letter, dated today, from the American Farm Bureau Federation:

DEAR SENATOR HARKIN: The American Farm Bureau Federation supports at least $5.5 billion in supplemental Agricultural Market Transition Act payments and $500 million in market loss assistance payments for oilseeds as part of the emergency spending package for crop year 2001.

Our bill does that. Senator LUGAR's amendment does not.

They state further:

We also believe it is imperative to offer assistance to peanut, fruit and vegetable producers. In addition, it is crucial to extend the dairy price support in this bill since the current program will expire in less than two months.

All over this country agriculture has been facing historic low prices and increasing production costs.

I ask unanimous consent that this letter, dated today, from Mr. Bob Stallman, president of the American Farm Bureau Federation, be printed in the RECORD.

Again, I point out that our bill meets these needs. The House bill does not. Our bill provides the assistance to peanut, fruit, and vegetable producers, and we do, indeed, extend the dairy price support program beyond its expiration date in 2 months.

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

AMERICAN FARM
BUREAU FEDERATION,
Washington, DC, July 31, 2001.

Hon. TOM HARKIN,
Chairman, Agriculture, Nutrition, and Forestry Committee, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HARKIN: The American Farm Bureau Federation supports at least $5.5 billion in supplemental Agricultural Market Transition Act payments and $500 million in market loss assistance payments for oilseeds as part of the emergency spending package for crop year 2001. We also believe it is imperative to offer assistance to peanut, fruit and vegetable producers. In addition, it is crucial to extend the dairy price support in this bill since the current program will expire in less than two months.

All over this country agriculture has been facing historic low prices and increasing production costs. These challenges have had a significant effect on the incomes of U.S. producers. At the same time, projections of improvement for the near future are not very optimistic. We appreciate your leadership in providing assistance to address the low-income situation that U.S. producers are currently facing.

We thank you for your leadership and look forward to working with you to provide assistance for agricultural producers.

Sincerely,

BOB STALLMAN,
President.

Mr. HARKIN. Madam President, I have a letter from the Food and Research Action Center.

We urge you to continue your leadership in support for the nutrition programs contained in S. 1246.

Our bill does it. The House bill doesn't.

It is signed by James D. Weill, president of the Food and Research Action Center.

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

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

FOOD RESEARCH & ACTION CENTER,
Washington, DC, July 30, 2001.

Senator TOM HARKIN,
Chairman, Senate Agriculture Committee, Russell Senate Office Bldg., Washington, DC.

DEAR MR. CHAIRMAN: I am writing you about S. 1246. The Emergency Agricultural Assistance Act of 2001.

As in the House bill, S. 1246 authorizes an additional $10 million for expenses associated with the transportation and distribution of commodities in The Emergency Food Assistance Program (TEFAP). The Senate version also devotes additional dollars to support school meal programs targeted to low-income children; increases the mandatory commodity purchases for the School Lunch Program; and provides additional funding for Senior Farmers Market Nutrition Programs.

We urge you to continue your leadership and support for the nutrition programs contained in S. 1246. We also thank you for your leadership earlier this month in the hearings on nutrition programs in the Farm Bill, and look forward to working with you on important food stamp improvements later this year in that bill.

Sincerely,

JAMES D. WEILL,
President.

Mr. HARKIN. Madam President, I have a letter from the National Association of Farmers' Market Nutrition Programs.

I am writing to express the strong support of the National Association of Farmers' Market Nutrition Programs to include $20 million for the Senior Farmers' Market Nutrition Pilot Program in S. 1246.

For States and Indian Tribal organizations administering the SFMNPP, an early decision by Congress and administration to continue this small but vital program is of the utmost importance. States and Tribes faced a very short timeframe for application and implementation of this program last year and would be greatly benefited by quick action to renew this new but very popular program.

It is signed by Mike Bevins, President of the National Association of Farmers' Market Nutrition Programs.

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

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

NATIONAL ASSOCIATION OF FARMERS' MARKET NUTRITION PROGRAM,
Washington, DC, July 31, 2001.

Hon. TOM HARKIN,
Chair, Senate Committee on Agriculture, Senate Russell Office Building, Washington, DC.

DEAR SENATOR HARKIN, I am writing to express the strong support of the National Association of Farmers' Market Nutrition Program (NAFMNP) to include $20 million for the Senior Farmers' Market Nutrition Pilot Program (SFMNPP) in S. 1246, the Emergency Agricultural Assistance Act of 2001. We understand consideration of this legislation on the Senate floor is imminent.

For states and Indian Tribal organizations administering the SFMNPP, an early decision by Congress and the Administration to continue this small but vital program is of the utmost importance. States and Tribes faced a very short time frame for application and implementation of this program last year and would be greatly benefited by quick action to renew this new, but very popular program.

We urge you to include the $20 million earmarked in S. 1246 for the SFMNNP in your final version of the bill.

Sincerely,

ZY WEINBERG,
(For Mike Bevins, President).

Mr. HARKIN. Madam President, I have a letter from the American School Food Service Association.

DEAR SENATOR HARKIN: Specifically, we strongly support section 301 to preserve entitlement commodities during the 2001–2002 school year for schools that participate in the National School Lunch Program.

That is in our bill, and it is not in the House bill.

It is signed by Marcia Smith for the American School Food Service Association.

I ask unanimous consent that this letter be printed in the RECORD.

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

AMERICAN SCHOOL FOOD SERVICE ASSOCIATION,
Alexandria, VA, July 31, 2001.
Re: S. 1246.

Senator TOM HARKIN,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR HARKIN, On behalf of the American School Food Service Association, thank you for your leadership with the Emergency Agricultural Assistance Act of 2001 (S. 1246), which the Senate Agriculture Committee approved and sent to the full Senate for consideration.

Specifically, we strongly support Section 301 to preserve entitlement commodities during the 2001–02 school year for schools that participate in the National School Lunch Program. Without this provision, any participating school that received bonus commodities from the U.S. Department of Agriculture would have its entitlement commodities under the NSLP reduced. As you know, this would result in a de facto funding cut of between $50 million and $60 million for the NSLP during school year 2001–02. Further, with an eye to Conference, ASFSA does not support a block grant approach to the distribution of commodities.

On behalf of ASFSA's members and the children we serve, thank you again for your leadership on this important issue. Please let me know if there is anything else we can do to further S. 1246.

Sincerely,

MARCIA L. SMITH,
President.

Mr. HARKIN. Madam President, to sum up—and I will come back to this later on—we looked at the Nation as a whole. We looked at all farmers in this country. All farmers need help, plus there are others in rural communities who need help. There are conservation programs, as was pointed out by a letter I read from the 130 Members of the House, that need to be continued beyond the end of this fiscal year. We addressed all of these needs, and we did it within the confines of the budget resolution.

Each Senator on that side of the aisle or on this side of the aisle who is opposed to our bill could raise a point of order. But no point of order lies against this bill because it is within the budget resolution. Therefore, there is no reason for the President to veto it, unless he simply does not want our apple farmers to receive help, or to extend the dairy price support program, or to help some of our peanut and cottonseed farmers, and others who need this assistance, or perhaps he doesn't think we should have a nutrition program.

Quite frankly, we have met our obligations to provide for the full AMTA payment for fiscal year 2001—the full AMTA payment. The House bill only provides 85 percent.

I say to my fellow Senators, if you want to provide the same level of assistance to farmers this year under AMTA as we did last year, you cannot support Senator LUGAR's amendment. That will wipe it out and make it only 85 percent, which is what the House bill does.

I hope after some more debate we can recognize that we have met our obligations in the Senate Agriculture Committee. This is the right course of action to take for this body and for the President to sign.

I yield the floor.

Mr. REID. Mr. President.

Mr. THOMAS. Mr. President.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Wyoming.

Mr. THOMAS. Madam President, I want to yield to my friend, the Senator from Idaho, but first I wish to make a couple of remarks. One is that if you came in here and you were listening to the difficulty that some talk about in getting this job done prior to the time the $5.5 billion disappears, then you would imagine the thing to do is to go ahead and have a bill similar to the House. Then it would be there, and we would come back with the other $2 billion, which is in the budget for next year. It isn't as if this is a long time off. It is right there, and it can be done. It isn't as if it isn't going to happen. It will happen. We are taking out next year's and putting it in this year. You can bet that there will be a request to replace that with new money next year.

It is sort of an interesting debate. It is also interesting that the House version includes $4.6 billion in AMTA payments.

There was mention by the Senator from Michigan that it didn't go beyond that. Actually, there is $424 million in economic assistance for oilseeds; $54 million in economic assistance for peanut producers; $129 million for tobacco; $17 million for wool and mohair; $85 million for cottonseeds; and $26 million for specialty crops, which is for the States to disperse. Over $3.5 million goes to Michigan which could go to apple growers. This idea that somehow the people have been left out is simply not the case.

I now yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. REID. Madam President, will the Senator yield for a unanimous consent request?

Mr. THOMAS. Of course.

Mr. REID. Madam President, this has been cleared with Senator LUGAR, Senator HARKIN, and both leaders.

Madam President, I ask unanimous consent that at 2:30 p.m. today I be recognized to move to table Senator LUGAR's amendment, and that the 15 minutes prior to that vote be equally divided between Senators HARKIN and LUGAR.

Mr. THOMAS. Madam President, I think I will object simply to talk with the others to see if they need more time. I hope they do not. But at this moment, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, I thank the Senator from Wyoming for yielding. I will be brief, for I have sat here most of the morning listening to both the Senator from Indiana and the Senator from Iowa discuss what is now pending.

There is no question in my mind—and any Senator from an agricultural State—that we are in a state of emergency with production agriculture in this country. I certainly respect all of the work that the chairman of the Senate Ag Committee has done, the authorizing committee. I no longer serve on that committee, but my former chairman and ranking member of the Ag Appropriations Committee is in this Chamber, and I serve on that committee. So I have the opportunity to look at both the authorizing side and the appropriating side of this issue.

Clearly, I would like to hold us at or near where we were a year ago. At the same time, I do not believe, as we struggle to write a new farm bill, that we should write massive or substantially new farm policy into an appropriations bill that is known as an Emergency Agricultural Assistance Act. There is adequate time to debate critical issues as to how we adjust and change agricultural policy in our country to fit new or changing needs within production agriculture.

I have been listening to, and I have read in detail, what the Senator, the chairman of the Ag Committee, has brought. You have heard the ranking member, the Senator from Indiana, say he is not pleased with what he is doing today. In fact, the amendment that he offered in the committee—one that I could support probably more easily than I could support the amendment he has offered in this Chamber today—is not being offered for a very simple reason; it is a question of timing.

The chairman of the authorizing committee but a few moments ago said: If we pass this bill today, we can conference tomorrow. We can go out and have it back to the floor by Thursday or Friday of this week.

I would think you could make a statement like that if the House and the Senate were but a mile apart. We are not. We are 2,500 to 3,000 miles apart at this moment. We are $2 billion apart on money. The chairman of the authorizing committee has just, in a few moments, discussed the substantial policy differences on which we are apart. And I am quite confident—I know this chairman; I have served on conferences with him; he is a tough negotiator; he is not going to give up easily, as will the House not give up easily on their positions, largely because we are writing a farm bill separate from appropriations, as we should.

But both sides have spilled into the question of policy as it relates to these vehicles. What we are really talking about now, and what we should be talking about now, are the dollars and cents that we can get to production agriculture before September 30 of this fiscal year.

I happen to be privileged to serve on leadership, and we are scratching our heads at this moment trying to figure out how we get this done. How do we get the House and the Senate to conference, and the conference report back to the House and the Senate to be voted on before we go into adjournment, and to the President's desk in a form that he will sign?

I do not think the President is threatening at all. I think he is making a very matter-of-fact statement about keeping the Congress inside their budget so that we do not spill off on to Medicare money. We have heard a great deal from the other side about the fact that we are spending the Medicare trust fund. But this morning we have not heard a peep about that as we spend about $2 billion more than the budget allocates in the area of agriculture.

So for anyone to assume that getting these two vehicles—the House and the Senate bills—to conference, and creating a dynamic situation in which we can conference overnight and have this back before we adjourn on Friday or Saturday, to be passed by us and signed by the President, is, at best, wishful thinking.

We are going to have a letter from OMB in a few moments that very clearly states that this has to get done and has to get scored before the end of the fiscal year or we lose the money.

The ranking member of the Ag Appropriations Committee, who is in this Chamber, and certainly the chairman of the authorizing committee, do not want that to happen, and neither does this Senator. In fact, I will make extraordinary efforts not to have it happen because that truly complicates our budget situation well beyond what we would want it to be, and it would restrict dramatically our ability to meet the needs of production agriculture across this country as we speak.

I am amazed that we are this far apart. The House acted a month ago. We have been slow to act in the Senate. And now it is hurry up and catch up at the very last minute prior to an adjournment for what has always been a very important recess for the Congress.

I will come back to this Chamber this afternoon to talk about the policy differences, but I think it is very important this morning to spell out the dynamics of just getting us where we need to get before we adjourn, I hope, Friday evening late. And I am not sure we get there because we are so far apart.

The chairman talks about passing the bill this afternoon, assuming that we would table the amendment of the Senator from Indiana; then this would pass, forgetting there are other Senators in the Cloakrooms waiting to come out and talk about an issue called dairy compacts, and the Northeast Dairy Compact legislation or policy authority ending at the end of September, with no train leaving town between now and then that gets that out. And to assume that is going to be a simple debate that will take but a few hours, I would suggest: How about a day or 2 to resolve what is a very contentious issue? I know I want to speak on it. I know a good many other Senators do. We do not want to see our Nation divided up into marketing territories that you cannot enter and leave easily, as our commerce clause in the Constitution would suggest.

So those are some of the issues that are before us today and tomorrow and the next day. That means as long as we are in this Chamber debating this bill on these very critical issues, it will not be in conference. And those very difficult policy issues and that $2 billion worth of spending authority will not get resolved where the differences lie.

So let us think reasonably and practically about our situation. The clock is ticking very loudly as it relates to our plan for adjournment and our need to get our work done, and done so in a timely fashion.

I do not criticize; I only observe because much of what the Senator from Iowa has talked about I would support. But I would support it in a new farm bill properly worked out with the dynamics between the House and the Senate, not in appropriating legislation done in the last minute, to be conferenced in an all-night session, or two or three, to find our differences, and to work them out. I am not sure we can get there. If we can't, we lose $5.5 billion to production agriculture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, this morning I was very impressed by the comments made by the distinguished Senator from Indiana, Mr. LUGAR.

At the markup session of our Committee on Agriculture, I had come to that session with a compromise that I was prepared to offer because I thought it would more nearly reflect the programs Congress provided for emergency

or economic assistance to farmers in the last two crop-years.

We had testimony in our Appropriations Committee from the chief economist and other high-ranking officials at the Department of Agriculture that the situation facing farmers this year is very similar—just as bad—as it was last year and the year before. So the record supports the action being taken by the Congress to respond to this serious economic problem facing agricultural producers around the country.

It was the Appropriations Agriculture Subcommittee during the last 2 years that had been given the responsibility, under the budget resolution, for writing this disaster or economic assistance program. And we did that. The Congress approved it. It was signed and enacted into law. And the disbursements have been made.

This year the budget resolution gave the authority for implementing the program for economic assistance to the legislative committee in the Senate, the Agriculture Committee. I also serve on that committee. The distinguished Senator from Iowa chairs that committee, and Senator LUGAR is the ranking member and former chairman of that committee. I have great respect for all of my fellow members on the committee, but I have to say that arguments made this morning, and the proposal made this morning at the beginning of the debate by Senator LUGAR, to me, are right on target in terms of what our best opportunity is at this time for providing needed assistance to agricultural producers.

The facts are that the House has acted and the administration has also reviewed the situation and expressed its view. We have the letter signed by Mitch Daniels, the Director of the Office of Management and Budget, setting forth the administration's view and intentions with respect to legislation they will sign or recommend to be vetoed. If we are interested in helping farmers now, in providing funding for distressed farmers to help pay loans from lenders, to get additional financing as may be needed, if that is our goal, then the best and clearest opportunity for providing that assistance is to take the advice and suggestion of Senator LUGAR and vote for the alternative he has provided, which is the House-passed bill.

It obviates the need to conference with the House, to work out differences between the two approaches, which is necessarily going to delay the process. To assume that that conference can be completed in 2 or 3 days and funds be disbursed in an appropriate and efficient way is wishful thinking. It is no better than wishful thinking. I do not think producers would like to take that chance under the conditions of distress that exist in agricultural communities all over this country today.

If we could take a poll now among those who would be the beneficiaries of this legislation, I am convinced most would say: Let's take the House bill now, use the budget authority for new farm bill provisions that will strengthen our agricultural programs for the future, into the next crop year and beyond, so that we can guard against, in a more effective way, the distresses that confront farmers today. But for now, to deal with the emergency and the problems of today, let's pass a bill that will put money in the pockets of farmers.

That is the object, not to improve conservation programs which can be done in the next farm bill. Of course, we are going to reauthorize these conservation programs. But doing it with $1 billion gratuitously from the budget resolution that provides for economic assistance to farmers, that is not direct economic assistance to farmers. That is an indirect benefit, of course, to agricultural producers and to society in general, but it is not money in the pockets of farmers, as the House-passed bill provides and as the Lugar alternative before the Senate today provides.

I had hoped there could be a way to provide exactly the same assistance we provided last year and the year before. I crafted an amendment I was prepared to offer in the Senate Agriculture Committee that would do just that.

My amendment would provide for $5.46 billion for market loss assistance to farmers. This is the same level of support farmers have received for the past 2 years. My amendment provides an additional $500 million for oilseed assistance, which is the same as last year, and $1 billion for aquaculture and other specialty crops. This is a total amount of $6.475 billion, and it represents approximately half of the Agriculture budget for both fiscal year 2001 and fiscal year 2002 combined.

The $7.5 billion reported in the bill by the Senate Agriculture Committee contains nearly $1 billion for programs that do not provide direct economic assistance to farmers. Why argue about that? Why argue about that in conference and spend some amount of time delaying the benefits that farmers need now?

My suggestion is, the best way to help farmers today is to pass the Lugar substitute. It goes to the President, and he signs it. We can't write the President out of this process. He is involved in it. He has committed to veto the bill as reported by the Senate Agriculture Committee. Nine of us voted against it; 12 voted for it. But we are asking the Senate today to take another look realistically at the options we have.

Let's not embrace what we would hope we could do. Let's embrace what we know we can do. I don't care how many charts you put up here to show how bad the situation is in agriculture, you are not going to change the reality of the House action and the President's promised action.

We are part of the process and we have a role to play—right enough—and we can exercise our responsibilities when we rewrite the farm bill. If there is an indication that additional assistance is needed later on, we can take that from the budget resolution which provides for economic assistance for farmers in the 2002 crop year. We can do that. We don't have to solve every problem facing agriculture or conservation on this bill today. We can do what we can do today, and farmers understand that. They don't fall for a lot of political grandstanding. They don't spin all the charts that you can put up on the floor. That doesn't help them a bit. They know how bad it is. What they want is help now. To get help now, let's vote for the Lugar substitute.

I ask unanimous consent to print in the RECORD a section-by-section analysis.

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

AMENDMENT TO THE EMERGENCY AGRICULTURE ASSISTANCE ACT OF 2001—SECTION-BY-SECTION

TITLE I

Section 101—Market Loss Assistance

Supplemental income assistance to producers of cotton, rice, wheat, and feedgrain producers eligible for a Production Flexibility Contract payment at the 1999 AMTA payment levels, totaling $5.466.

Section 102—Oilseeds

Provides $500 million for a supplemental market loss assistance payment to oilseed producers totaling $500 million.

Section 103—Peanuts

Provides peanut producers of quota and additional peanuts with supplemental assistance of $56 million.

Section 104—Sugar

Suspends the marketing assessment from the 1996 Farm Bill for the 2001 crop of sugar beets and sugar cane at a cost of $44 million.

Section 105—Honey

Makes non-recourse loans available to producers of honey for the 2001 crop year at a cost of $27 million.

Section 106—Wool and Mohair

Provides supplemental payments to wool and mohair producers totaling $17 million.

Section 107—Cottonseed Assistance

Provides assistance to producers and first handlers of cottonseed totaling $100 million.

Section 108—Specialty Crop Commodity Purchases

Provides $80 million to purchase specialty crops that experienced low prices in the 2000 and 2001 crop years. $8 million of the amount maybe used to cover transportation and distribution costs.

Section 109—Loan Deficiency Payments

Allows producers who are not AMTA contract holders to participate in the marketing assistance loan program for the 2001 crop year. Raises the Loan Deficiency payment limit from $75,000 to $150,000.

Section 110—Dry Peas, Lentils, Chickpeas, and Pecans

Provides $20 million for the 2001 crop year.

Section 111—Tobacco

Provides $100 million for supplemental payments to tobacco Farmers.

TITLE II

Section 201—Equine Loans

Allows horse breeders affected by the MRLS (Mare Reproductive Loss Syndrome) to apply for U.S. Department of Agriculture Emergency Loans. No CBO score.

Section 202—Aquaculture Assistance

Provides $25 million to assist commercial aquaculture producers with feed assistance through the Commodity Credit Corporation.

TITLE III

Section 301—Obligation Period

Provides the Commodity Credit Corporation the authority to carry out And expend the amendments made by this act.

Section 302—Commodity Credit Corporation

Except as otherwise provided in this Act, the Secretary shall use The funds, facilities, and authorities of the Commodity Credit Corporation to carry out this Act.

Section 303—Regulations

Secretary may promulgate such regulation as are necessary to implement this Act and the Amendments made by this Act.

COCHRAN AMENDMENT

	Senate
FY 01 Spending (Budget)	$5.5 billion.
Market Loss Payment	5.466 billion.
Cottonseed Assistance	34 million.
Subtotal FY01	5.5 billion.
FY02 Spending:	
Oilseed Payment	500 million.
LDP eligibility for 01 crop year	40 million.
Peanuts	56 million.
Sugar (suspend assessment)	44 million.
Honey	27 million.
Wool and Mohair	17 million.
Cottonseed	66 million.
Tobacco	100 million.
Equine Loans	0
Commodity Purchases	80 million.
Aquaculture	25 million.
Peas, Lentils and Pecans	20 million.
Double LDP Limit for 2001 Crop	0
Subtotal FY02	975 million.
Total	6.475 billion.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I thank Senator COCHRAN for his great statement.

The question before the Senate is: do we want a reasonable package that will help farmers now that is within our budget, that we set out funds for, that can be delivered next week, or do we want a political issue that comes from a proposal which is full of provisions that have nothing to do with direct aid to farmers, that dramatically expands spending on programs that have nothing to do with an agriculture emergency, and a program that will almost—well, it will certainly be, since the President has now issued the veto message—be vetoed?

Ultimately, people have to come down to reaching a conclusion in answering that question.

What I would like to do today is make a few points. First, Senator COCHRAN is right. If we want to get aid to Texas and Mississippi and Iowa farmers next week, we need to pass the bill that passed the House or something very close to it. And passing the bill that passed the House, which can go directly to the President, which can be signed this week, is the right thing to do.

The second issue has to do with nonemergency matters in an emergency appropriations bill. I could go down a long list, but let me mention a few.

Changing the conservation reserve program: Maybe it needs to be changed, but do we have to do it in an emergency bill where we are trying to get assistance out the door by October 1? I think, clearly, we do not.

Expanding a yet-to-be-implemented program about farmable wetlands: I don't understand, in an emergency bill, expanding a program that has never gone into effect. Maybe we will want to expand it after it goes into effect, and we know what it is. But, A, I can't imagine we would want to do it now, and, B, why would we want to clutter up an emergency farm bill that desperately needs to become law this week or next by getting in that debate here?

Expanding subsidies for paper reduction in lunch programs: Maybe we need to increase subsidies for reducing the amount of paper that is expended in serving school lunch programs. Maybe that is a worthy objective. But why are we doing it on an emergency farm bill? I know of no critical shortage of paper in making plates and cups. So far as I am aware, we are capable of producing virtually an infinite quantity, not that that would be desirable public policy, but the point is, what does this have to do with the emergency that exists on many farms and ranches throughout America? The answer is nothing.

Additional funding for the Senior Farmers' Market Nutrition Pilot Program: That may be a meritorious program. If I knew more about it, I might think it was one of the most important nutrition programs in America. On the other hand, maybe I would not think it is even meritorious if I knew more about it. The point is not whether it is meritorious or whether it is not; the point is, it has absolutely nothing to do with an emergency on farms and ranches all over America, and it has no place in an emergency farm bill.

Making cities eligible for rural loan programs and credits: I guess other things being the same, I do not think cities of 50,000 ought to qualify for programs that are aimed at helping rural America. I have a lot of cities of 50,000. Just looking at it, it does not strike me that this is a great idea, but it may be a great idea. Maybe I just do not understand.

The point is, what does this have to do with the emergency that is occurring in bank loans that our farmers and ranchers all over America are having trouble paying? It has absolutely nothing to do with it, and it should not be in this bill.

There is an increase in funding bioenergy loan subsidy programs in this bill. Maybe bioenergy should receive additional funding. Maybe it receives too much funding. The point is, what does that have to do with an emergency in rural America? What does it have to do with farmers and ranchers trying to make that payment on that loan at the local bank? It has nothing to do with it, and it should not be in this bill.

Paying researchers at USDA beyond the civil service scale: I think highly of researchers. Some of my best friends are researchers. I used to be a researcher. Maybe this is God's work, changing the Civil Service Act to let researchers at the Department of Agriculture make more money. The point is, should we not look at that in the context of civil service? Shouldn't this be looked at by the committee that has jurisdiction, the Governmental Affairs Committee? Isn't this something on which we ought to have a fairly substantial debate? Are we going to do this at all the labs in America? Are we going to do it at the Department of Energy? Are we going to do it in oceanography? Is this the beginning of a major program?

No one knows the answer to this. I do not even know if a hearing ever occurred on this subject.

The point is, whether it is meritorious or not, what does it have to do with this farmer in plain view making that payment at the bank? It basically has to do with the pay of people who are fairly well paid. Maybe they are not paid enough.

This has absolutely nothing to do with the crisis in rural America. This is something that ought to be dealt with next year.

This brings me to the second point I want to talk about, and that is the $2 billion we are spending in this bill above the amount we said we were going to spend in the budget.

I have sat in the Budget Committee and I have sat in this Chamber and have heard endless harangues about how we are about to spend the Medicare trust fund—how dare we spend the Medicare trust fund.

My response has been, there is not a Medicare trust fund. We are running a surplus in Part A, we are running a deficit in Part B, and so there is no surplus, but that is not the point. The chairman of the Budget Committee has given us endless orations pleading that we not spend the Medicare trust fund, much less the Social Security trust fund. In fact, in committee and in the Senate Chamber, he and others have endlessly harangued about not spending these trust funds. Yet I hear no harangue today.

We are in the process today of considering a bill that is $2 billion above the amount we included in the budget to spend in fiscal year 2001 for the agriculture emergency—$2 billion above the amount we have in the budget.

Having harangued endlessly about every penny we spend, every penny we give back to the taxpayer in tax cuts is imperiling the Medicare trust fund, where is Senator CONRAD today? When we are in the process of adding $2 billion of spending above the budget, does anybody doubt that when the re-estimate comes back in August, when the new projections of the surplus come forward, given the economy has slowed down, does anybody doubt this $2 billion will come out of exactly the same

Medicare trust fund about which we have heard endless harangues? Does anybody doubt that?

No, they do not doubt it, but where are the harangues today? Those harangues were on another day focused on another subject. The harangues were against tax cuts, but when it is spending, there are no harangues.

Lest anybody be confused, I do know something about the Budget Committee, having been privileged to serve on that committee in the House and the Senate. I understand the rules. Basically, the budget is whatever the chairman of the Budget Committee says the budget is.

We have before us a bill that is $2 billion above the amount we wrote in the budget for fiscal year 2001, but the chairman of the Budget Committee says it is okay to take $2 billion from 2002 and spend it in 2001 because in 2003, we can take the same $2 billion and spend it in 2002. Actually, we cannot. If he reads his own budget, he will see that in 2003, unless we have a sufficient surplus so that all funds are going into the Medicare trust fund and the Social Security trust fund and reducing debt or being invested, we will not be able to make the shift from 2003 to 2002.

One can say, as Senator CONRAD did yesterday, that he makes the determination in advising the Parliamentarian that this does not have a budget point of order. So by definition, if he says it does not have a budget point of order, it does not have a budget point of order, but does anybody doubt it violates the budget?

We wrote in the budget $5.5 billion, black and white, clear as it can be clear, that is how much we were going to spend. Now we are spending $7.5 billion, but it does not bust the budget? Why doesn't it bust the budget? Because the chairman of the Budget Committee, Senator CONRAD, advises the Parliamentarian that it does not bust the budget. He is the chairman of the Budget Committee, so how can it bust the budget when he says it does not bust the budget?

The pattern is pretty clear. Senator CONRAD is deeply concerned—deeply concerned—about spending these trust funds as long as the money is going for tax cuts, but the first time we bring to the Chamber an appropriation that clearly busts our budget, that spends $2 billion more than we wrote in the budget, that is all right because Senator CONRAD said it is all right. He said it does not bust the budget because we are going to take the $2 billion from next year.

If that creates a problem in writing the farm bill, I say to three Members who will be very much involved in writing the farm bill, Senator CONRAD has the solution: It is no problem, just take the $2 billion from 2003. There will be a problem, as I pointed out.

Basically what we have before us is an effort to take $2 billion and to spend most of it on non-emergency programs that do not affect directly the well-being of farmers who are in crisis today in a clear action that busts the budget.

I want to say this, not to go on so long as to be mean or hateful about it. I do not mind being lectured. I get lectured all the time. I guess I am about as guilty as any Member of the Senate in lecturing my colleagues. It comes from my background where I used to lecture 50 minutes Monday, Wednesday, and Friday, and an hour and 15 minutes on Tuesday and Thursday. My students paid attention because they wanted to pass.

Here is the point: I don't see how any Member of the Senate who stands idly by and watches us spend $2 billion more than we pledged in the 2001 budget that we were going to spend on this bill, how that Member can remain silent or support that effort and have any credibility ever again when they talk about concern over deficits or spending trust funds.

Ultimately, the debate is: Is it words or is it deeds? Are you really protecting the budget when we are on the floor spending $2 billion more than we said we were going to spend in the budget?

It seems to me if you vote for this $7.5 billion appropriation—it is an entitlement program and an authorization, in addition to the $7.5 billion—if Members vote for this $7.5 billion spending bill, which violates that budget by spending $2 billion more than we committed to, you cannot ever, it seems to me, have any credibility again in arguing you are concerned about the deficit or that you are concerned about spending the Medicare or Social Security trust fund.

There is no question when the August re-estimates come in, this $2 billion is going to come right out of the Medicare trust fund. We will have a vote. If Members want to live up to the rhetoric in saying we don't want to spend that trust fund, and we don't want to bust the budget, Members can vote for the Lugar amendment because it has three big advantages: First, it will become law this week, the President will sign it; and, second, it doesn't bust the budget. Third, it doesn't take money out of the Medicare trust fund.

I think every argument that can be made that should carry any weight in this debate is an argument for the Lugar amendment. I urge my colleagues not to get into an argument that will delay the assistance to our farmers and ranchers. We are going to debate a farm bill in the next fiscal year. I don't know whether we will pass one or not. We are going to debate one. Why start the debate by taking $2 billion we have to finance a new farm bill and spend it now on non-emergency items, by and large? Why not live within the budget today, get a bill to the President that he can sign, let him sign it this week, and let the money next week go out to help farmers and ranchers.

In the next fiscal year, after October 1, we can debate a new farm bill. It is at that point that many of these issues need to be decided.

If Members do not want to bust the budget and Members want this bill to become law, and become law soon, vote for the Lugar amendment. I intend to vote for the Lugar amendment. I intend to oppose the underlying bill. It violates the budget. It spends $2 billion more than we pledged to limit spending in the budget. I intend to resist it as hard as I can. I think it sends a terrible signal that here we are, despite all our high-handed speech about spending trust funds and living within the budget, and we come to the first popular program that we voted on and now we are busting the budget by 40 percent. Forty percent of the funds in the bill before the Senate represents an increase in spending over the budget that we adopted. That is a mistake.

I urge my colleagues to vote for the Lugar substitute. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I am surprised to hear the Senator from Texas talk about how this does not comport with the budget resolution. The Senator from Texas is a member of the Budget Committee. The Senator from Texas must know full well the budget allows $5.5 billion for the Agriculture Committee to expend in fiscal year 2001. The Budget Committee also gave instructions to the Agriculture Committee that the Agriculture Committee could expend up to $7.35 billion in fiscal year 2002.

The reason that a point of order does not lie against this bill is not because of what the Budget Committee chairman said but because of the way the budget was written and adopted by the Senate when under the control, I might add, of my friends on the Republican side. I didn't hear the Senator from Texas say at that time when the budget was adopted we shouldn't be doing this—that we should only adopt $5.5 billion for 2001 and nothing for 2002. I didn't hear the Senator from Texas at the time the budget was adopted get up and rail against that.

So there it is. We have it in the budget that this committee is authorized to expend up to $7.35 billion in fiscal year 2002.

I say to my friend from Texas, we didn't do that. We didn't expend $7.35 billion; we expended about $2 billion of that $7.35 billion that will be spent in fiscal year 2002.

The Senator from Texas surely knows we are not spending any 2002 money in 2001. We are spending 2001 money prior to September 30, but the other $2 billion, about, is spent after October 1, which is in fiscal year 2002 and is allowed under the budget agreement adopted by the House and the Senate.

I didn't hear the Senator taking issue at that when the budget was adopted. We are only doing what is within our authority to do.

Again, the Senator from Texas also went on at some length to read about

some of the programs in the bill. I refer to last year's bill when we passed emergency assistance. There was a lot of extraneous stuff put in there because it was felt it was needed.

Carbon cycle research was in last year's bill; tobacco research for medicinal purposes; emergency loans for seed producers; water systems for rural and native villages in Alaska; there is the Bioinformatics Institute for Model Plant Species in last year's ''emergency'' bill, along with crop insurance and everything else.

I point out to my friend from Texas, there are no new programs in this bill, not one. In last year's bill there was a new program put in that probably, I suppose, we could have said should not have gone in the farm bill, but I thought it was reasonable and it was put in at that time on a soil and water conservation assistance program which was a brand-new program included in the emergency bill last year. I did not hear last year the Senator from Texas getting up and saying that the emergency bill should not include those. He is saying that this year.

Again, we made no changes, and we made no policy changes. There is one technical correction included, and I had to smile when I heard the Senator talk about the paperwork reduction in the school nutrition program. Actually, that was requested by the House Committee on Education and the Workforce. They actually requested we do that to take care of a problem in paperwork. We said it sounds reasonable. We might as well do it. Why not take care of it?

Again, there are no new programs, no new changes. All there is is one technical change in the CRP program, but in last year's emergency package there were a number of technical fixes and changes. There were new programs, as I pointed out. There were changes in eligibility. All that was done. We do not do that, basically, in this bill. There are no new conservation programs. All we are doing is funding the ones that are out of money.

I do want to at least address myself very briefly to another issue. I heard some of my friends on the other side say: Yes, we do have a dire situation in agriculture; yes, farmers are hurting; yes, it has not gotten any better since last year. But because Mr. Daniels, the head of OMB, has said he would recommend a veto, we can't meet the needs of farmers out there.

I ask my colleagues, who knows agriculture better, Mr. Daniels or the American Farm Bureau Federation? Who knows agriculture better, the National Corn Growers Association or Mr. Daniels? Who knows agriculture better, the National Farmers Union or Mr. Daniels? Who knows agriculture and their needs better, the National Wheat Growers Association or Mr. Daniels at OMB?

I say to my friends on the other side of the aisle who understand that we have some real unmet needs out there, we really have some farmers all across America who are hurting, as we have heard from all of their representatives. I say to them: Call on the President. Don't let Mr. Daniels speak for you. I say to my friends who understand agriculture, who understand the needs out there: Call up President Bush and say we need this package.

I have heard Senators on the other side—not all of them, but I have heard some of them say we need this assistance; we need the kind of money we are talking about; but because there has been a threat of a veto, we cannot do it.

I daresay that if Senators who hold that view were to call up the President and say: Mr. Daniels is wrong on this; we need this money; farmers desperately need it, I, quite frankly, believe the President would listen to the Senators here who represent agricultural States rather than Mr. Daniels.

I don't know what Mr. Daniels' background is. I don't know if he is a farmer, if he comes from a farm or not. I don't know, but I don't think he understands what is happening there in agriculture.

Last, there was a statement made—I wrote it down—''political grandstanding.'' I resent the implication that what we are doing is political grandstanding. We took a lot of care and time to talk with Senators on both sides of the aisle. I talked with Representatives in the House of Representatives. We met with farm groups to try to fashion a bill that did two things: It met the requirements of the Budget Act and, second, met the needs farmers have out there.

I really resent any implication that there is political grandstanding. We may have a difference of opinion on what is needed out there. I can grant there may be some differences of opinion on that. But that is why we have debates. That is why we have votes. But in no way is this political grandstanding. This is what many of us, I think on both sides of the aisle, believe is desperately needed in rural America.

Since it is desperately needed, I hope my friends on the other side of the aisle will contact the President and tell him this is one time he needs to not listen to the advice of Mr. Daniels but to listen to the advice of our American farmers, their Representatives here in Washington, and the Senators who represent those farm States.

I yield the floor. I see my friend from Nebraska is waiting to speak.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Nevada.

Mr. REID. Madam President, before you recognize the Senator from Nebraska, I have a unanimous consent request. I ask unanimous consent that I be recognized to move to table Senator LUGAR's amendment at 3 o'clock this afternoon and the 45 minutes prior to that vote, after our conferences, be equally divided between Senators HARKIN and LUGAR, and that no other amendments be in order prior to that vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I rise in support of this legislation, S. 1246, and in opposition to the amendment offered by my good friend, Senator LUGAR. I know he is attempting to do what he thinks is best. That is what this honest debate should be about—what is best for American agriculture and how we can best meet those needs.

I notice my good friend, Senator COCHRAN from Mississippi, has a view that is a little different from that of Senator LUGAR in that he had prepared an amendment of about $6.5 billion but is supporting Senator LUGAR in his effort at $5.5 billion. But it points out that there are honest differences of opinion, even on the other side.

The reason I support S. 1246 is that it is a balanced bill and one that takes into account the diversity of agricultural interests all over this country. It recognizes that the major commodities are in their fourth year of collapsed prices, yet at the same time recognizes that economic assistance cannot and should not go just to program crops, it must reach further, to add additional farmers who are suffering and who do not happen to grow wheat, corn, or rice.

On a parochial level, the bill before us holds several provisions that are important to Nebraskans. It is no exaggeration to say that agriculture is the backbone of Nebraska's economy, for one of every four Nebraskans depends on agriculture for employment. It has been an ongoing source of concern for me that when the rest of our economy was booming, production agriculture was on the decline.

As do other Senators, I regret having to supplement our farm policy with billions of dollars of additional emergency assistance every year. So it is, in fact, high time to move on with the writing of a new farm bill for just that reason.

But until then, we have to be here to help those who produce food, who feed our Nation. This bill does that. This bill provides for an additional AMTA, or Freedom to Farm payment, at the full $5.5 billion level, which is what producers in Nebraska want. It is what producers all across our country want and what they expect us to provide. The bill passed by the House does not do so, and any package that spends just $5.5 billion cannot do so. I believe that is unacceptable.

This bill provides for assistance for oilseeds, which are not a program crop. It suspends the assessment on sugar, which is critical to the beleaguered sugar beet growers of western Nebraska and other parts of our country. And it beefs up and in some cases reinstates spending for vital conservation programs, all of which face long-term

and growing backlogs and many of which would expire if not extended by this bill and were left for a farm bill later this year or next year.

In some cases my good friend from Texas points out some programs that do not, I suspect, seem to be quite as much of an emergency. But I think the good Senator from Iowa, Mr. HARKIN, answered that and said that in every emergency bill you might question the urgency or emergency of certain aspects of it but we ought not to let that get in the way of passing a bill that deals with emergency needs.

This bill also offers eligibility for LDP payments to producers who are not enrolled in the current farm program, a provision which I strongly support and which makes an enormous difference for the small number of producers who need this provision. In fact, Senator GRASSLEY and I introduced legislation to this effect earlier this year and I am grateful to Chairman HARKIN for including this provision. This morning I received a call from a constituent about this issue. So, for those who are eligible, there is no more important provision in this bill.

Finally, I commend the chairman for including funding for value-added development grants. This program was first funded last year, and it has been very popular in Nebraska. In fact, I know we have several grant requests under preparation for this funding, including one for a producer-owned pork processing and marketing facility. This is exactly the kind of program that we all talk about and want to encourage.

I am happy to support this package and know it will find wide support in Nebraska from farm groups and from farmers all over our State and our country.

It is beyond me why some Senators and the administration are so staunchly opposed to this bill. In fact, it provides a payment for a single crop year but stretching over two fiscal years, and it is within the budget constraints.

I can't find a way to explain to Nebraskans when prices are no better than last year's why the assistance provided by Congress should be cut. I can't find a way, and I don't intend to try to find a way to explain that. It just simply won't sell.

The Director of OMB suggested in his letter that the spending should decrease because farm income is up. That certainly may be true for our cattle producers. But this assistance flows primarily to row crop producers and others who are not enjoying such good fortune. How can I explain to my constituent who called this morning saying that he qualified for LDPs on his farm last year but he doesn't merit any assistance this year?

My point is that the tunnel vision approach that we must spend exactly and only $5.5 billion ignores an awful lot of needs in each and every one of our States.

I am not willing to say that the needs of producers who grow corn in Nebraska are more important than those who grow chickpeas or to the dedicated hog producers who are working diligently to process and market their own pork that we can't find a way to afford the value-added loan program that offers them their best chance to get off the ground. How can I say to them that they will have to wait for the farm bill and maybe there will be funding available after that?

This bill before us attempts to balance the needs across commodities and across the country. I think it is a great effort. I hope we can convince the House of its merits.

There was a statement that some of the payments will be direct but some will be indirect, as though there is some distinction there of any importance. The fact that we are able to get direct and indirect money into the pockets of farmers today is what this is about. That is what the emergency requires, and that is what this bill does.

As a fiscal conservative, I want to economize but not at the expense of America's farmers. I support this bill because I think it, in fact, will do what we need to do for agriculture on an emergency basis and give us the opportunity in a more lengthy period of time to come to the conclusion about what the ongoing farm bill should be and do that not on an emergency basis but on a long-term basis and a multiyear basis.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I thank my colleague from Nebraska. I associate myself with all of Senator NELSON's remarks.

I can't wait to write a new farm bill. I jumped on this Agriculture Committee when there was an opening because I have hated this ''freedom to fail'' bill. We have had a dramatic decline in farm prices and farm income.

I thank the Senator from Iowa for this emergency package. I rise to speak on the floor to strongly support what our committee has reported out to the Senate.

Let me say at the very beginning that I don't like the AMTA payment mechanism. I am disappointed that we have to continue to do it this way.

From the GAO to what farmers know in Minnesota and around the country, a lot of these AMTA payments have amounted to a subsidy and inverse relationship to need. The vast amount of the actual payments to farmers to keep them going goes to the really large operations and the mid-sized and smaller farmers do not get their fair share.

I also believe that a lot of younger farmers who were hurt by the low proportion of payments that go to them are also hurt as younger farmers. We need more younger farmers.

I believe all of this should be changed. The Senator from Iowa knows that. But I also think we have to get the payments out to people.

Let me say to colleagues that I am not prepared to go back to Minnesota and say to people in farm country that we didn't have the money to provide the assistance to you.

I think it is a shame that people are so dependent on the Government. People hate it. What they want is some power or some leverage to get a decent price in the marketplace. I believe in this farm bill that we are writing in the Senate Agriculture Committee. We should do so. I also believe that there should be a strong effort in the conservation part of this legislation.

I think there ought to be a section that deals with energy, and there ought to be a section dealing with competition. We ought to be talking about put putting more competition into the food industry.

I am becoming conservative these days in the Senate because I want to put more free enterprise into the free enterprise system. I want to see us take antitrust seriously. I want to see us go after some of these conglomerates that are muscling their way to the dinner tables and forcing family farmers out—and, by the way, very much to the detriment of consumers.

This emergency package has some very strong features. First of all, thank goodness, this is an emphasis on conservation and conserving our natural resources. From the CRP Program, to the Wetland Reserve Program, to Environmental Quality Incentive Programs, we are talking about programs that need the additional funding. We are talking about programs that are win-win-win: win for the farmers, win for Pheasants Forever, win for Ducks Unlimited, some of the best environmental organizations you could ever run across; a win for consumers; and a win for the environment.

Our Catholic bishop wrote a statement about 15 years ago entitled ''Strangers and Guests.'' He said we are all but strangers and guests in this land. They were looking at soil erosion and chemical runoff into the water.

The focus on conservation in this emergency package is just a harbinger of the direction we are going to go because this next farm bill is going to focus on land stewardship, on preserving our natural resources, on conservation, and on a decent price for family farmers as opposed to these conglomerates.

I believe what we have in this emergency package is extremely important. I thank my colleague from Iowa for an extension of the Dairy Price Support Program. It is important to dairy farmers in Minnesota and throughout the country. The program was due to expire this year. At least it is an effort to stabilize these mad fluctuations in price.

If you have a lot of capital, it is fine if you go from $13.20 per hundredweight to $9 per hundredweight. But if you do not have the capital and the big bucks, you are going to go under.

I think it is important to have that.

I thank my colleagues. The growers in the Southern Minnesota Sugar Beet

Cooperative are going to receive benefits under the 2000 crop assistance program through this legislation. These are sugar beet growers of southern Minnesota who suffered because of a freeze in the fields last fall. They tried to process the beets. They tried to do their best. They couldn't make the money off of it. Frankly, without the assistance in this package, they wouldn't have any future at all.

Again, what is an emergency? From my point of view, if you can get some benefits to people who find themselves in dire economic circumstances through no fault of their own, and you can make sure that they can continue to survive today so that they can farm tomorrow, then you are doing what you should do.

That is what this package is all about. I fully support it.

As much as I like my colleague from Indiana and as much as I think he is one of the best Senators in the Senate, I cannot support his substitute amendment.

I hope we will have strong support on the floor of the Senate for this package of emergency assistance that comes to the Senate from the Senate Agriculture Committee.

By the way, we need to move on this matter. We need to get this assistance out to farmers. We don't need to delay and delay because then we are playing with people's lives in a very unfortunate way. We really are. This is the time for Senators to have amendments, as Senator LUGAR has. This is a time for Senators to disagree. That is their honest viewpoint. But it is not a time to drag this on and on so that we can't get benefits out to people who without these benefits are not going to have any future at all. We cannot let that happen. We cannot do that to farmers in this country.

I yield the floor and 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. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. MILLER).

EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001—Continued

AMENDMENT NO. 1190

The PRESIDING OFFICER. Under the previous agreement, the time until 3 o'clock is evenly divided between Senator LUGAR and Senator HARKIN.

Who yields time?

Mr. REID. Mr. President, on behalf of Senator HARKIN, I yield 4 minutes to the chairman of the Budget Committee.

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

Mr. CONRAD. I thank the Presiding Officer and my colleague, and I thank the chairman of the Agriculture Committee for this time as well.

Mr. President, I want to address, just briefly, the statements that were made by the Senator from Texas about whether or not this bill—the underlying bill; not the amendment by the Senator from Indiana but the underlying bill—violates the budget, whether it busts the budget.

I think it is very clear that the bill brought out of the Agriculture Committee by the chairman, Senator HARKIN, does not violate the budget in any way. The budget provided $5.5 billion in fiscal year 2001 to the Agriculture Committee for this legislation and provided an additional $7.35 billion in fiscal year 2002 for additional legislation to assist farmers at this time of need.

The bill that is in the assistance package provides $5.5 billion in 2001 and provides $1.9 billion in fiscal year 2002. It clearly does not violate the budget in any way. It does not bust the budget. It is entirely in keeping with the budget.

I just challenge the Senator from Texas, if he really believes this violates the budget, to come out here and bring a budget point of order. That is what you do if you believe that a bill violates the budget, that it busts the budget. Let's see what the Parliamentarian has to say. We know full well what the Parliamentarian would say. They would rule that there is no budget point of order against this bill because it is entirely within the budget allocations that have been made to the Agriculture Committee.

This notion of whether or not you can use years of funding in 1 year and in the second year is addressed very clearly in the language of the budget resolution itself. It says:

> It is assumed that the additional funds for 2001 and 2002 will address low income concerns in the agriculture sector today.

These funds were available to be used in 2001, in 2002, in legislation today. It goes on to say:

> Fiscal year 2003 monies may be made available for 2002 crop year support . . .

Understanding the difference between a fiscal year and a crop-year.

The fact is, every disaster bill we have passed in the last 3 years has used money in two fiscal years because the Federal fiscal year ends at the end of September and yet we know that a disaster that affects a crop affects not only the time up until the end of September but also affects the harvest in October and the marketing of a crop that occurs at that time. So always two fiscal years are affected.

Finally, the Senator from Texas said that this will raid the Medicare trust fund.

No, it will not. We are not at a point that we are using Medicare trust fund money. We are not even close to it at this point. I believe by the end of this year we will be using Medicare trust fund money to fund other Government programs. I have said that. I warned about it at the time the budget was considered. I warned about it during the tax bill debate. It is very clear that is going to happen, not just this year; it is going to happen in 2002, 2003, and 2004. And in fact we are even going to be close to using Social Security trust fund money in 2003.

This is not about that. This is about 2001. This is about 2002. In this cycle, this part of the cycle, we are nowhere close to using Medicare trust fund money. I would like the record to be clear.

The PRESIDING OFFICER. The Senator has used 4 minutes.

Who yields time?

Mr. LUGAR. Mr. President, I yield time to the distinguished Senator from Kansas. How much time does the Senator require?

Mr. ROBERTS. I thank the distinguished ranking member, and former chairman, for yielding me the time. I ask for 15 minutes if I might. If I get into a problem, maybe a minute or two.

Mr. LUGAR. I yield 15 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I rise to support the amendment offered by the distinguished former chairman of the Agriculture Committee, Senator LUGAR. I know agriculture program policy is somewhat of a high-glaze topic to many of my colleagues. I know many ask questions as to the details and the vagaries of farm programs, why we seemingly always consider for days on end every year emergency farm legislation and Agriculture appropriations, what we now call supplemental Agriculture bills.

In the ''why and hows come'' department, let me recommend to my colleagues yesterday's and today's proceedings and in particular Senator LUGAR's remarks with regard to this bill and, more importantly, the overall situation that now faces American agriculture and farm program policy. It is a fair and accurate summary that the ranking member has presented. In typical DICK LUGAR fashion, the Senator from Indiana has summed up the situation very well. If you want a 15-minute primer in regards to agriculture program policy, simply read the Senator's remarks.

Why are we here? Why are we considering this legislation? The title of this legislation is the Emergency Agriculture Assistance Act of 2001. The name implies to me that the bill is to fund pressing economic needs in farm country. We have them. That is what

the committee actually set out to do. In the debate, we have heard a great deal about how much is enough to address the problems in farm country. And certainly with the committee's mark, some $2 billion over what was agreed to in the budget and with the possibility of a Presidential veto, that debate is absolutely crucial.

I don't believe any agriculture Senator is looking forward to a possible Presidential veto—I hope not—or agriculture becoming a poster child in regards to out-of-control spending, porkbarrel add-ons, or eating into the Medicare trust fund or, for that matter, Social Security.

It seems to me we ought to stop for a minute and ask: Why are we having these problems to begin with? For the third year in a row farmers, ranchers, and everybody else dependent on agriculture have been trying to make ends meet in the midst of a world commodity price depression, not just in the United States but the entire world.

There are many reasons for this: unprecedented record worldwide crops; the Asian and South American economic flu crippling our exports; the value of the American dollar, again crippling our exports; and my personal view, the lack of an aggressive and consistent export policy, highlighted, quite frankly, by the inaction in this Congress with regard to sanctions reform and Presidential Trade Authority (PTA).

If you have in the past exported one-third to one-half of the crops you produce and you experience 3 straight years of declining exports and increased world production, not to mention what many of us consider unfair trading practices by our competitors, you begin to understand why the market prices are where they are. Add in very little progress ever since the Seattle round in regards to the World Trade Organization, and you can understand why we have a problem.

Now what are we going to do about this? To address this problem, when this year's budget resolution was passed, it included $5.5 billion for spending in 2001 and $7.35 billion in 2002, with total funding of $73.5 billion for 2002 through 2011. I might add, if you add in the baseline for agriculture, you are talking about another $90 billion. That is a tremendous investment, to say the least.

When we passed the budget, the assumption among virtually all of us, and all of our farm groups and all of our commodity organizations, was that the funding for 2002—not 2001, the funding for 2002 would be used for one of two things: An agricultural assistance package in 2002, if needed, or funding for the first year of the next farm bill.

We should make it very clear to our colleagues, our farmers and ranchers, our conservation and wildlife organizations, our small towns and cities—we are borrowing from the future when we have $7.5 billion in this package. I don't know if it violates the budget agreement or not. I don't know what the Parliamentarian would say. Regardless, the pool of money available for writing the next farm bill has just shrunk by $2 billion. We are robbing next year's funds for this year's emergency bill.

We are going to be left with less than $5.5 billion in 2002 funding. Are we prepared to take that step? Apparently some are.

There are always disagreements on the Agriculture Committee. But I think the Agriculture Committee is probably the least partisan committee, or one of the least, in the Congress. Certainly in the Senate, we have always tried to work in a bipartisan manner. In fact, that is how former Senator Bob Kerrey of Nebraska and I operated when we wrote and passed crop insurance reform in the last Congress with the leadership and the able assistance of the chairman and the ranking member. With all due respect, that has not happened on this legislation.

We were given very short notice on the components of the package, the markup itself. When we actually arrived at markup, the legislation was not the same language our staff was provided the night before. I will not dwell on that, but it is most unfortunate. It is a harbinger of what I hope will not happen in regards to the farm bill debate.

Furthermore, I am deeply troubled that the title of this legislation is the Emergency Agricultural Assistance Act of 2001. The name implies that the bill is to fund pressing economic and income needs in farm country. That is not what we have before us with this proposal.

In fact, I am deeply concerned that we are providing funding here for several commodities that are actually at or above their long-term average prices and returns, while also making many programmatic changes. We are doing a mini farm bill.

I want to serve warning. I do not argue that commodities, other than the program crops, have not faced difficult times. Indeed, many have been in rough times. But let's make it very clear that the program commodities, those that are usually receiving the AMTA payments, the market loss payments, have stringent requirements that many, if not all, specialty crops do not have to meet in order to be eligible for payments.

Chief among these is conservation compliance. To receive assistance, a program crop producer has to meet very stringent requirements on conservation compliance. In many instances they have spent thousands of dollars to meet and maintain these requirements—good for them, good for their farming, and good for the environment.

Today I put colleagues on notice that if we intend to continue making payments to commodities that do not meet these requirements, I will propose they have to meet the same guidelines as producers of wheat, corn, cotton, rice, and soybeans to receive their payments. I thought about introducing an amendment on this legislation. That would just delay it further and get us into more debate, and I consider it an item for the Farm Bill debate. Time is of the essence, so I will not do that. I do mean to offer or at least consider it when we debate the farm bill. It isn't so much a warning. It is just a suggestion that fair is fair. All commodities should be treated equally in their requirements to receive payments through the Department of Agriculture.

Let us also remember exactly why we set aside the $5.5 billion for the purpose in the budget. The $5.5 billion is equal to the market loss assistance payment we provided last year, and it was to address continued income and price problems with these crops.

What am I talking about? Wheat, 57 cents to 67 cents below the 12-year average. That is about a 20-percent drop below the 12-year average. That is the plight of the wheat producer. Cotton, 7.65 cents below the 12-year average, about 12.5 percent below the 12-year average. Rice, same situation, even worse—about 27 percent below the 12-year average, $2.02 per hundredweight below the 12-year average of $7.52 per hundred weight. Corn, 47 cents below the 12-year average; 21 percent below the average price. It is the same thing for soybeans, 26 percent below the average price.

In regard to these problems in farm country, I believe we will continue to stand and face the same problems, regardless of what farm bill we put in place, if we do not get cracking on selling our product and having a consistent, regular, predictable, and aggressive export program.

The real emergency bill, as far as I am concerned, other than this one, is passing a clean bill to grant the President trade promotion authority—the acronym for that is the TPA—and obtaining real sanctions reform.

The distinguished ranking member of the committee, Senator LUGAR, has had a comprehensive sanctions reform bill proposed for as long as I have had the privilege of being in the Senate. I do not argue that trade will solve all of our problems. It will certainly help.

In 1996—this is one of the reasons we are here—ag exports were over $60 billion, almost hit $61 billion. Last year, ag exports were only $51 billion. Just subtract the difference. It is not a one-for-one cost, but one can see $50 billion and $61 billion, not selling the product. That is roughly about the same amount we are sending out in subsidies the past two or three years. That seems to indicate we should press ahead in an emergency fashion in regards to our trade policies as well.

Since 1994, when the trade authority expired, there have been approximately 130 bilateral agreements negotiated around the world. We have been involved in two of them. We cannot sell

the product in regards to that. It is very difficult to compete in the world market when our negotiators cannot get other countries to sit down at the table.

I am a little disturbed and very concerned in regards to the lack of real blood pressure to move ahead on this legislation from the other side of the aisle. I am getting the word that trade authority for the President might not even be passed this session. It might put it off on the back burner. How on Earth can we be passing emergency farm legislation to provide assistance to hard-pressed farmers and ranchers when we have lost our exports and we cannot sell the product? We have to move here, it seems to me, on TPA.

As we have begun hearings on the next farm bill, I have also indicated my support for expanding conservation and rural development programs. This farm bill is going to have conservation and rural development in the center ring with the commodity title. I stand by that support.

I want to credit the chairman of the committee, the distinguished Senator from Iowa, who has shown great leadership in focusing on conservation. The increases in funding and the program changes should be done in the context of the farm bill where we can a have full and open debate. Senator CRAPO has a bill that I have cosponsored and others have bills. In this bill we have not had a full and open debate on the conservation programs in this bill. There are numerous provisions in this legislation that either create or extend or modify USDA programs, many of which have nothing to do with the financial difficulties in rural America.

This is going to create a problem, not only in the Senate but also in regards to the House-Senate conference. The best I can tell, the way this legislation is drafted, it is going to require a conference with at least three separate House committees, the chairmen of which are not exactly conducive to emergency farm legislation. That is not the way to create swift and easy passage of what many consider must-pass legislation.

We are going beyond the scope of this legislation by including provisions that should be debated and considered openly in the farm bill debate. I think we are making decisions that are taking away from the 2002 budget for 2001 and reducing either a 2002 emergency package or the next farm bill money by $2 billion.

My last point is this: I am concerned about the tone of some of my colleagues in terms of their debate, especially on the other side of the aisle, who argue that we on this side of the aisle were responsible for holding up this bill and putting agricultural assistance for our farmers and ranchers in jeopardy.

We have already told every farm lender, every farmer and rancher in America, that a double AMTA payment was coming. Why? Because of the loss in price and income I have just gone over with all of the program crops and other crops as well. Every banker knows that. Every producer knows that. We have to do it now because the Congressional Budget Office, in a letter today, tells us we will lose the money if we do not.

In May, the Senator from North Dakota, Mr. CONRAD, in his position as the then-ranking member of the Budget committee, wrote to then-chairman LUGAR of the committee, asking that the committee move on an agricultural assistance package or risk losing the funds.

Soon after that letter was received, we had a little fault line shift of power in this body. The fault began to take place in late May. It was completed on June 5, when the distinguished Senator from Iowa took over as chairman of the Agriculture Committee.

Let me repeat that. My colleagues on the other side of the aisle took over June 5. The legislation was not brought before the Agriculture Committee until last week, July 25, 7 weeks after taking over the reins of control, 9 calendar days from our scheduled August adjournment. This delay occurred when everybody knew full well we were going to have contentious issues, the Dairy Compact, everything, and it could lead to a prolonged and substantial debate.

I see my time has expired. I ask for 2 more minutes.

Mr. LUGAR. I yield the Senator 2 more minutes.

Mr. ROBERTS. I thank the distinguished Senator.

We know anytime an ag bill is brought to this distinguished body, we are getting into all sorts of controversies and so consequently, knowing this, they went ahead and presented a bill $2 billion higher than the House version.

It is $2 billion higher. We have all these other programs we should consider in a farm bill. They are good programs. I support the programs. It is substantially different in substance from the House bill that is going to require a conference with up to three House committees.

Speaking of the House, I want to point out the House Agriculture Committee passed its version of this assistance package June 20. It passed on a voice vote in the House—get it out, get the assistance out to farmers. It did not even have a vote. They passed it by a voice vote, June 26, a full month before we even held committee markup in the Senate.

I might also point out it was the ranking member of the House, the distinguished Congressman from Texas, CHARLIE STENHOLM, who led the charge to keep the package at $5.5 billion.

Let me go through that time line again: The Senator from Iowa took the reins of the Committee on June 5, the House Agriculture Committee passed the bill on June 20, and the full House passed the bill by voice vote on June 26. Yet, we did not even act in the Senate Agriculture Committee until July 25. I must ask why we waited, when we knew it was must pass legislation?

We can pass a $7.5 billion. We can go ahead and do that. It will be $2 million over what we allowed in the budget. We are robbing Peter to pay Paul. Again, we could come up with different names. We can take a look at the possibility of a Presidential veto. That is a dangerous trail to be on. I do not want to go down that trail. We have an opportunity now to vote for Senator LUGAR's amendment and keep this within budget, keep this within guidelines, and get the assistance to farmers.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield 6 minutes to the Senator from North Dakota, Mr. DORGAN.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, I will not spend much time now, but I find it incongruous that my colleague from Kansas talks about delay. When we tried to bring this bill to the Senate, we had to file a cloture motion to proceed to debate the bill. I repeat, we could not even proceed without filing a cloture motion—so much for delay. That really is pretty irrelevant to farmers out there who are today doing chores, hauling bales and plowing ground while worrying whether they will be able to continue to operate their family farm.

The question is: Is somebody going to step in and give them the right help and say they matter, and that we want them as part of our future? That is the question.

The phrase was used, if we pass this legislation and deny the amendment by Senator LUGAR, we will be borrowing from the future. I tell my colleagues how to quickly borrow from the future for this country, and that is to sit by and watch farm bankruptcies and farm foreclosures. Family farms being lost is borrowing from America's future as well.

We stand in suits and ties—we dress pretty well here—talking about the agricultural economy in some antiseptic way. None of us has had a drop in our income to 1930s levels in real dollars—none of us. Has anybody here had a huge drop in income back to 1930 levels in real dollars? I do not think so. But, family farmers have suffered a collapse of this magnitude to their income.

We have had people say things are better today on the family farm; prices are up; Gee, things are really going along pretty well and looking up. If you take 15- or 25-year lows and say prices have improved slightly, you could make the case they have improved slightly, but you still have dramatically lower income than you have had for many years. Another thing that must also be considered is this year's dramatically higher input costs, such as fertilizer and fuel prices.

The only people who, in my judgment, can say things are much better

are the people who are not getting up in the morning to do chores or trying to figure out how to make a tractor work to make a family farm operate on a daily basis.

The question is not so much what does Washington think; the question is what do family farmers know. I will tell you what they know. They know they are hanging on by their financial fingertips struggling to see if their family can stay on the farm when they are receiving 1930s prices and paying inflated prices for every one of their inputs when putting in a crop.

The amendment before us is to cut this funding for family farmers by $1.9 billion. It is an honest amendment. You have a right to propose a cut, and you have a right to say farmers do not deserve this much help. It is not accurate to say if this amendment is adopted that farmers will receive a double AMTA payment. The fact is, they will not. This amendment will reduce the amount of help available to family farmers.

It is interesting to me that we have had four successive years of emergency legislation to respond to the deficiencies of the current farm program. I can remember the debate on the farm program—a program I voted against. This was nirvana. Boy, was this going to solve all our problems. We now know it solved none of our problems.

Year after year we have had to pass an emergency bill. Why? To fill in the hole of that farm program that did not work. We need to get a better farm program. We are about the business of doing that. In the meantime, we need to save family farmers and help them get across those price valleys. Everything in this country is changing. Go to a bank and in most places that bank is owned nationally with little branches around the country.

Do you want to get something to eat? In most cases, you are going to get something to eat at a food joint that has ''mom and pop'' taken down and it has a food chain logo on top.

Do you want to go to a hardware store? Local hardware stores are not around much anymore. Now it is a big chain.

The last American heroes, in my judgment, are the folks on the farm still trying to make a living against all the odds. Sometimes they are milking cows, sometimes hauling bales, always doing chores. They also put in a crop while praying it does not hail, that they do not get insects, that it does not rain too much, that it rains enough. And if these family farmers are lucky enough to get a crop, they put it in a truck and drive it to an elevator, they find out that the price it is worth is really only in 1930 dollars. They find out the food they produce has no value. The farmer who risks everything for himself and his family is told: Your food has no value. In a world where people go to bed with an ache in their belly because it hurts to be hungry, our farmers are told their food has no value.

There is something disconnected in public policy. The question is, are family farmers like the little old diner that is left behind when the interstate comes through? It is a romantic notion to talk about them, but that is yesterday's dream. Is that what family farms are? Some think that. Some think our future is mechanized corporate agriculture from California to Maine.

I think the family unit and family agriculture which plants the seeds for family values that nourish and refresh our small town and big cities—the rolling of those valleys from small towns to big cities—has always represented the refreshment of character and value in this country. Family farms are important to our future.

This amendment is asking that we cut back by $1.9 billion the amount of emergency help that family farmers need just to keep their heads above water until we can get them across this price valley. We need a bridge across these valleys for family farmers. We need a better farm program to provide that bridge. In the meantime, we need this legislation and we need to defeat this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK. Mr. President, I ask that I be yielded 6 minutes from the ranking member's time.

Mr. LUGAR. Will the Senator accept 5 minutes? We are almost at our limit.

The PRESIDING OFFICER. The Senator has 4 minutes 45 seconds remaining.

Mr. BROWNBACK. I will even accept 4 minutes 45 seconds at this point.

Mr. LUGAR. Very well. I yield that time.

Mr. BROWNBACK. Mr. President, I wish to respond to some of the comments made today and strongly urge my colleagues to support the effort put forth by Senator LUGAR to get this assistance now to the family farmers in my State and across this country.

The Senator from North Dakota just spoke about the need to get this help to the family farmers and the people who start the tractors and move the bales. That is my family. That is what they do. That is what my dad and brother do. My other brother is a veterinarian. We are intricately involved in agriculture and have been for generations.

This help is needed, but I can tell you one thing as well: a rain today is much more useful than a rain in November. We need it during the growing season. We can use the money today and not in the next fiscal year.

What we are really flirting with is the very real possibility that the Senate could say: OK, $5.5 billion is not sufficient. We want more. I would like to have more for my farmers, but at the end of the day, we put in a higher number than the House and we cannot get to conference in time and the President, on top of that, has said he will veto the bill if it is over $5.5 billion.

At the end of the day, instead of getting $5.5 billion or $7.4 billion, we get zero out of it, and that would be very harmful to the farmers across this country—the wheat farmers and the grain crop farmers across Kansas. It would be very harmful to my family who is looking at a situation where prices have been low and production high and where we have not opened up foreign markets.

I was in Wilson, KS, at the Czech festival talking with farmers there. Overall, they appreciate the freedom and flexibility in this farm program but would like us to open up some of these markets. They say we have not done that in sufficient quantity yet.

They say as well they need support from the farm program and they need it now. They do not need it taking place 6 months from now. If you are looking at saying we have $5.5 billion or zero, they will say the $5.5 billion, that is what we need to do.

It looks to me as if we are staring at a very dangerous gamble saying: OK, we think we can bounce this number up another nearly $2 billion, and we are looking at less than a week to do this. In that period of time, it has to clear the Senate, get to the House, and the President has to say: Yes, you are right, I have changed my mind; it is not $5.5 billion; I will jump that number up some.

I do not think that is a safe gamble at all, and it is not a gamble we should make the farmers of the United States and the farmers across Kansas take when we are looking at this particular type of difficult financial situation in which the farmers find themselves.

It is responsible for us to support Senator LUGAR and what he is putting forward to get the $5.5 billion that has been promised. It is a responsible thing for us to do, even though we would like to put more into the farm program. This we can do; this we should do. I believe this is something we must do, and we must do it now.

I urge my colleagues to vote for the Lugar amendment. This is the type of assistance we can and should get out the door. Let's do this now and not gamble on something that might be higher in the future.

Mr. President, I reserve the remainder of the time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Parliamentary inquiry: How much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Indiana has 1 minute 10 seconds, and the Senator from Iowa has 10 minutes 45 seconds.

Mr. HARKIN. Mr. President, I yield 2 minutes off my time to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished chairman for his thoughtfulness.

I hope Senators will support my amendment and vote no against the tabling motion. I ask them to do this because I believe it is the only way in which farmers are going to receive any money.

I will go over the situation again. If we adopt the House language, we do not have a conference, and that is very important, because in a conference with the House, other items could arise that are of concern to Senators. As it is, we know the parameters of the bill as we see them. Adoption by the Senate of the House language means we have no conference, the President signs the bill, and the money goes to the farmers.

We have received from the CBO assurance that this bill must be successfully conferenced and passed by the Senate and the House before we recess, and the President must sign it in the month of August or there will be no checks. None. Senators need to know that.

The fact is, we have a difference of opinion. But the specialty crops are cared for by the House bill. The AMTA payments are cared for—not in the quantity that persons in either of these categories wish to achieve but this is emergency spending. It is our one opportunity to do it.

I am hopeful, in a bipartisan way, we will reject tabling; we will pass the amendment; we will go to the President, united with the House; and we will get the money to the farmers. This is very important, as opposed to having a partisan issue, as opposed to discussing how sad it was that somehow we miscalculated, how sad it was, indeed, for the farmers that we were attempting to help.

Finally, I believe we are doing something responsible. I believe we are filling in the gap for income, and our estimates are that farmers will have less this year, and we are going to make certain they have more; that country bankers are paid and they can count on it; and that farmers will plant again and they can count upon it. Any farmer listening to this debate wants us to pass the bill today and to move on with the House and the President. They do not want haggling over who is responsible, which party really cares more, which crop should have had something more, or an opportunity for mischief to occur in the conference, in which finally the whole issue revolves on something other than what we have been talking about today.

I plead with my colleagues, in a bipartisan way, to reject tabling and to support the Lugar amendment.

Mr. HARKIN. How much time do I have?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. HARKIN. Mr. President, it is not easy to say the amendment offered by my good friend from Indiana should be defeated because he is my good friend and I know he is doing this in good faith. We have talked about this and I know he feels deeply this is the way we should go. Quite frankly, as we all are friends on the Senate floor, we differ sometimes on how we ought to proceed and what is needed to meet the needs of our constituents. I respectfully dissent from that position that my friend from Indiana has taken.

I believe the $5.5 billion passed by the House is inadequate. I am not just saying that. Read the letters I have had printed today from the American Farm Bureau, the National Wheat Growers, the National Corn Growers, the National Soybean Association, and on and on and on. Every one of them is saying it is inadequate; that we have to provide the same payments to our farmers this year as we did last year.

I have heard talk that the markets have improved. That is not true. The livestock sector has gone up a little bit; that is, the livestock sector but not the crop sector. We hear the aggregate income has gone up.

Mr. President, say we are in a room of 10 people and we are talking about prescription drug benefits for the elderly. We have 10 people in the room and you put Bill Gates in the room. All of a sudden you say the aggregate income in the room is $1 billion per person so why do you need benefits under Social Security? That is what they are saying.

Yes, aggregate income has gone up because of the livestock sector, but that has not happened with the crop sector. Because of the increase in the price of fuel and fertilizers, farmers today are in worse shape than they were last year.

The House bill provides 85 percent of the support level we provided last year and the year before. The bill the committee reported out—and it was not a straight party line vote either —the bill we reported out provides for 100 percent of what they got last year and the year before. As I said, all of the groups we have received letters from support this position.

I ask that by unanimous consent a letter from the National Cotton Council of America be printed in the RECORD, along with a position paper from the National Barley Growers Association, and a letter dated today from the Oil Seed Federation, the American Soybean Association, the National Sunflower Association, and the U.S. Canola Association.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JULY 31, 2001.

Hon. TOM HARKIN,
Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The undersigned oilseed producer organizations strongly support the Committee's efforts to complete consideration of legislation to provide Economic Loss Assistance to producers of 2001 crops prior to the August Congressional work period. As you know, funds available for this purpose in FY–2001 must be expended before the end of the Fiscal Year on September 30, 2001. This deadline requires that Congress complete action this week, so that the Farm Service Agency can process payments after enactment.

As part of the Economic Loss Assistance package, we support continuing the level of support for oilseeds provided in last year's plan of $500 million. Prices for oilseeds are at or below levels experienced for the 2000 crop. Farmers and their lenders expect Congress to maintain oilseed payments at last year's levels.

For this reason, we support making funds available for oilseed payments from the $7.35 billion provided in the Budget Resolution for FY–2002. This is the same approach used for 2000 crop oilseeds, when $500 million in FY–2001 funds were made available. We only ask that oilseed producers receive the same support, and in the same manner, provided last year.

Thank you very much for your efforts to provide fair and equitable treatment for oilseed producers in this time of severe economic hardship.

Sincerely yours,

BART RUTH,
President, American Soybean Assn.
LLOYD KLEIN,
President, National Sunflower Assn.
STEVE DAHL,
President, U.S. Canola Assn.

NATIONAL BARLEY GROWERS ASSOCIATION (NBGA)—POSITION STATEMENT

INCOME AND MARKET LOSS ASSISTANCE FOR THE 2001 CROP

The Fiscal Year (FY) 2002 budget resolution provides $5.5 billion in additional agricultural assistance for crop year 2001 and an increase of $73.5 billion in the agriculture budget baseline through 2011. The budget resolution also provided flexibility in the use of a total of $79 billion. Because agricultural prices are not improving and production costs continue to escalate, NBGA believes it will be difficult to fully address the chronically ailing agriculture economy if Congress provides no more than $5.5 billion in assistance.

Although projections show a rise in farm income, this is largely due to the fact that analysis project livestock cash receipts to rise from $98.8 billion in 2000 to $106.6 billion in 2001. At the same time, cash receipts from crop sales are up less than $1 billion.

Further, producers continue to face historic low prices and income as well as increased input costs. In 2000, farm expenditures for fuel and oil, electricity, fertilizer and crop protection chemicals are estimated to increase farmers' cost $2.9 billion. This year, USDA estimates those expenses will rise an additional $2 billion to $3 billion while farm income continues to decrease. These issues affect every sector of agriculture.

We urge Congress to mandate that the Secretary of Agriculture make emergency economic assistance for the 2001 crops in the form of a market loss assistance payment at the 1999 Production Flexibility Contract (PFC, or AMTA) payment rate as soon as practicable prior to the end of FY01.

We believe this additional assistance will help addresses the serious economic conditions in the farm sector and does not jeopardize the House and Senate Agriculture Committees' ability to develop effective new long-term farm policy in the near future.

NATIONAL COTTON COUNCIL OF AMERICA,
Washington, DC, June 18, 2001.

Hon. LARRY COMBEST,
Chairman, House Agriculture Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your efforts on the behalf of US agriculture. It is

clear your leadership has raised the level of awareness of the stark economic reality facing US agricultural producers both in the US Congress and the Administration. As the House Agriculture Committee addresses the various needs of the US agricultural sector in its markup for emergency assistance, the National Cotton Council supports the allocation of at least $5.5 billion for market loss assistance payments. This amount is sufficient to provide economic assistance in the form of a market loss assistance payment at the 1999 AMTA payment rate and is the minimum necessary for an effective response to the continued economic crisis that pervades the entire cotton industry. Even this amount will result in less total assistance than was provided to producers in 2000.

U.S. cotton producers have seen prices paid for all inputs rise by 10% since 1999, as measured by USDA. Prices in U.S. agricultural commodity futures markets are trading 55% to 65% of the values present in 1995. For cotton, the December contract on the New York Board of Trade (NYBOT) averaged 63 cents per pound from mid May to mid June in 2000. For the last 30 days the December 2001 contract on NYBOT has averaged just 47 cents. The squeeze on cotton producers is incredibly intense.

The National Cotton Council testified in February seeking total support for producers in 2001 to be no less than that provided in crop year 2000. In the specific case of cotton, the combined 2000 crop year AMTA and market loss assistance was 15.21 cents. A market loss assistance payment of 7.88 cents in 2001 is a solid move to toward last year's level of combined support. This assumes the entire $5.5 billion allocated for 2001 in this year's budget resolution is dedicated to market loss assistance. Any reduction below $5.5 billion for market loss assistance further harms the US agriculture production sector.

The National Cotton Council seeks additional funding for other critical issues facing our industry, including (1) cottonseed assistance; (2) elimination of the 1.25 cent Step 2 threshold; and (3) use of a modified base for the calculation of market loss assistance payments. Low cottonseed prices plague the industry for the third year in a row and cut substantially into producer income. For the past 2 crop years Congress has recognized the impact of low cottonseed prices on producers and ginners and provided cottonseed assistance payments. Offers for 2001 new crop cottonseed are as low as those faced in the most recent 2 years.

The National Cotton Council seeks elimination of the 1.25 cent threshold in the Step 2 competitiveness provision. The U.S. textile industry is reeling from the impact of textile and apparel imports associated with a strong dollar. U.S. mills used 11.4 million 480-lb. bales of US in cotton in 1997, but current use rates are under 8.5 million. U.S. exports of raw cotton are also hampered by the strength of the dollar. Improved competitiveness in the face of external forces is critical to the economic health of the U.S. cotton industry.

The National Cotton Council also seeks relief for producers whose recent planting history differs substantially from the acres enrolled in the production flexibility contracts (PFC). The use of the PFC base for delivery of supplemental market loss assistance speeds payments to producers, but may not adequately address losses associated with actual production. The NCC proposal will not slow delivery of market loss assistance payments, but provides producers with an option to apply for additional assistance based on a modified base calculation. This enables the committee to more closely align production with supplemental assistance without slowing the delivery of this critical aid.

We understand there are many legitimate requests for assistance given the continued economic stress throughout agriculture. We urge you to develop a balanced package and to include these initiatives if sufficient funds become available now or at a future date and the ability of the Committee to write effective long term farm policy, consistent with the Council's and other groups' testimony, is not jeopardized.

Sincerely,

JAMES E. ECHOLS,
Chairman.

Mr. HARKIN. All we are saying is that we have a tough situation in agriculture. There is no reason why we shouldn't provide 100 percent of payments. That is what we did in our bill.

I point out the House bill initially started out at $6.5 billion. An amendment was offered to put it at $5.5 billion, and it passed by one vote. Two of those who voted sent me letters, which I have included in the RECORD, saying they want a more comprehensive bill, one that includes the Senate's provisions.

I say the responsible thing to do is to meet the needs of our constituents, our farmers, and our farm families around the country.

We also made the bill broader. In other words, we didn't just look at the program crops. We looked at a lot of other crops: the crops in the Northwest, the peas and lentils and chick peas, we looked at apples and what is happening to our specialty crops there. There are a lot of other farmers in the country who are hurting and who need assistance. We included them, also. I don't see why we should leave them out.

We made 100 percent of payments but we reached out. We also put in some strong conservation measures. The Lugar amendment leaves out all of the conservation provisions we put in the bill. The people that need that conservation are all over this country, anywhere from Georgia, to Washington State and California, to New York and Maine.

These conservation moneys do two things: They help our farm income, and they help our farmers. But they also help all in society by cleaning up our water and cleaning up our air and soil runoff. The conservation funding would lie dormant for the Wetland Reserve Program, the Farmland Protection Program and the Wildlife Habitat Improvement Program.

I think we are doing the responsible thing. I believe if we were to pass the committee-passed bill—and I believe the votes are here—and go to conference with the House, we can be back from conference with the House, I would hope, no later than tomorrow night, perhaps by Thursday. We would have a good conference report, one that could be broadly supported. I believe the President would do well to sign that bill.

Again, we will probably have to make compromises in conference. I understand that. I point out to all who will be voting, there is three times the amount of help to specialty crop producers in our underlying bill as in the Lugar amendment. To my friends on both sides of the aisle, I say we included moneys for crops all over this country. We didn't just single out one or two.

I am hopeful we can table the amendment offered, I know in good faith, by my friend from Indiana. But we have to meet our needs. We have to meet the needs of our constituents.

I make one final point: The committee bill is in full compliance with the budget resolution. We did exactly what the Budget Committee allowed us to do: $5.5 billion is spent before September 30; the other moneys in the next fiscal year. That is exactly what the budget resolution allows.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). It is now 3 o'clock. Under the previous order, the Chair recognizes the Senator from Nevada.

Mr. REID. Mr. President, I move to table the Lugar amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—52

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Feingold	Miller
Biden	Feinstein	Murray
Bingaman	Graham	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Breaux	Hollings	Reed
Byrd	Hutchinson	Reid
Cantwell	Inouye	Rockefeller
Carnahan	Jeffords	Sarbanes
Carper	Johnson	Schumer
Cleland	Kennedy	Snowe
Clinton	Kerry	Stabenow
Conrad	Kohl	Torricelli
Corzine	Landrieu	Wellstone
Daschle	Leahy	Wyden
Dayton	Levin	
Dodd	Lieberman	

NAYS—48

Allard	Ensign	McConnell
Allen	Enzi	Murkowski
Bennett	Fitzgerald	Nickles
Bond	Frist	Roberts
Brownback	Gramm	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hagel	Smith (NH)
Chafee	Hatch	Smith (OR)
Cochran	Helms	Specter
Collins	Hutchison	Stevens
Craig	Inhofe	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Edwards	McCain	Warner

The motion was agreed to.

Mr. DASCHLE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, could I have the attention of our colleagues.

EXECUTIVE SESSION

NOMINATION OF JAMES W. ZIGLAR, OF MISSISSIPPI, TO BE COMMISSIONER OF IMMIGRATION AND NATURALIZATION

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 286, the nomination of James Ziglar to be Commissioner of Immigration and Naturalization; that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, and I shall not, may I be recognized for 2 minutes as soon as the Senate has completed this action?

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

Without objection, the foregoing request is agreed to.

The clerk will report the nomination.

The legislative clerk read the nomination of James W. Ziglar, of Mississippi, to be Commissioner of Immigration and Naturalization.

The nomination was considered and confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I thank my colleagues.

We have all come to know and, I would say, have a great deal of affection for Jim Ziglar. He has been an extraordinary Sergeant at Arms. This afternoon there is a reception. I hope our colleagues will wish Mr. Ziglar well.

I have come to admire his work and have said already on the floor how much I appreciate his commitment to the Senate, to this institution, to public service.

In an effort to accelerate his nomination and confirmation, we wanted to have the opportunity to take this matter up prior to the time his reception is held this afternoon.

I think on behalf of the entire Senate, we wish Jim Ziglar well in his new role and new responsibilities. I can think of no one who could serve more ably. I am grateful to my colleagues for the consideration and ultimately for the adoption of this confirmation.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for moving this nomination. I have been very proud of the job that Jim Ziglar from Pascagoula, MS, has done as the Senate Sergeant at Arms.

When he came, I asked him to make sure the office was run efficiently and fairly, certainly in a bipartisan way, a nonpartisan way. He certainly did that. Sometimes I think maybe he got a little carried away doing that. But he did a great job. I know he has friends on both sides of the aisle. When he came to me to talk about the possibility of becoming Commissioner of the Immigration and Naturalization Service, I questioned him about his desire to do that, but he assured me he was prepared for that challenge and that he wished to do so.

I am glad he has been confirmed. I hope my colleagues will join him at the reception this afternoon. Certainly we all wish him well in this very important job that is going to take a lot of administrative ability and a lot of willingness to make changes to make sure that agency is run more efficiently.

I also hope this is a sign that this is the first of many nominations that will follow very shortly that will move as quickly and easily as this one, that this is the opening in the floodgates.

I thank Senator DASCHLE for bringing up the nomination.

Mr. COCHRAN. Mr. President, I'm pleased the Senate has confirmed the nomination of Jim Zigler to the Commissioner of the Immigration and Naturalization Service. He is well suited for this job, and I am sure he will discharge the responsibilities he is undertaking with a high level of competence and dedication.

Jim once served on the staff of Senator James O. Eastland of Mississippi whom I succeeded when he retired from the Senate in 1978. One of Senator Eastland's interests and responsibilities when he was Chairman of the Judiciary Committee was the work of INS. I can recall his very close supervision of the work of his agency when I was a Member of the House.

I know Jim Eastland would be very proud indeed that his former protege, Jim Zigler, has been confirmed today as Commissioner. I'm proud of Jim, too, and wish for him much success and satisfaction in this important new job.

Mr. HATCH. Mr. President, I am pleased that we have the opportunity to consider today the confirmation of the Honorable James Ziglar for Commissioner of the Immigration and Naturalization Service. While there is little doubt that Mr. Ziglar faces tremendous challenges as commissioner of the INS, I also believe that there is little doubt that Mr. Ziglar has the ability to take on those challenges. I therefore join my colleagues in support of his confirmation and look forward to great things from Mr. Ziglar and the Immigration and Naturalization Service in the future.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am glad this has gone through as quickly as it has. After hearing the minority leader's comments, he is obviously not aware of how fast the Judiciary Committee is moving.

By the end of this week I hope that a few more nominations will reach the Senate floor from the Judiciary Committee. If they do, I will request a roll call vote on them in order to demonstrate to all the Members how quickly we are moving nominations. The Ziglar nomination received a hearing before the Judiciary Committee within two weeks of the time that the other side of the aisle allowed the Senate to reorganize. We also held hearings for ASA HUTCHINSON, the President's choice to head the Drug Enforcement Administration, along with four judicial nominees and two additional Justice Department nominees. This pace was probably the fastest the Judiciary Committee has moved on nominations in the last six years.

In addition, we completed confirmation hearings on Robert Mueller's nomination for FBI director this morning. I am pleased that we were able to begin his hearing within days of receiving the papers from the White House. If he is not blocked by the other side, we will bring him up Thursday before the Judiciary Committee.

I am particularly pleased that we were able to move quickly to consider James Ziglar's nomination. I think he is extraordinarily qualified to head the Immigration and Naturalization Service, and I applaud President Bush for choosing him. Mr. Ziglar will work with both Republicans and Democrats. He will not seek partisan advantage but will rather act in the Nation's best interest, just as he has as Sergeant at Arms here.

It was a very good move when Senator LOTT first appointed him to this position. I am very impressed with him. I am pleased to be his friend, and I am happy to vote for his nomination.

He has a distinguished background as a lawyer, investment banker, and government official. As Sergeant at Arms, he worked behind the scenes to ensure that the business of the Senate went smoothly even in stressful times such as the impeachment trial of President Clinton. We here all owe him a debt of gratitude for his hard and effective work.

These next few years will be a pivotal time for the INS and for immigration policy in the United States. The Administration has expressed interest in reorganizing the INS and having the new Commissioner implement the reorganization plan. The Administration is also apparently considering proposing numerous changes in immigration law as part of bilateral discussions with Mexico. I trust that Mr. Ziglar will play a role in the Administration's consideration of these matters, and will encourage a fair approach to the problems faced by undocumented workers from both Mexico and the rest of the world.

In addition to the new proposals the Administration is considering, there is significant unfinished business in the immigration area. The new Commissioner will inherit a number of questionable immigration policies that Congress enacted five years ago in the

Illegal Immigration Reform and Immigrant Responsibility Act. There are also a number of unresolved issues from the last Congress that we must address in this one.

Mr. Ziglar promised at his confirmation hearing to be an advocate for the many fine men and women who work for the INS, and I was glad to hear him say that. I know that in my State there are many hardworking men and women who work for the Law Enforcement Support Center, the Vermont Service Center and Sub-Office, the Debt Management Center, the Eastern Regional Office, and the Swanton Border Patrol Sector. These are employees Mr. Ziglar can rely on in his attempt to improve the agency.

One of the bigger issues facing the next Commissioner will be restructuring the INS. I strongly support improving the agency and giving it the resources it needs. The tasks we ask the INS to do range from processing citizenship applications to protecting our borders, and I agree that there are some internal tensions in the INS' mission that might be resolved. I also believe, however, that we must ensure that the INS does not lose its strengths, which I think are well represented by the great efficiency of the INS offices in Vermont. I intend to play an active role in the development and consideration of any INS reorganization plan.

I am also heartened that Mr. Ziglar questioned our nation's use of expedited removal and detention at his confirmation hearing. Later this week I will join with Senator BROWNBACK and others to introduce the Refugee Protection Act, which would sharply limit the use of expedited removal and reduce the use of detention against asylum seekers. I think I can speak for Senator BROWNBACK in saying we look forward to working with Mr. Ziglar to move this legislation.

The use of expedited removal, the process under which aliens arriving in the United States can be returned immediately to their native lands at the say-so of a low-level INS officer, calls the United States' commitment to refugees into serious question. Since Congress adopted expedited removal in 1996, we have had a system where we are removing people who arrive here either without proper documentation or with facially valid documentation that an INS officer simply suspects is invalid. This policy ignores the fact that people fleeing despotic regimes are quite often unable to obtain travel documents before leaving—they must move quickly and cannot depend upon the government that is persecuting them to provide them with the proper paperwork for departure. In the limited time that expedited removal has been in operation, we already have received reliable reports that valid asylum seekers have been denied admission to our country without the opportunity to convince an immigration judge that they faced persecution in their native lands. To provide just one example, as Archbishop Theodore McCarrick described in an op-ed in the July 22 Washington Post, a Kosovar Albanian was summarily removed from the U.S. after the civil war in Kosovo had already made the front pages of America's newspapers. I believe we must address this issue in this Congress.

In addition to questioning expedited removal and detention, I hope that Mr. Ziglar will work with us to address some of the other serious due process concerns created by passage of the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act in 1996. Through those laws, Congress expanded the pool of people who could be deported, denied those people the chance for due process before deportation, and made these changes retroactive, so that legal permanent residents who had committed offenses so minor that they did not even serve jail time suddenly faced removal from the United States. The Supreme Court has recently limited some of the retroactive effects of those laws, in INS v. St. Cyr, but we must do more to bring these laws into line with our historic commitment to immigration. Many of us have attempted throughout the last five years to undo the legislation we passed in 1996—it remains a high priority and I hope we can find areas of agreement with Mr. Ziglar and the Administration.

Mr. Ziglar did not present himself at his confirmation hearing as an expert on immigration and immigration law—he said frankly that he has much to learn. He did offer his expertise in management and promised to work hard to solve some of the problems the INS has faced over recent years. We in Congress want to be partners in this effort, and I hope that the excellent working relationship we have had with Mr. Ziglar over the years will continue in his new capacity.

James Ziglar is the President's choice to be the Commissioner of the Immigration and Naturalization Service, and I am happy to vote for his nomination. He has a distinguished background as a lawyer, investment banker, and government official. Furthermore, he was a distinguished Sergeant at Arms of the Senate, serving the needs of every Senator in a time of great partisanship. He worked behind the scenes to ensure that the business of the Senate went smoothly even in stressful times such as the impeachment trial of President Clinton. We here all owe him a debt of gratitude for his hard and effective work.

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people fleeing despotic regimes are quite often unable to obtain travel documents before leaving—they must move quickly and cannot depend upon the government that is persecuting them to provide them with the proper paperwork for departure. In the limited time that expedited removal has been in operation, we already have received reliable reports that valid asylum seekers have been denied admission to our country without the opportunity to convince an immigration judge that they faced persecution in their native lands. To provide just one example, as Archbishop Theodore McCarrick described in an op-ed in the July 22 Washington Post, a Kosovar Albanian was summarily removed from the U.S. after the civil war in Kosovo had already made the front pages of America's newspapers. I believe we must address this issue in this Congress.

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The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I note that Jim Ziglar is on the floor. I want to be the first among all of our colleagues to congratulate him publicly.

(Applause, Senators rising.)

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001—Continued

Mr. HARKIN. Mr. President, we are still on the agriculture package. After having had this last vote, I think it is the wish of the Senate that we move ahead on this bill so we can go to conference.

Again, I remind Senators, as others have reminded them today, time is running short. We would like to finish this bill if at all possible today so that we can go to conference tomorrow, hopefully finish the conference tomorrow at some reasonable time, and come back with the conference report either late tomorrow or early on Thursday so we can finish the conference report and get it to the President before we leave at the end of the week.

It is going to be touch and go because the checks have to get out in September. We will not be here in August. We will be on recess in August.

We do have to complete our work on the bill and get it to the President. This Senator is convinced that if we get this bill done today, we could probably finish conference tomorrow. I don't anticipate a long conference with the House. We would have to work out some disagreements on spending levels. I believe that could be done fairly expeditiously.

If any Senators have further amendments they would like to add, I hope we can reach some agreement on time limits. I hope there is not going to be any effort to string out the bill or to delay it. We just can't afford to delay this bill. We have to get it done, and we have to get to conference. We have to get the conference report back and get it to the President.

I am not saying Senators should not offer amendments. I am just saying if they offer amendments, let's do so right now. Let's have some reasonable time agreements, and then let's finish the bill so we can get to conference tomorrow.

I hope we can move ahead expeditiously and finish this bill yet today.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 1191

Mr. SPECTER. Mr. President, I call up amendment No. 1191.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Ms. LANDRIEU, proposes an amendment numbered 1191.

Mr. SPECTER. Mr. President, I ask unanimous consent that 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 and Proposed.'')

Mr. SPECTER. Mr. President, I am proposing this amendment on behalf of Senators LANDRIEU, COLLINS, SCHUMER, SNOWE, LEAHY, ALLEN, BIDEN, BOND, BREAUX, CARNAHAN, CARPER, CHAFEE, CLELAND, CLINTON, COCHRAN, DODD, EDWARDS, FRIST, GREGG, HELMS, HOLLINGS, JEFFORDS, KENNEDY, KERRY, LIEBERMAN, LINCOLN, MIKULSKI, MILLER, REED, ROCKEFELLER, SARBANES, SESSIONS, SHELBY, SMITH of New Hampshire, THOMPSON, THURMOND, TORRICELLI, and WARNER.

As the distinguished manager, the Senator from Iowa asked for a time agreement—if I might have the attention of the Senator from Iowa.

Mr. HARKIN. I am sorry.

Mr. SPECTER. I am surprised that the Senator from Iowa was not listening. We have a close partnership on the Subcommittee on Labor, Health and Human Services, and Education.

Mr. HARKIN. I am always delighted to respond to the Senator from Pennsylvania.

Mr. SPECTER. I was saying I would be glad to agree to a time limit.

Mr. HARKIN. I would, too. I hope we can enter into a reasonable time limit. I have to consult with my ranking member, Senator LUGAR, to see what might be a good time agreement. Does the Senator have anything in mind he wants to propose?

Mr. SPECTER. I would be agreeable to 4 hours equally divided.

Mr. HARKIN. I am hopeful we do not have to go that long, I say to my friend. I am hopeful we could have a shorter debate than that. That is a pretty long period of time.

The PRESIDING OFFICER. The minority leader.

Mr. LOTT. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. LOTT. Will the Senator from Pennsylvania yield?

Mr. SPECTER. I do.

Mr. LOTT. I have a couple of observations. Before we lock in any time agreement, we want to make sure we check with the leadership on both sides for when the next vote will occur. If we agreed to 4 hours, we are talking about a vote occurring at 20 minutes to 8 tonight, and I am not sure Senator DASCHLE or I want to do that. We need to do some checking.

In terms of the time, I do not know what the advocates or the opponents of this amendment want. I do think this is a very important issue. We need to make sure everybody has been contacted and sufficient time is available to the proponents and opponents because this could be—well, this is one of the two issues that will determine

whether or not this legislation goes forward. The other one is the dollar amount.

We already have a problem with the fact that the Lugar amendment was not adopted, and that causes me a great deal of concern because I am worried now that this could lead to the necessity of having a conference and concern about when we get to conference and worried about the funds being available for the needs of agriculture in this country in August or in September.

We have a major problem on our hands, and now this dairy compact being offered on this bill significantly complicates it further. All I say to the Senator from Pennsylvania is that before he locks in the time we have a chance to check on both sides of the aisle with opponents and proponents—and they are on both sides of the aisle—for a reasonable amount of time and a time for a vote will be necessary.

Mr. DOMENICI. Will the Senator yield?

Mr. SPECTER. I do.

Mr. DOMENICI. Mr. President, I say to the distinguished Senator, the Senator from New Mexico objects to a time limit. I will be in the Chamber to object to a time limit an hour from now, 2 hours from now. I want the ag bill to pass, but I am not at all sure it is the right thing to put a dairy compact on at this late hour. This Senator needs to know a lot more about it. So my colleagues know, I do not agree with the one being discussed, and I will not agree to one when it is proposed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment is being offered in a very timely way. This is the first time on this bill that the amendment could be offered, so I do not think it is accurate to say it is being offered at a late hour. The issues involved with the dairy compact are well known. The matter has been debated extensively recently in the Senate Chamber. The Northeast Dairy Compact is due to expire on September 30. The pending legislation dealing with the farm issue makes it preeminently appropriate to offer this amendment.

The dairy compact, as envisioned in this bill, would reauthorize and extend the Northeast Interstate Dairy Compact which consists of Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and Massachusetts to include Pennsylvania, New York, Ohio, Delaware, New Jersey, and Maryland. It would authorize the Southern Dairy Compact for Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

It would authorize a specific Northwest Dairy Compact within 3 years for the States of California, Oregon, and Washington, and would authorize an Intermountain Dairy Compact within 3 years for the States of Colorado, Nevada, and Utah.

A dairy compact creates a regional commission of delegates from each of the participating States. Each State delegation would have three to five members, including at least one dairy producer and one consumer representative, all of whom would be appointed by the Governor of the State.

The commissioner would have the authority to regulate farm prices of class I fluid milk. It may establish price regulation by way of a formal rulemaking process. The commission would take formal testimony to assess the price necessary to yield a reasonable return to the dairy producer.

One of the principal concerns this Senator has is the wide fluctuation there has been in dairy pricing. The price has fluctuated from less than $10 a hundredweight to $17 a hundredweight. In my State of Pennsylvania, it is a constant source of concern really putting many small dairy farmers out of business.

The compact does not cost any money. There is no drain on the Treasury. It is friendly to the consumer and I think has a great deal to recommend it.

The commission takes into account the purchasing power of the public, and any fluid milk price change proposed by the commission is subject to a two-thirds approval vote by the participating State delegations. The compacts receive payments from processors purchasing class I milk and returns these funds to farmers based on their milk production.

It is very important to note that the compacts are self-financed and require no appropriation of tax revenues—State, local or Federal. Legal challenges to the current dairy compact have been decided in its favor. It is constitutional. The underpinning is article I, section 10. Twenty-five States, all of which are included in this legislation, have requested dairy compact authority from Congress, and there have been pre-compact activities in as many as 10 of the other States.

Compacts are needed because the current Federal milk marketing order pricing system does not fully account for regional differences in the cost of producing milk. The Federal order program relies on State regulation for an adjustment in fluid milk prices to account for regional differences. However, since milk now almost always crosses State lines to get to the markets, the courts have ruled that individual States do not have the authority to regulate milk prices under the interstate commerce clause.

Dairy compacts recognize the economic benefits that a viable dairy industry brings to a region, and dairy farms are an integral component to the region's economy. Dairy compacts ensure customers have a continuous adequate supply of quality milk at a stable price. This stability gives consumers money in the long run by protecting them from retailers that profit from volatile milk prices by fattening their profit margins when the price of milk rises and then keep their prices inflated long after wholesale prices have already fallen.

Dairy compacts' main benefit to consumers is ensuring a local supply of fresh milk and a stable price. Dairy compacts help maintain dairy farms which in turn preserve the environment and open space.

I realize there are substantial regional differences and there are people who have deep-seated opposition. I recently conducted a hearing for the Agriculture Subcommittee of the Appropriations Committee. I have served on that subcommittee during my 20-year-plus tenure in the Senate. I convened that hearing in Pennsylvania and conducted it because of the concerns I had heard from so many dairy farmers in Pennsylvania and, for that matter, in other States whereas, I say, the prices fluctuated from less than $10 per hundredweight to more than $17 per hundredweight, which hardly gives a dairy farmer any stability as to what is happening.

At the same time the milk prices are falling precipitously, I know as a consumer that I am paying more for a half gallon of milk at the convenience store.

The issue of milk pricing is a very complex issue which goes all the way back to New Deal legislation in the 1930s. When I was admitted to the bar, one of my first jobs as a beginning lawyer with Barnes, Dechert, Price, Myers and Rhoads was to help represent national dairy products, such as Sealtest, before the milk control commission of Pennsylvania. The issue was having a minimum price, an adequate price, to assure the farmer that the price would be adequate to have a sufficient supply of wholesome, clean, safe milk. Milk is one of the most basic commodities in our society. We have seen Agricorps proliferate in America so that the local family farmer is in real jeopardy.

One of the cases I recall studying in law school was a case of Nebbia v. New York which established the authority to establish minimum prices. The constitutional scholar from my law school, Walton Hale Hamilton, made it a practice just for a brief moment of levity by going back to the sites where major constitutional cases had arisen. The case of Nebbia v. New York arose because Leo Nebbia, who ran a store, had sold a quart of milk and a loaf of bread for the price of a quart of milk. Walton Hale Hamilton went to Leo Nebbia's store and walked to the dairy case and picked out a quart of milk. As he was about to pay for it, he then asked Mr. Nebbia if he would throw in a loaf of bread. Professor Hamilton was promptly thrown out of the store, as the story goes.

But this compact, I believe, is very important. It was a very contentious issue when it was authorized for the Northeast region. I was disappointed

personally that my State and other States were not included at that time, and the day of the dairy compact is going to come. I think today is a good day.

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I have spoken to the two managers of the bill. There is an amendment that is of interest to Senator ALLARD that he wants to offer. Senator MILLER wants to be here to vote against the amendment. It is my understanding we will do this with a voice vote. I ask unanimous consent the Specter amendment be set aside, Senator ALLARD be recognized for up to 10 minutes following his offering of the amendment, followed by a voice vote on the matter.

Mr. WELLSTONE. Reserving the right to object, I don't want to take much time, but I wanted to have about 5 minutes in response to Senator SPECTER.

The PRESIDING OFFICER. This is not on the Senator SPECTER.

Mr. REID. We are going to Senator ALLARD and then back to Senator SPECTER.

Mr. WELLSTONE. I ask, after the Allard amendment is disposed of, we come back to the Specter amendment.

Ms. LANDRIEU. Reserving the right to object, it is my understanding we will move off of this amendment——

Mr. REID. For 10 minutes.

Ms. LANDRIEU. That Senator SPECTER and I offered, and I ask unanimous consent to speak after Senator WELLSTONE when we get back on that amendment.

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

Mr. REID. Senator SPECTER has 5 minutes. How long do you wish to speak?

Ms. LANDRIEU. Twenty minutes.

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

AMENDMENT NO. 1188

Mr. ALLARD. Mr. President, I call up my amendment numbered 1188.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 1188.

Mr. ALLARD. 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 title VII, add the following:

SEC. 7____. INTERSTATE MOVEMENT OF ANIMALS FOR ANIMAL FIGHTING.

(a) REMOVAL OF LIMITATION.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended by striking subsection (d) and inserting the following:

''(d) ACTIVITIES NOT SUBJECT TO PROHIBITION.—This section does not apply to the selling, buying, transporting, or delivery of animals in interstate or foreign commerce for any purpose or purposes, so long as those purposes do not include that of an animal fighting venture.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date that is 30 days after the date of enactment of this Act.

Mr. ALLARD. The amendment I am offering is a bill I have been working on for over 3 years in the Senate. It is commonly known as the cockfighting bill.

The bill amends the Animal Welfare Act to remove a loophole that permits interstate movement of live birds for the purpose of fighting to States in which animal fighting is lawful.

Currently, the Animal Welfare Act makes it unlawful for any person to knowingly sponsor or exhibit an animal in any animal fighting venture to which the animal was moved in interstate or foreign commerce.

Therefore, if an animal crosses State lines and then fights in a State where cockfighting is illegal, that is a crime.

The law further states,

the activities prohibited by such subsections shall be unlawful with respect to fighting ventures involving live birds only if the fight is to take place in a State where it would be in violation of the laws thereof.

This means that the law applies to all animals involved in all types of fighting—except for birds being transported for cockfighting purposes to a State where cockfighting is still legal. Because of this crafty loophole, law enforcement officers have a more difficult time prosecuting under their State cockfighting bans.

As introduced, this legislation will close the loophole on cockfighting, and prohibit interstate movement of birds for the purpose of fighting from States where cockfighting is illegal to States where cockfighting is legal.

Illegal cockfighting is rampant in this Nation. All over the country, birds are affixed with razors and knives, pumped full of steroids, stimulants, and blood clotting agents, and made to fight to the death—all for sport and money.

Not only are most of the fights themselves illegal—gambling, money laundering, assaults, and even murders are not uncommon activities that accompany cockfights.

I simply do not see any place for any of this in American society.

Having said that, I want to make it clear I am a strong proponent of smaller government and of States rights. I do not believe you will find a stronger supporter of States rights in the Senate today than myself. While I do not personally approve of cock fighting, my bill clearly protects the rights of States to make or keep cockfighting legal if they so choose. I would not have introduced this bill if it did not. Three States currently allow cockfighting, and under my bill these three States would still be allowed to have cockfighting.

This bill is much more than a humane issue. It is a serious law enforcement issue. I know so because my bill has received the endorsement of 70 law enforcement agencies from all over the Nation. In States such as Texas, Arkansas, California, Oregon, Pennsylvania, Ohio, Iowa, Mississippi, Georgia, North Carolina, and many others, they recognize that this Federal loophole is undermining their ability to enforce their own State and county laws. Federal law is being thrown in the faces of citizens in 47 States and used as a shield for criminals to hide behind.

As a veterinarian and supporter of States rights, I believe it is time to bring parity to the laws governing animal fighting and give law enforcement greater leverage to enforce State laws. I appreciate Chairman HARKIN and Ranking Member LUGAR's assistance to my efforts.

Mr. BYRD. Mr. President, today, I thank the Senator from Colorado for proposing his amendment on the issue of cockfighting. He is a veterinarian and speaks with special credibility on the topic of the humane treatment of animals, given his academic training and professional experience in service to animals and their well-being. I understand that the distinguished Senator from Colorado has retained his veterinary credentials and license in Colorado, continuing to practice on occasion and giving periodic check-ups to some of the dogs who are the companions of U.S. Senators. I am also so pleased to note that one of our newest Senators, the distinguished junior Senator from Nevada, is a veterinarian. This may be the first time that two veterinarians have served in the Senate.

About 2 weeks ago, I took to the floor of the Senate and spoke about disturbing trends in our culture with respect to the inhumane treatment of animals. I decried wanton, barbaric acts of animal cruelty, spending some time recounting the awful circumstances of the small dog, a Bichon frise named Leo, who was yanked from a car after a minor traffic accident and thrown into oncoming highway traffic, in an act of terror directed at both the dog and his horrified and traumatized owner. The innocent creature met a brutal and painful death as a consequence of this hate-filled act. In this case, I am happy to report that some measure of justice prevailed in the end. The man who perpetrated this appalling and indefensible act of animal cruelty was apprehended, tried before a California court, convicted of animal cruelty, and sentenced to the maximum penalty allowed under California's anti-cruelty code—3 years in prison. It is interesting to note that this same man was convicted earlier this week of stealing a vehicle—indicating once again to me that there is a link between acts of animal cruelty and other types of criminal conduct.

Two weeks ago, I also spoke about the transformation in American agriculture. In all too many cases, we have moved away from small farms, where animals are treated with dignity and respect, to large corporate farms where animals are treated as nothing more than unfeeling commodities. Pregnant pigs confined in two-foot-wide gestation crates for years at a time; egg-laying hens crammed into battery cages and also deliberately starved in order to induce a molt so that they will produce bigger eggs; young male calves jammed into two-foot-wide crates to produce veal, which is tender because the animals are so completely immobilized in the crate that they cannot move and, as a consequence, their muscles don't develop. I also spoke of the abuse of cattle and pigs in slaughter lines, in which animals are disassembled before they are killed.

I don't think that there is a person among us who can countenance these acts of cruelty—whether they are random acts of violence against animals or institutionalized agriculture practices.

It is one thing to determine as a culture that it is acceptable to raise and rear and then eat animals. It is another thing to cause them to lead a miserable life of torment, and then to slaughter them in a crude and callous manner. As a civilized society, we owe it to animals to treat them with compassion and humaneness. Animals suffer and they feel. Because we are moral agents, and compassionate people, we must do better.

In our society, there are surely some activities or circumstances which cause us to weigh or balance human and animal interests. In terms of food production, most people choose to eat meat but insist that the animals are humanely treated. That is a choice we make in our culture, and it is grounded on the notion that we must eat in order to survive.

Breeding animals just for the pleasure of watching them kill one another cannot be justified in a society that accepts the principle that animal cruelty is wrong. It brings to mind the days of the Colosseum, where the Romans fought people against animals or animal against animal in gladiatorial spectacles, and the people in attendance reveled in the orgy of bloodletting. Yet, even then, in an age known for its callous disregard for animals, there were pangs of remorse and even revulsion. The great orator Cicero, after a day at the Colosseum during which gladiators spilled the blood and eventually killed more than a dozen elephants, recalled that the crowd was moved to tears by the sheer cruelty exhibited.

In the same way, our country is turning against spectacles involving the injuring and killing of animals for the amusement of spectators. Placing dogs in a pit, instigating them, and watching them fight to injury or death for our amusement is wrong. If dogfighting is wrong, then surely cockfighting is wrong, too.

These hapless birds are bred to be aggressive, pumped full of stimulants, equipped with razor-sharp knives or ice-pick-like spurs on their legs, and placed in an enclosed pit, which bars their retreat or escape. They fight to the death, hacking one another to death—with punctured lungs, gouged eyes, and pierced eyes the inevitable consequence of the combat.

Mr. President, today, I speak in support of the amendment from the Senator from Colorado, a veterinarian and a humane-minded person.

Pitting animals against one another and causing them to fight just so that we can witness the bloodletting presents a clear moral choice for us. There can be no confusion on this issue. As decent people, we must act to stop it.

The law must bar this activity, and impose penalties upon those who would flout this humane standard. I thank the Senator from Colorado and offer my support of his amendment. I yield the floor.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to amendment No. 1188.

The amendment (No. 1188) was agreed to.

Mr. REID. 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. REID. Will the RECORD reflect in that voice vote the Senator from Georgia, Mr. MILLER, voted no?

The PRESIDING OFFICER. Without objection, it is duly noted.

The Senator from Colorado.

Mr. ALLARD. Mr. President, with the passage of this amendment I thank the Members of the Senate. We have strong sponsorship on the bill as it goes to conference committee. I hope the conferees, when they deliberate this bill in conference committee, will keep in mind the strong support we have had in the Senate.

I yield the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

AMENDMENT NO. 1191

Mr. WELLSTONE. Mr. President, I ask the Chair whether there are any time constraints at all.

The PRESIDING OFFICER. It is the understanding of the Chair that the Senator would be allocated 5 minutes at this time.

Mr. WELLSTONE. Mr. President, I do not remember asking for only 5 minutes. I do not intend to speak for very long but if that is the agreement at the moment—5 minutes?

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. Before I proceed further, I ask whether or not each Senator who is speaking this afternoon is limited to 5 minutes. Is that it?

The PRESIDING OFFICER. The only sequence at this point was the Senator from Minnesota had 5 minutes and the Senator from Louisiana asked for 20 minutes.

Mr. WELLSTONE. Mr. President, I do not remember asking for only 5 minutes. Could somebody check on exactly where this came from?

Let me ask unanimous consent I be allowed to speak for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. TORRICELLI. Reserving the right to object, could I add, when the Senator from Minnesota has finished, following the remarks of the Senator from Louisiana, Ms. LANDRIEU, I be recognized to speak for 5 minutes?

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

Mr. WELLSTONE. Mr. President, I do not know if I will need to take 15 minutes. There will be plenty of time for debate. I may be back to the floor again.

Let me, first of all, put my comments in some kind of context. These are hard times for a lot of dairy farmers, and I understand that full well. I am not terribly sure the idea of a compact or the idea of balkanizing dairy farmers around the country with different compacts is the answer. In fact, I do not think it is the answer at all. As we write a new farm bill, I wish the focus would be for our farmers, corn growers and wheat growers and other crop farmers and livestock producers and dairy farmers. I think the focus should be on a way for our independent producers to be able to get a decent price in the marketplace. That is what I think this should be about.

In Minnesota, just to give Senators some reason as to why I come to the floor with a lot of determination and oppose the Specter amendment—I do not mean that in a disrespectful way. I mean the amendment proposed by my colleague from Pennsylvania, Senator SPECTER—the dairy industry is a big part of our State's economy. We have 8,000 dairy farmers in Minnesota. We rank fifth in the Nation's milk production. The milk production from Minnesota farms generates more than $1.2 billion for our State's farmers each year. Frankly, it adds an additional $1.2 billion by way of a multiplier effect to Minnesota's overall economy.

I am not talking about big giants. The average herd size in Minnesota is 60 cows per farm. We are talking about family operations. We are talking about family businesses with total sales of $1.2 billion. But between 1993 and the year 2000, we lost about 5,000 dairy farms. That represents a loss of over one-third of our total dairy farms. That is second only to the State of Wisconsin, among the 50 States in our country.

If you look at the upper Midwest States, including Minnesota and Wisconsin, Iowa, Illinois, Nebraska, North Dakota, and South Dakota, our region lost 49 percent of all the dairy farmers between 1992 and 1998. These are not just statistics; these are people's lives.

I hope, as I said earlier, we will actually write a new farm bill which will give dairy farmers in all regions of the country, especially the family operations, a decent price. I am not talking about these big conglomerates. I am talking about farms where the people who work the land are the people who make the decisions, and they live there. There is no reason in the world why we cannot have a family-farm-based dairy system, a dairy system which promotes economic vitality in our rural areas.

I have said it many times. The health and vitality of rural America, which is a part of America and a part of Minnesota that I love, is not going to be based on the amount of land owned. Somebody is always going to own the land. Someone will own the animals. But the health and vitality of the communities is not based upon the amount of land that is owned by someone or the number of animals. It is the number of family farmers who live there, dairy farmers included, who live in the community, who buy in the community, who support schools in the community; that is what is of key importance.

As if dairy farmers were not struggling with enough already in the Midwest, in 1996 Congress assisted and in some ways has made the price for many dairy farmers much worse. That is what has happened in the Midwest.

Again, I did not support the Freedom to Farm bill. I have always called it the ''freedom to fail'' bill. But the whole idea was you were going to decouple farmers—you were going to decouple the payments to family farmers from the Government. Of course, that is not what has happened. But this compact fixes fluid milk prices at artificially high levels for the benefit of dairy producers in one region. Now, there may be other regions, according to this amendment. This is a different set of rules.

There was a study at the University of Missouri. A dairy economist, Ken Bailey, found that Minnesota's farm level milk price would drop at least 21 cents per hundredweight if the Southeast Dairy Compact were allowed to be expanded, to attach to an expanded Northeast Dairy Compact.

That is a $27.2 million annual reduction of Minnesota farm milk sales.

Some of my colleagues say: Why doesn't the upper Midwest form its own compact? Minnesota and Wisconsin farmers would benefit from organizing their own compact. A compact price boosts supplies only to fluid milk. The percentage of upper Midwest milk sales going to fluid products is so low that any compact would do little for Minnesota's farm income.

What happens is a negative—the surplus of that milk gets dumped in our State and competes with our cheese and butter market.

We are talking about trade barriers in our country. We are talking about a compact that is not good for consumers. Quite frankly, I don't know whether or not there is a way to keep dairy farmers in business in any part of the country. We transferred millions of dollars from millions of consumers to New England dairy farmers, but the dairy farmers continue to go out of business at an equal or even faster rate than prior to the compact. The Northeast Dairy Compact has not slowed the loss of dairy farmers. There are less New England dairy farmers. Four-hundred and sixty-five have left business in the 3 years since the compact than before the compact. It was 444 before.

I could go on and on, but I think expanding the dairy compact sets a terrible precedent. We can start doing this for other American agricultural products as well.

The question is, Where do we go with all of this? The current dairy policy in this country is putting dairy farmers in Minnesota at great risk—not just in Minnesota but across the country.

I think what we should do is establish a national equitable dairy system for all. I don't know why in the world Senators from different States with dairy farmers and with family-run operations cannot work together to make sure we have a safety net and a decent price and some kind of income for dairy farmers that would help people especially during the time of low prices. Also, I think we could end a half century of discrimination against the Midwest as well.

We will have the vote on this. I assume Senator KOHL will move to table this amendment. I know we will be joined by Senator FEINGOLD, Senator DAYTON, and myself. This is what is so unfortunate about where we are right now.

First of all, the compact is quite inconsistent with what many Senators believe in terms of what we should be doing. I heard my colleague from Wisconsin refer to it as a ''cartel.'' That is strong language. But there are an awful lot of Senators in the Senate who do not believe in fixing prices this way. That is point one.

The second point is a different point. There are a lot of Senators who support this whom I like as friends; good people. But why in the world are we now basically balkanizing all of the dairy farmers and Senators who are supposed to be supporting dairy farmers, cutting deals, and basically saying, OK, Northeast, now we will add the Southeast? Now we will go to the Northwest—keep cutting deals trying to bring people in, further balkanizing and forgetting that we are really in the same boat together.

Yes, I come to the floor to fight for the upper Midwest. I come to the floor to fight for dairy farmers in Minnesota. But, for God's sake, I don't understand why some Senators want to go in the direction of administering prices, cutting deals, balkanizing dairy farmers, balkanizing agriculture, balkanizing Senators, and balkanizing the country.

This isn't a step in the right direction. It is a great leap backwards.

I am speaking as a Senator from Minnesota. Yes, I am speaking for dairy farmers in Minnesota. Yes, I am doing everything I can to fight for dairy farmers in Minnesota just as other Senators would do when it comes to representing people you love.

I don't even think what is being proposed is good for the country at all. This makes no sense. I hope Senators—consistent with what they have always said they believe in, consistent with promises that have been made to Senator KOHL and others, consistent with the idea of how we can work together rather than basically being pitted against one another—will vote to table this amendment.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Louisiana has 20 minutes.

Ms. LANDRIEU. Thank you, Mr. President.

I rise to support the amendment offered by Senator SPECTER from Pennsylvania and myself along with 39 cosponsors—actually Democrats and Republicans from many different parts of the States—who see this as an excellent way to help dairy farmers, to help consumers, to be fair to retailers, and to make sure children and families and people in every region of the United States have access to fresh milk at a reasonable price.

In addition—as the Senator from New Jersey will speak after me—there are compelling environmental reasons in terms of preservation of land and green space and open space that are at issue as well.

Let me address some of the concerns that the Senator from Minnesota raised. Let me begin by saying that if, in fact—I am certain it is true because he brings a lot of wisdom and experience to many of these debates—it is true that many of the dairy farmers in Minnesota have gone out of business, or in his area, he may well want to look into the benefits of this compact. If this compact doesn't work because of the difference in the grades of milk, perhaps a similar kind of compact for his dairy farmers might be helpful. In the area of the Northeast where this compact has now been in existence for several years, benefits are obvious. They are clear. They have worked to preserve farmers in business to hold down prices to a fair level but providing profit margins for the farmers.

There has been some real success. As many times as we deal with many issues on a variety of subjects, sometimes we don't create a national program all at one time. I am fairly familiar with the details of how this started. But it is often that we will start a pilot program, if you will, in one part of the Nation to test and see if it works. I know that was not exactly the way this started, but the end result is that we have compacts in the Northeast which have worked very well. This is an effort to expand it to the southern region, to the Pacific region, to the Midwest region—all voluntary. It is totally up to

the States if they, in fact, want to join. No one is forced to join this compact. It is the States themselves.

In the last year, I have been made aware—not 2, not 10, not just a few in one region but 25 States in the Nation—that State legislators and their Governors have petitioned for Congress to allow them to basically use this self-help mechanism.

The second point I will make before I get into my prepared remarks is, it is a wonder we have not adopted it sooner. The Senators from Vermont—Senator JEFFORDS and Senator LEAHY—are effective spokespersons. The fact is the dairy compact doesn't cost the taxpayers any direct subsidy. We spend hours on this floor passing many farm bills, which I have supported because agriculture is important in Louisiana. It costs billions of dollars. We ask taxpayers every year to put up money out of their hard-earned tax dollars to support a very complex system of subsidies for farmers. Louisiana farmers benefit in many ways. But this doesn't cost the taxpayers a penny.

So you would think there would be 100 Senators rushing to this Chamber to vote for something that is really all American. It is about self-help. It is about risk management. It is about people coming together in voluntary compacts with all of the parties equally represented—no one is shut out—in public meetings to set a price that works for everyone. I think it has a lot of merit.

State officials and dairy producers across the country are concerned that the current Federal milk marketing order pricing system does not fully account for regional differences in the cost of producing milk. The U.S. dairy industry is transporting ever-increasing amounts of milk over increasing numbers of miles to supply the fluid market. This is especially true in the South. That is why I am so interested in this issue, as is the senior Senator from Louisiana, Mr. BREAUX, who joins me in this effort.

In the South, all the dairy-producing States are milk deficient. We are milk deficient. We need to be able to produce more milk to supply our own customers in the South. We can only do that if our dairy farmers stay in business. If not, we will be importing milk from outside of our region.

It is the sense of this Congress that milk be produced in the region so it can be fresh because it is quite perishable. It can be produced and transported easily in the region. It is perishable, so it is expensive to ship and refrigerate.

In the past 10 years, nearly a quarter of the dairy farmers in my State have gone out of business. Many more are in danger of shutting down. This compact is their way to come to us to say: We found a way out. We don't need a direct subsidy. Just allow us this compact, and we can do it.

So compacts are a solution. As a result, as I mentioned earlier, 25 States have now passed legislation—almost a majority in the country—for this particular approach.

Let me take a moment to explain how the compact works. Compacts are formal agreements between three or more contiguous States to determine a price for fluid milk sold in that region. This price is determined by a regional commission of delegates from each of the States appointed by the Governor. It has to include at least one dairy producer and one consumer representative.

So let me just make one point. Critics have said: This is a cartel and we do not want cartels.

A cartel is dangerous because usually people who get into a cartel are people of all one perspective, people producing an item, and they want to run up the price. But on these commissions—which are not cartels because they are not created the same way as you would think of a regular cartel—the people who drink the milk, the people who sell the milk, and the people who produce the milk are all in a room together, not in a back room smoking a cigar but out in a public meeting, with a public record, discussing a price that works for them all. That is not a cartel. That is the opposite of a cartel. That is kind of a committee—an arrangements committee; the American way, a Democratic process—to come to a win-win solution. So I reject the idea that this is a back room cartel. It is exactly the opposite.

The commission holds public hearings to assess the price necessary to yield a reasonable return to the farmer. Any proposed price change is subject to approval by two-thirds of the State delegations. Any State may leave the compact without penalty. So this is quite a voluntary measure, not a mandatory measure.

Payments are made by the commission and are countercyclical, meaning when the Federal milk marketing order prices are above the compact commission order price, farmers don't receive compact payments; when the Federal milk marketing order price falls below that of the compact commission, farmers receive compact payments.

I show my colleagues a chart. It is the best chart I have seen to explain this situation. I thank the Senator from New Jersey for helping me display this chart. I appreciate his help.

As you can see from the chart, the compact helps to try to stabilize prices. Shown on this chart is the price of milk as it moves up and down. Shown is the set price. The compact operates so that when the Federal milk marketing order price falls below that of the compact commission, the compact actually pays the difference to the farmers. When it goes above, the farmer pays into the compact.

Again, it is no cost to the taxpayer. It is a way to stabilize the price. Farmers need certainty, just as any businessperson. Sometimes people can live with low prices. Sometimes they can live with low prices if they are certain of the price. It is the uncertainty in any business market—whether you are talking about farming or health care or transportation or high-tech businesses—that causes people to have great difficulty.

So the compact is a real answer to that. Again, it is sort of a novel approach, and one that has been tried. It is not any longer experimental. We can actually see that it is working.

I also want to just run through a few of the facts and the fictions about dairy compacts.

I mentioned this, but it is worth repeating: The critics say dairy compacts cost taxpayers money.

Dairy compacts are self-financing. There is no impact on State or Federal treasuries. Let me repeat: No impact on State and Federal treasuries.

Critics say the dairy compacts are not constitutional.

I do not have my copy of the Constitution with me, as the Senator from West Virginia usually carries with him, but I can tell you, if you flip to article I, section 10, clause 3, of the Constitution, it clearly allows for interstate compacts, provided they are approved by State legislatures and ratified by Congress.

So our action by law, ratifying a compact, and then having States voluntarily entering into it, is absolutely within the framework of the Constitution.

Third, our critics will say that dairy compacts create overproduction.

Let me show you the next chart. The Northeast Compact has a very effective supply management measure which would be included for all of the regions. It provides an incentive for farmers to limit production. It works like this: It takes 7.5 cents for every 100 pounds of milk produced and places it in a reserve, which is distributed to the producers who did not increase production by more than 1 percent from the previous year.

Louisiana, and all other potential Southern dairy compact States, are net importers of fluid milk, so overproduction is not in the foreseeable future. So overproduction is just not foreseeable.

However, in the 4 years since the compact was created, milk production in New England has increased by only 2.2 percent, while the increase in the rest of the country was 7.4 percent. So based on that information alone, you can argue that the efficiency mechanism to hold down production is actually working. Why? Not because the Senator from Louisiana says it is working or the Senator from Vermont, but because the statistics show that it is working because the production has been held to a reasonable level.

While the U.S. average is 7.4 percent, the production in New England has been held to a low, you could say, of 2.2 percent—but also meeting the other laudable goals. So this is a very important fact to note.

No. 4, the critics will say that a dairy compact is a trade barrier ''balkanizing'' the dairy market. Let me please reiterate that dairy compacts regulate all fluid milk sales in the compact region, regardless of where the milk is produced.

So if a farmer in another region had a relatively low price, and thought the compact price was higher, that farmer is not at all prohibited, in our legislation, from selling their milk into this market. So it is not a barrier. It encourages free trade, fair trade, among the regions.

Fifth, our critics say dairy compacts will raise retail milk prices. Let me concede this point. It does raise milk prices slightly. The Agriculture Department's Economic Research Service has done a study on this, and the facts are in. It does raise prices to consumers slightly. That price is $1.06 per person—$5 a year for a family of four.

I can honestly say I do not know of a family in America that would not be willing to pay $5 a year so they can have available to them a supply of regionally produced milk that is fresh and healthy, and knowing that they are doing something to help their farmers that is fair to their retailers and does not in any way hurt low-income consumers. Let me repeat, there is not a family in America, I don't believe, who would not be willing to pay $5 a year for the benefits this compact provides.

Six, the fiction that the dairy compact will hurt low-income consumers. One of the programs I have supported, as have many of the Senators, is WIC, the Women, Infants and Children's program, a Federal program that is very successful and that supplies milk to low-income moms and their infants in the School Lunch Program. People representing WIC and consumers representing the school lunch program are on these compacts within the region. Their voices are heard and well represented.

Finally, as I conclude—the Senator from New Jersey will speak more eloquently and in greater length and detail about this particular issue—this is also an environmental issue. As our dairy farmers basically serve now as rings of green around many of our urban areas, this is true in Louisiana, but it is particularly true in States such as New Jersey or New York, and what farms are left in places such as Florida and in California. If we can do something to help the dairy farmers stay in business, we keep this land green; we keep it open; we keep the possibility for the proper kind of development in the future. If we don't step in and help our dairy farmers, we will not only lose dairy farmers potentially over the long run, driving up the price of milk, being unfair when there is a fairness to be reached here, but we will see some of these farms plowed under in additional development.

Let's do the right thing by instituting voluntary compacts that will help not only the States in the South but also in places around the country. There is a tremendous amount of support.

I believe I have exhausted the time I have. There are many more Senators who want to speak. I yield for a question to the Senator from Vermont.

Mr. LEAHY. If the Senator will yield without losing the right to the floor, I ask first, how much time does the Senator have?

The PRESIDING OFFICER. Three minutes.

Ms. LANDRIEU. I am happy to yield without losing the floor.

Mr. LEAHY. I think the Senator from Louisiana would agree with me that one of the problems we have is the huge growth of one major processor. We are talking about a situation where we have a program that should be embraced by everybody. The cost to the taxpayers is absolutely nothing, I believe the Senator from Louisiana will agree. The cost to the taxpayers is absolutely nothing.

We are being asked to take huge amounts of tax dollars from various parts of the country, a lot of it from the eastern seaboard, to pay for programs in the Midwest. This is a program that costs taxpayers absolutely nothing. You might wonder why the big processors have spent millions of dollars to try to beat it through lobbying and every other possible effort. One of the reasons is, we see in our part of the world in New England, Suiza Foods is trying to get a stranglehold on prices.

When Suiza started in Puerto Rico, it was down here with three plants. That is the way it started. But then Suiza started moving, and in the year 2000, look at the area they cover with their plants. Now they want to combine with Dean Foods. Here is a company that, if they could get rid of all competition, if they could control the price the dairy farmers get, if they could tell the consumers, you are going to pay this much and, by the way, dairy farmers, because we are the only game in town, we are only going to give you this much, that is competition? They call us a cartel.

What we are saying is, let the consumers and the producers within the region decide what they are willing to pay. It has worked out well for us. We pay less, for example, in New England, where we have the compact. We pay less than they do in Minnesota and Wisconsin, if you go to the grocery store for the milk.

Where is the pressure coming from and why do they want to get rid of this compact? Why do they want to get rid of the dairy farmers having any say over it? So that Suiza and Dean Foods, which are becoming a monopoly and want to control all of it—it is actually a ''Suizopoly,'' I would call it, at this point—can say just how much can be spent, where it can go. In fact, when we checked into this, we found that 90 percent of the cost increase goes to them.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. LANDRIEU. Mr. President, I still have the floor.

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

Ms. LANDRIEU. Mr. President, I ask unanimous consent for 1 additional minute so I may finish. Senator LEAHY was asking me a question. Could I have 30 seconds?

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. I object.

The PRESIDING OFFICER. Objection is heard.

Under the previous order, the Senator from New Jersey is now recognized.

Mr. TORRICELLI. Mr. President, for purposes of a unanimous consent request only, I yield to the Senator from Pennsylvania.

AMENDMENT NO. 1191, WITHDRAWN

Mr. SPECTER. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

Mr. SPECTER. Mr. President, just by brief explanation, there is not going to be time to debate this amendment adequately this evening. We are calculating a vote count, and I want to give my colleagues notice that this amendment may well be introduced tomorrow. I do have the absolute right to withdraw it, as the Chair has recognized, and therefore the amendment is withdrawn.

The PRESIDING OFFICER. The Senator from New Jersey is recognized under the previous order.

Mr. TORRICELLI. Mr. President, for purposes of a unanimous consent request only, I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. I thank the Senator from New Jersey.

Mr. President, I ask unanimous consent to be given 5 minutes after the Senator from New Jersey.

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

Mr. TORRICELLI. Mr. President, I yield 1 minute to the Senator from Louisiana so she may conclude her remarks.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from New Jersey. I so appreciate the comments of Senator LEAHY from Vermont, who has been one of the great leaders and spokespersons on this issue. I wanted 30 seconds to wrap up to say how important this issue is for farmers not only in the southern part of the Nation. Of course, Louisiana is the State I represent. I have heard loudly and clearly from our farmers about how important this is.

Frankly, Mr. President, this is an issue of fairness for the whole Nation. We are not attempting to be unfair to any particular area. This is about competition. It is about free and fair trade.

It is about self-help, managing risk, and about an idea that a compact can be beneficial to all parties involved.

The Northeast Dairy Compact, enacted in 1996, and due to expire this year, has proven extremely successful in balancing the interests of consumers, dairy farmers, processors, and retailers, by maintaining milk price stability, and doing so at no cost to taxpayers.

We have an opportunity to assure consumers in other states an adequate, affordable milk supply while maintaining positive balance sheets for our farms, whose social and economic contributions remain so critical to the vitality of our country's rural communities. It is long past the time for us to permit states the opportunity to provide their farmers the stability they so desperately need.

I thank the Senator from New Jersey for allowing me to finish my remarks.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, the Senator from Pennsylvania has withdrawn his amendment for the moment. But the Senate should be under no illusions. The amendment will return, and this fight will go on. It will go on tonight. It will go on tomorrow. It will go on next week. It will go on.

There are States in this Union that have asked, to protect their own interests, to be able to be in dairy compacts—States in the South, States in New England, and States in the Northeast.

As sovereign members of the United States of America, the legislatures in our States have voted to join these compacts. It is a right that no one should deny us. We have a right to it; we have a need for it; and we are going to insist on it.

This can be an important day in agricultural policy in the history of this country. For a long time, States such as my own, because we care about the Union and we care about farmers across America, have remained silent. I have voted for wheat programs and corn programs and peanut programs and cotton programs. I have voted for crops I have never heard of.

I do it because it is in the national interest. It is usually not in the interest of the State of New Jersey. This is in our interest, a $17 billion agricultural appropriations bill. If one takes the entire Northeastern part of the United States, the most densely populated part of the country which pays the highest taxes in America, we have $200 million worth of appropriations of $17 billion. Enough. Enough.

Every time there is an emergency, every time there is an agricultural disaster, every time some farmer has a problem, the Senators from Maryland, New Jersey, Pennsylvania, New York, Vermont, and Maine come to this floor to do our duty because we want to support the country.

Now we want support. Our dairy farmers are not in trouble. They are out of business. We ask for no money. We want a compact.

This compact will not cost the American taxpayers a dollar, not a dime. It supports prices, because without those price supports we cannot remain in the dairy business. The price of land in New Jersey where dairy farmers operate is $10,000 an acre, $25,000 an acre. The taxes dairy farmers pay could be $100,000. Their labor costs are high. Their energy costs are high.

What is it we are to do, have no farmers left in New England, none in the mid-Atlantic, close down agriculture in the South? That is what this is about. What is it we ask that is so unreasonable? We are not asking for any money. We take nothing away from any other State. We only ask the actions of our own legislature be recognized.

America is changing. From Washington, D.C., to Boston, MA, the Nation is becoming one massive suburb. Shopping centers follow shopping centers, malls follow malls, highways upon highways. We do not fight for agricultural prices. This amendment is not just about how much a dairy farmer earns; it is about not losing the last of our agricultural land. It is about the great environmental issue of this decade, stopping the destruction of open space.

Since 1961, New Jersey, which had 128,000 dairy cows, is down to 20,000 cows, a loss of 108,000 producing dairy cows. Since 1950, when the State of New Jersey had 26,900 farms with 1,200,000 acres, we have lost a quarter of the acreage and have but a little more than 9,000 farms left from 26,900.

It is about saving land. It is about a way of life. It is about a local culture. A quality of life depends upon more than suburban row house upon suburban row house. It is a chance to drive with one's child through some open space. A healthy life and a good community is about not having to buy milk that comes in on a railroad car from halfway across the country but a local farm, with a fresh product, whether it is tomatoes or corn or fresh milk.

For 200 years, from Maryland to Maine, people who have lived in the Northeast and New England have enjoyed that quality of life. It is being lost, and that is what this is about.

Two years ago, I came to the Chamber to wage the same fight. Since I spoke 24 months ago for this same amendment, when we lost, the number of dairy farms in New Jersey has declined from 168 to 138, another 17 percent loss.

In the last decade, we have lost 42 percent of our remaining dairy farms. I was here 2 years ago. I am speaking about it again tonight. If necessary, I will speak about it 2 years from now. It is clear to me, if we fail tonight, there will be no one left to defend. This is our last stand.

I hand it to my colleagues in the Midwest. Win this fight one more time and we may never have to raise it again. There will be no dairy farmers left in my State. Give it another 10 years, there will be none left in New York. Give it 20 years, there will be none left in Vermont.

It will be a success. Congratulations; some working class people, who have lived on the land for 200, 300 years, produced fresh produce for their neighbors, were put out of business. They were not put out of business to save the Federal Government money, because the amendment costs no money, but just to deny our own State the right to set a price so a farmer can get a decent return on his money.

What is the real price? It is the 138 dairy farmers who remain. It is the loss of a quality of life from the fresh produce for local people and fresh milk. It also means this: Next year, like this year, another 10,000 acres of New Jersey will be plowed under to suburban development. We have lost 600,000 such acres in recent decades.

For almost 2 years, this has accelerated because the USDA has repeatedly announced plummeting milk prices that have directly lowered the ability of dairy farmers to earn a living. Prices have dropped as much as 40 percent in a month, and middle class farmers with high costs have had to absorb this cost.

The result is known. I have already told it. They go out of business. There is no other answer but to allow this compact to go ahead.

I cannot say it might not cost consumers some money. One estimate is it could cost 4 cents, though, indeed, in New England, after they joined, their prices actually declined. It may be 4 cents more; it may be 4 cents less if the State is in the compact, but it does provide price stability.

I do not know a person in New Jersey, if it did cost 4 cents, who would not pay it to know that the last of our agricultural land is not going to be lost. It would be a fair bargain for consumers and for our quality of life.

There are those who will argue maybe it does not cost consumers more money, maybe it saves the land, but it does cost Federal benefit programs money, programs such as WIC for children, for families, or school milk programs. The compact, by law, is required to reimburse Federal nutrition programs such as WIC and school lunch programs that use 68 million pounds of milk per year, many in my State, to ensure they do not have higher costs. They are protected under these provisions.

Nothing I am suggesting to the Senate is theoretical in its benefit. The compact is not new. New England has had a compact. It worked. It stabilized retail milk prices and provided a safety net for producers. Indeed, New England retail milk prices were 5 cents per gallon lower on average than retail milk prices nationally following the Northeast Dairy Compact initiation. It did not cost consumers money. It saved consumers money, while costing the Federal Government nothing.

On September 30, the compact for New England expires. The consequences are enormous, and it will help my colleagues to understand why we come to the Senate across the South, across the mid-Atlantic, across New England, to insist on its reauthorization, because the price is so high and the consequences so devastating that no matter what it takes, we cannot allow this legislation to go forward without Senator SPECTER's amendment.

Mr. SCHUMER. Will the Senator yield?

Mr. TORRICELLI. I will be happy to yield to the Senator from New York.

Mr. SCHUMER. I thank the Senator for his excellent remarks. I wish to say, before I ask him a question, I join with him. This is of vital importance to the close to 8,000 dairy farmers in New York in countless communities.

I say to the good Senator from Indiana—and I respect his view—his corn farmers and his soybean farmers get plenty of subsidy. We are never going to get a dairy subsidy to that extent. So if we do not get this compact, I ask my colleague from New Jersey, is it his opinion that the dairy farms in the Northeast will eventually just die and we will have no dairy industry whatsoever?

Mr. TORRICELLI. I respond to the Senator from New York, as I indicated perhaps before he entered the Chamber, 40 percent of the dairy farms in New Jersey in the last 10 years have been lost. I am not certain any will survive the next 10 years if there is not a dairy compact.

The situation in my State is somewhat more acute than New York, but certainly the pattern of the rate of decline is the same.

Mr. SCHUMER. If the Senator will yield, we have lost half of our dairy farms in the last 10 to 15 years, and if one talks to dairy farmers, one will find they are all in such desperate shape that they will go under as well.

I say to my friend, the Senator from New Jersey, it is an anomaly: We have all sorts of price supports, taxpayers' money for so many of the row crops that dominate the Middle West, that are prevalent in the South and other parts of the country. I do not know why dairy was left out of that, but it was.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. SCHUMER. I ask unanimous consent he be given 2 additional minutes so he can answer my question.

The PRESIDING OFFICER. Is there objection?

Mr. DAYTON. Mr. President, I object. I will agree if I and Senator KOHL can have 5 minutes by unanimous consent.

The PRESIDING OFFICER. Will the Senator so modify his request?

Mr. SCHUMER. I modify my request that the Senator from New Jersey be given 2 minutes, and I believe Senator KOHL is to be given an additional 5 minutes, because I think he has 5 right now.

Mr. DAYTON. Right.

Mr. SCHUMER. I so ask unanimous consent.

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

Mr. SCHUMER. I thank my colleagues from Minnesota and Wisconsin.

The bottom line is very simple, and that is that we will never get under this situation, or any other, the dollars we need, and so the choice is the dairy compact or the death of dairy farms in the Northeast. Does the Senator disagree with that analysis?

Mr. TORRICELLI. It is the loss of dairy farms, and we are not doing in our region what other States did and by right we are entitled to do. When their farms and products were in trouble, they asked for Federal appropriations. We asked for no appropriation. We asked for the right for a fair price for our dairy farmers.

When I began my remarks, I quoted the remarks of the Senator from New York in the caucus that there is a $17 billion appropriations bill and our entire region of the country is getting $200 million in appropriations. In the next couple days, when we object to the bill and Senators ask how can you jeopardize this entire legislation for the whole country, recognize this is what matters for us, and it may be all that is in the bill that matters, and that is why we are going to take a stand here and do what is required across the region, across the South to ensure these few remaining farms can survive.

I thank the Senator from New York for his support and leadership, and I thank the Senator from Pennsylvania for offering the amendment. We will be back to fight another day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise in opposition to the dairy compacts that exist and are being proposed, and it is for very good reason. We have never had price-fixing arrangements in the history of our national economy.

When the Articles of Confederation were proposed, they understood we needed a national unified economy, and the beauty of our economy today, which makes it the envy of every country in the world, is that in the United States of America, since we started, every product and every service has unimpeded access in all 50 States. That promotes competition, that promotes excellence in quality, and that promotes the best prices for our consumers.

What they are proposing right now is that we invalidate that concept and we start going down the road of price-fixing cartels, arrangements that will allow for no competition pricewise and, as a result, for access basically from one market to another in the case of milk.

Once we start doing that, then we have to recognize that other commodities and other products will come to the Senate asking for the same consideration. If we allow that for milk, then we certainly have to recognize that other commodities and other products have the right to make the same arguments.

What will happen 10 years from now or 20 years from now when we balkanize the American economy by virtue of price arrangements between States based on commodities that they share? We will have an economy in which the consumer will pay. When we have price-fixing arrangements and allow producers to get more than what the market would normally allow them to get, inevitably, always the consumer pays and inevitably, we will begin to destroy this great national economy we have built up over the past 200-plus years.

With respect to the loss of dairy farms, I come from the Middle West, and statistically we have lost as large a percentage of our dairy farms as they have in the Northeast. We have lost between 30 and 40 percent of our dairy farms over the past 20 years. That is statistically exactly what has happened in the Northeast. Their situation is not unique.

The answer is not to balkanize that industry or any other industry and pit one region against another. The answer is to have a national policy that covers the existence and the proposed prosperity of all dairy farmers everywhere, not just in the Northeast. The answer will never be, in my judgment, price-fixing arrangements because, as I said, under those conditions, inevitably the consumer pays, and that is not what we do in this country. That is not how our economy operates.

I am suggesting the reason this amendment has been pulled, basically because it does not have the votes, is because a majority of the Senators—and this is bipartisan—a majority of the Senators recognize that price-fixing arrangements between States on commodities is not the way in which we want this economy to begin to progress into the future.

I urge my colleagues to consider in the days ahead what may or may not occur by way of trying to balkanize the dairy industry from one State to another. I do not think it has ended yet. I think it is going to be discussed again. But if there is an honest and fair vote in the Senate, which is the only way to determine policy on any issue but certainly on an issue as important as this one, we will not support dairy compacts. They do not make any sense. There are other ways to deal with the problem, not just in the dairy industry but in the agricultural industry because we have to recognize that it is not just the dairy industry which is in trouble in America; it is the entire agricultural sector, one product after another, one commodity after another. It is not just in the Northeast; it is in the

Middle West, it is in the Plains States, it is in the North and in the South.

The agricultural industry has not found a way to provide prosperity for all of our farmers. We have been struggling with it. We all know that as Senators. But now the dairy industry comes along and says: Let us balkanize our industry and let us be allowed to set prices for which the consumer will pay more.

That is a huge step, and before we take it, we need to have much more extensive debate on the agricultural industry in this country and how we are going to deal with that, including the dairy industry.

I thank the Chair, and I yield 5 minutes to the Senator from Minnesota. I ask unanimous consent that if there is no objection, the Senator from Wisconsin be allowed to speak after the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota.

Mr. DAYTON. Mr. President, how much time do I have allotted?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. DAYTON. Mr. President, I commend the distinguished Senator from Wisconsin for his leadership on behalf of the dairy producers of his State and my own State on this matter. I thank also the chairman of the Senate Agriculture Committee, Senator HARKIN, and the ranking member, Senator LUGAR, who have collaborated on this legislation with some disagreements.

What has been important in this undertaking is a recognition that timeliness of this legislation to benefit all the farmers of America in some form or another is very critical. It is unfortunate, in my view, that this matter has been offered at this time.

I say that with all due respect to my distinguished colleagues who have sponsored and who have cosponsored this amendment. It is terrible economic policy; it is terrible agricultural policy; and it is terrible national policy.

The Northeast Dairy Compact as it exists today confers a substantial status on six States. It is a cartel. It is legalized price fixing, and it is economic discrimination against States such as Minnesota and our dairy producers.

Now, according to this amendment which has been withdrawn but which may be brought forward again or inserted into the conference committee deliberations, in order to protect their own special deal, they propose to make a series of Faustian pacts with other States. We learn today that under this proposed legislation, the Southeastern States of our country would get their special deal; the Pacific Northwest States would get their special deal; and other States in the country would get their special deal. I guess the theory is if you make enough deals, maybe it will add up to 51 votes on the Senate floor.

It is a siren song, the false awareness of brief economic advantage at other people's expense. It is a beggar-thy-neighbor approach to economic and farm policy, and it will be the death knell, if successful, of a national farm policy. It will be the death knell to a national unified dairy program, which is what should be the focus of the new farm bill.

Instead, it will result, as my distinguished colleague from Wisconsin and my distinguished friend from Minnesota have said already, in the balkanization of the United States dairy industry, pitting one region of the country against another, with everybody conniving and conspiring to undercut everyone else, the direct opposite of what we need in order to have a sensible national agricultural policy, which is what the chairman and the members of the Agriculture Committee are trying to put into place.

We have had hearings for the last several weeks on the supplemental Agriculture bill, and this subject has never been brought forward. We have had hearings even on the new farm bill, which we will be taking up in the fall. There are differences of opinion from one group to another. There are different economic interests at stake. But not a single other commodity group has proposed a program which benefits the producers of one region of the country at the expense of others.

Now there is one exception where the dairy producers of one region are trying to bring in others on their side who see a market in balance between supply and demand that is temporarily to their benefit, saying we want our own cartel. Our producers are included; their producers are excluded.

The proponents say—I have heard it on the Senate floor—we have a right to this. We are not asking for anything. We have a right to this kind of economic policy. I could not disagree more. The proponents are asking for the right to violate the U.S. Constitution. They are asking for the right to violate the basic principles, both economic and social, of one nation comprised of 50 States, not one State comprised of 50 countries, not one State balkanized into eight separate economic regions, each one looking out only for itself.

The economic problems afflicting American dairy producers are very real. The problems afflicting Vermont dairy producers, New Jersey, and Pennsylvania farmers are very real. The economic problems afflicting Minnesota dairy producers are very real, as they are in our neighboring State of Wisconsin. To the States which have supported this amendment, and others who think they might benefit temporarily from these arrangements, let's work together on behalf of all of our dairy producers over the next few months. Let's work together on behalf of the entire U.S. dairy industry over the next few months and incorporate this national interest, a common national interest into the new farm bill. That is the direction I believe we should take with this proposal.

I yield to my distinguished colleague, the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Minnesota. It is wonderful to have a new and strong ally on this issue from Minnesota. I thank my senior colleague, Senator KOHL, for his tremendous leadership on this issue. It is a great concern to everyone in our State of Wisconsin.

I rise today in opposition to this effort to expand and extend the Northeast Dairy Compact. As the senior Senator from Wisconsin has said many times, it is a price-fixing dairy cartel that hurts dairy farmers outside the compact region.

In fact, a few days ago, the Judiciary Committee, on which I serve, held a hearing on the record of the dairy compact. I do commend the chairman of the Judiciary Committee for allowing both those for and against the compact to have a chance to testify. I was there for the whole hearing. Sometimes we have hearings around here that maybe we can do without, but this was very useful.

It clearly showed Congress should not renew or expand the compact.

I thought that the most compelling testimony came from two people: Richard Gorder, a Wisconsin dairy farmer, who spoke about the compact's impact on dairy farmers outside the compact region, and Lois Pines, a former Massachusetts State Senator and former compact supporter, who detailed her opposition to the compact.

Mr. Gorder outlined better than any other witness the true impact of the dairy compact on dairy farmers outside that region. Given that Mr. Gorder was the only dairy farmer to testify at the hearing, I think it would benefit my colleagues to hear how he described how the compact operates.

According to Mr. Gorder:

> Regional dairy compacts place a floor under the price of milk used for fluid purposes in the compact region. This artificial price increase creates an incentive for more milk production in the region, yet represses the consumption of fluid milk in that area. The surplus that results finds its way into manufactured milk products such as cheese, butter, and milk powder.
>
> While dairy compacts insulate that market from competition by placing restrictions on milk entering the compact region, they impose no restrictions on the surplus milk and milk products that must leave the region in search of a market. As a result, the market distortions of dairy compacts have a negative effect on prices of producers in non-compact states.

Mr. President, an expanded compact will cause Wisconsin dairy farms to lose between $64 million and $326 million per year. Whichever number is used, the long range consequence would be even greater if you were to calculate the economic impact to our rural communities.

I thought that former Senator Pines' testimony was also incredibly compelling. Here is a former state senator—the chairman of the committee that

helped push through the compact—who is now calling the dairy compact a failure.

She detailed how the Northeast Dairy Compact hasn't even stopped the loss of small farmers in the Northeast. According to the American Farm Bureau Federation's data, New England has lost more dairy farms in 3 years under the compact—465—than in the 3 years prior to the compact.

Let me read from former Senator Pines' statement:

> The evidence clearly shows that Compact supporters were wrong about how the Compact would save small family farms and protect the region's consumers . . . the claims made by compact supporters have had two debilitating impacts on state and federal policy process:
>
> (1) they have grossly misled hundreds of lawmakers in Congress and state legislatures, including myself, and persuaded them to mistakenly give their support to compacts: and
>
> (2) they have diverted lawmakers' attention from developing and implementing policies that could rally help to keep small dairy farmers on the land, genuinely protect consumers, and effectively preserve open space in rural New England.

Not only does the Northeast Dairy Compact not help save New England farmers because it gives the vast majority of its subsidies to large dairy farms, it also aggravates the inequities of the Federal milk marketing order system by allowing the Compact Commission to act as a price fixing entity that walls off the market in a specific region and hurts producers outside the region.

The Northeast Interstate Dairy Compact Commission is empowered to set minimum prices for fluid milk higher than those established under Federal milk marketing orders. Never mind that farmers in the Northeast already receive higher minimum prices for their milk under the antiquated milk pricing system.

The compact not only allows these six States to set artificially high prices for specific regions, it permits them to block entry of lower priced milk from producers in competing States.

This price fixing mechanism arbitrarily provides preferential price treatment for farmers in the Northeast at the expense of farmers in other regions who work just as hard, who love their homes just as much, and whose products are just as good or better.

It also irresponsibly encourages excess milk production in one region without establishing effective supply control. This practice flaunts basic economic principles and ignores the obvious risk that it will drive down milk prices for producers outside the compact region.

The dairy compact is unconstitutional. Compacts also are at odds with the will of the Framers of our Constitution. In Federalist No. 42, Madison warned that if authorities were allowed to regulate trade between States, some sort of import levy ''would be introduced by future contrivances.''

I would argue that the dairy compacts are exactly the sort of contrivance feared by Madison. Dairy compacts are clearly a restriction of commerce, and, in effect, they impose what amounts to a tariff between States. The Founding Fathers never intended the States to impose levies on imports such as those imposed by one nation on another's goods.

At the recent judiciary hearing, we heard this same argument from Professor Burt Neuborne, who has taught constitutional law for 25 years. Professor Neuborne said:

> [the compact] violates the commerce clause, as well as the Privileges and Immunities Clause of Article IV, section 2, as well as the 14th Amendment . . . and is an inappropriate and possibly unconstitutional exercise of Congress' power.

Mr. Neuborne continued to say that:

> The Founders abandoned the Articles of Confederation in favor of the Constitution in order to eliminate the rampant protectionism that threatened to destroy the United States.

The compact is exactly the type of protectionist barrier the Founders worried about.

More than anything, the compact debate is about fairness to all dairy farmers. Over the past 50 years, America's dairy policy has put Wisconsin dairy farmers out of business by paying Wisconsin dairy farmers less for their milk. In 1950 Wisconsin had approximately 150,000 dairy farms and we are now down to about 18,000.

Do we pay sugar growers more in Alaska? No. Do we pay orange growers more in New York? No. Do we pay avocado farmers more in Indiana? No, and we shouldn't. We have one nation, one dairy market, and we should pay all dairy farmers—regardless of where they live—the same price for their milk.

As I said earlier, dairy farmers in the northeast and southeast already receive more for their milk. The compact makes the situation worse by walling off the majority of the country from receiving milk from outside the compact.

I urge my colleagues who support compacts to go to a farm in Marathon County, WI, and explain to the family who have owned their farm for three generations that they have to sell their farm simply because they will be paid less for their milk because of some political game.

Instead of focusing on regional dairy policies Congress must turn its attention to enacting a national dairy policy that helps all farmers get a fair price for their milk. Congress needs to follow the lead of people like my senior Senator, Mr. KOHL, who has demonstrated that if we work together, we can provide meaningful assistance to America's dairy farmers.

I believe Congress must enact a national dairy policy such as the one envisioned by Senators KOHL and SANTORUM. This legislation brings a national, unified approach to a national problem.

Who can defend the dairy compact with a straight face? This compact amounts to nothing short of Government-sponsored price fixing that hurts producers outside the compact region. It is outrageously unfair, and also bad policy.

I hope that Congress will turn its attention away from dairy compacts which ultimately hurt both consumers and farmers. Its high time to begin to focus on enacting legislation that helps all dairy farmers. America's dairy farmers deserve a fair and truly national dairy policy, one that puts them all on a level playing field, from coast to coast.

I yield the floor.

Mrs. CARNAHAN. Mr. President, the Southern Dairy Compact is an issue of tremendous importance to many Missouri farmers. Missouri has been losing its dairy industry. Last year, we lost 171 herds and 5,000 cows. Some estimate this economic loss at up to $40 million.

Just over 2,000 class A dairy farms remain in Missouri. To survive, they need milk prices to remain stable. Without assistance from a dairy compact, farms in Missouri are likely to disappear at an even faster rate. Last year, the Missouri General Assembly passed legislation allowing the State to join the Southern Dairy Compact. My late husband, Mel Carnahan, signed the legislation into law. Missouri dairy producers and the Missouri Farm Bureau support this measure as well.

I do not agree with critics of dairy compacts, who contend that compacts encourage farmers to overproduce milk. Look at the track record of the Northeast Compact. Last year, only one State in the Northeast Compact, Vermont, saw its production increase. The increase was by 2.8 percent, which is below the national average increase of 3 percent over the same period. Milk production in the other States in the compact actually decreased.

Further, there have been practically no surplus dairy products purchased from the Northeast Compact region since the Compact was established. In spite of this, the Northeast Compact has taken aggressive steps to discourage overproduction by providing incentives for farmers not to overproduce.

We will do the same in the Southern Dairy Compact, even though overproduction is improbable in the Southern Compact States. Most of the southern States, like Missouri, are net importers of milk.

Saving our small and mid-size family farms is an important issue for us in Missouri. Allowing Missouri to join the Southern Dairy Compact could help many of these farmers. I hope that the Senate will be able to vote on this important issue in the near future.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I know the Senator from Ohio wishes to offer an amendment this evening. We have talked to him, and he indicated he wants to do that tonight. That is fine.

What I wanted to talk about a little bit, as someone who is not heavily involved in farm policy but heavily involved in the legislation, is I understand how the Senate works. I have no doubt in my mind that this legislation is being given the perennial slow dance. We are waltzing into nowhere. We tried to move this legislation last week, Friday. We were on it on Monday. We were forced to file a cloture motion just to be able to move on the bill, the motion to proceed.

This bill is very important to the breadbasket of America. The people who raise and produce our food and fiber all over America need this very badly. This is an emergency appropriation, an emergency Agriculture bill. Why? Because there are emergencies out in the farm country that we have heard talked about here in the last 2 days. The legislation is going nowhere. I am very concerned about that.

We have an August recess coming up. We are told by the powers that be downtown that this legislation has to pass or the farmers will lose the money that is set forth in this bill, billions of dollars around America that will make the difference between farms staying in business, farmers being able to stay on their farms, or, as one Senator talked about today, whether another farm, another farm, another farm will be leveled off and a shopping center will be built, or homes.

Family farms in America are threatened. They will become an even more threatened species if we don't do something about this legislation.

It was interesting to me to hear the wide support for this legislation. New Jersey is a heavily populated State. The Senators from New Jersey are concerned about this legislation. All over America people are saying: We have to do something to help the farmers.

Yet the Senate is, as my friend from North Dakota has said, walking as if we are in wet cement. It is really hard to pull one foot out and get the other one in. We are going nowhere with this legislation.

The American public should understand that we understand that this legislation is being stalled for reasons I do not fully understand. It is being stalled. I hope everyone understands we have waited around here. An amendment was offered. We in good faith offered a motion to table that amendment. It was tabled. What do we know, that amendment is going to be offered again. We can have another long debate and another tabling motion and proceed. I guess they could do it again and again.

It appears to me that the majority leader is going to have to arrive at a point where he is going to have to file cloture.

Everyone knows—I shouldn't say everyone knows, but I hope that this discussion tonight will help a lot of people understand, especially those people in farm country, the States that are so dependent on these farm programs, this is being held up by the other side, by the minority.

We are going to come to a time where we are going to have to wrap things up for the August recess and, in effect, the farmers will end up getting nothing.

Mr. DORGAN. I wonder if the Senator will yield.

Mr. REID. I am happy to yield to my friend, without losing my right, for a question.

Mr. DORGAN. This has been a very frustrating time for a number of reasons. The Senate seems to have begun moving in slow motion, if that, in recent days and weeks. Last week I recall we had the Department of Transportation bill on the floor. We had very few workdays remaining before the August break and very important legislation to get finished or completed by then. Despite this, during proceedings on the Department of Transportation bill, the Senate was in quorum call after quorum call. No one would bring amendments to the floor. What we had, it appeared to me, was kind of a deliberate slowdown.

Now, we have brought an emergency Agriculture bill to the floor of the Senate—an emergency supplemental. I understand some people would prefer to provide less money to family farmers who are in some trouble, some real trouble because of collapsed grain prices. They would like to provide less money. I understand that. They have a right to offer amendments to reduce the amount of help for family farmers. We had one such amendment today, and the amendment lost.

It is a rather frustrating time because even to get to the emergency bill to help family farmers, we had to file a cloture motion to proceed, for gosh sakes, not even on the bill. It was a debate on whether or not we should debate the bill. This is an emergency supplemental appropriations bill. That was on Friday. Then on Monday, we had to vote on the cloture motion. Now we are at the end of the day on Tuesday.

I ask the Senator a question, perhaps more appropriately answered by the manager of the bill, the Senator from Iowa: Are we facing a prospect of seeing an end to this so we might be able to get this passed, have a conference, and get it completed by the end of the week? Are there amendments still pending? Are there amendments on our side?

I am told we are done with the amendments, we are ready to go to third reading, and yet we were in a quorum call before we took the floor. I understand the next amendment has nothing to do with this bill. Apparently there is one more amendment ready that is totally extraneous to an issue dealing with family farmers.

It is also the case, I understand, that there are other amendments but no one knows what amendments or how many amendments or when we might finish.

Are we in a circumstance where there is kind of a slow-motion march going on, not necessarily in the right direction? I might ask the Senator, if he knows, is there an end date we might expect the minority to be helpful to us in passing this legislation?

Mr. REID. I say to my friend, the distinguished Senator from North Dakota, the reason I am a little personally troubled about this, the Senator will recall last year, before the August recess, we passed eight appropriations bills. How were they passed? Because we, as a minority, helped the majority pass those bills. My friend will remember the many times the majority leader assigned the Senator from North Dakota and this Senator to work through amendments, and we did that. We worked through hundreds of amendments in an effort to pass an appropriations bill.

The reason I feel personally concerned—I will not say my feelings are hurt because I am an adult and I understand how things work, but we are not being treated the same way we treated the majority, when we were in the minority, in passing these appropriations bills. We thought it was important to get them passed, get them to the President. It seems to me that same philosophy is not here.

We have appropriations bills. For example, the Senator mentioned the Transportation appropriations bill. The House passed a bill, and the Senator from North Dakota wanted to offer an amendment. In effect, it outlawed Mexican trucks. I am being a little more direct, but basically that is what it did. The two managers of the bill, Senators SHELBY and MURRAY, offered a compromise, a midpoint. We could not even get that up. There was a filibuster on that, recognizing that if the President was concerned about it, the time to take care of it was in conference.

In the Transportation appropriations bill, it appears they did not want it passed. It did not matter how reasonable or unreasonable something was; they simply did not want it passed. We now have a situation, I say to my friend, where we are not allowed, on the energy and water appropriations bill that I worked very hard on with Senator DOMENICI, to even get a conference on that.

Mr. DORGAN. Mr. President, if the Senator will yield further for a question, I know my colleague from Iowa perhaps wishes to inquire as well. I understand—and I think the Senator from Nevada understands—we cannot get anything done in this Chamber without cooperation. There is no question about that. Unless we all cooperate and find a way to compromise, with some goodwill, the Senate will not get its work done. We must get through certain legislation by a certain time. Unless we find a way to cooperate, it does

not happen. That is because the levers in the Senate are substantial and can slow things down.

As I said yesterday, no one has ever accused the Senate of speeding on a good day, but the ability to slow the Senate down or stop it is an ability that almost any Senator has.

I also understand this is a difficult time in a lot of ways, and I understand there are some who are pretty negative about some of the things we propose to do; for example, the transportation and the trucking issue. On the legislation dealing with emergency help to family farmers, the Senator from Iowa has put together a bill that I think is terrific legislation, and I am proud to support it. It is very helpful and very important to family farmers. I know there are some who take a negative view of it and I respect that.

I must say, when I think of that, I think of Mark Twain who was asked once to engage in a debate. He said: Of course, as long as I can have the negative side.

They said: We have not yet told you what the subject is.

He said: It does not matter. The negative side requires no preparation.

It is very easy to oppose almost anything. What we need to do is to ask for some cooperation.

We are going to have to pass an emergency supplemental bill to help family farmers. We know that. We have provided for it in the budget. We know we need to get this done, and everyone in this Chamber knows it has to be done this week. We ask for some cooperation. We have so much more to do than just this bill.

Is it not the case that we also have to do the VA-HUD appropriations bill; we need to finish the Department of Transportation appropriations bill; we have to get this emergency supplemental appropriations bill done; we have the export bill we have to get done—all of this between now and the end of this week?

My great concern is there seems to be no activity in the Chamber, and it is not because we do not want to get to a final conclusion on this legislation. It is because those who want to thwart us from making progress can easily do so, and at least have been doing so now for some number of days, beginning at least at the start of last week and perhaps partly the week before.

I ask the Senator: Is there a prospect of being able to make some progress with this emergency legislation? If so, how can we do that and how can we enlist the cooperation of the other side and say we need to have our amendments and have our shot at these amendments and have a vote? if we lose we lose, but we at least move the bill and go to conference. I ask my colleague from Nevada, how can we accomplish that?

Mr. REID. I say to my friend, who is a veteran legislator, we can only get legislation passed when one is willing to compromise. Legislation is the art of compromise, the art of consensus building. We do not have anyone willing to compromise at all. It is all or nothing, their way or no way.

It is too bad because the Senator is absolutely right. We have four things the majority leader has said he needs to do before we leave. It is not that he is being arbitrary. First of all, the Export Administration Act expires the middle of August, and the high-tech industry of America needs that legislation very badly.

He did not drum this farm bill out of nowhere. It is something that has to pass the experts downtown. The Office of Management and Budget has said the money is lost if we do not pass this bill so it can go to family farmers. We have to do it, they say, by the August recess. The Transportation appropriations bill, we need to get that done. It is almost all done anyway. Then, of course, there is VA-HUD. I was here today when the House sent this over. It is done in the House. We could do that. Senators MIKULSKI and BOND have both come to me, they have come to the minority leader and the majority leader, saying: When can we do this? It will not take very long. But we are being prevented from moving forward on legislation. I think it is too bad.

I see my friend from Oklahoma, my counterpart. I can reflect back this past year, when we were in the minority, and Senator LOTT said on a number of occasions he appreciated our help in getting these things passed. We worked very hard to get bills passed. It does not seem there is reciprocation.

If it is payback time, we are not being paid back the way we paid out, and I hope there can be something done. For example, the Senator from Ohio believes very strongly about this issue. I have great admiration for the Senator from Ohio. He was a great Governor. He is an outstanding Senator, and this is an issue in which he believes very strongly. We have to get our financial house in order. I do not know how many times we have debated this issue. When he and Senator CONRAD came the last time, they each received 42 votes. His amendment received 42 votes; Senator CONRAD's received 42 votes.

We can go through that same process again, and I am willing to do it. It is an important issue, but it is not moving the legislation forward at all that is before this body.

Mr. NICKLES. Will the Senator from Nevada yield for a question?

Mr. REID. The Senator from Iowa had a question first, and then I will yield. I did not respond to the Senator from Iowa, who has a question.

Mr. HARKIN. I appreciate the Senator yielding. I do have a question, and I want to proceed by saying we do not have any amendments on this side to the agricultural emergency bill. We are ready to go to third reading. We are ready to pass the bill right now.

We had a debate today on whether or not we wanted one level or another level. It was a good, honest debate. We had the vote. One side lost and one side won. It would seem to me then we should move ahead.

I was dismayed this afternoon when the Senator from Pennsylvania offered the dairy compact amendment, which by the way is not even germane to this bill. The dairy compact belongs in the Judiciary Committee, not the Agriculture Committee. The Senator has a right to offer an amendment.

They yanked the amendment, but they are going to come back tomorrow. I am beginning to sniff something here. What I am smelling does not smell very good. It smells like a deliberate attempt to slow down, if not stop, this emergency Agriculture bill. I did not think that until just a little while ago. I hope I am wrong. I hope we can come in tomorrow and wrap this up in a short time, have a final vote and see which way the votes go, and then move on.

My question to the Senator from Nevada, our distinguished assistant majority leader, is simply this: Is it not true that we in the Senate should do what we think is in the best interest of the country to have the votes and let the President decide what he wants to do at that point in time?

The Senator spoke about this idea of working together. President Bush came into office saying he wanted to work in a spirit of compromise. That is what we have to do around here. We do have to compromise. We have to work things out. But now there is some talk that the President has said—I have not heard him say it, and we do not have a letter from the President, but we have something from OMB saying his advisers will recommend he veto the committee-passed bill which is before the Senate.

I say to the Senator from Nevada, is that what we are reduced to, we cannot do anything here unless the President puts his stamp of approval on it?

Mr. REID. I say to my friend from Iowa, I mentioned briefly the Transportation appropriations bill. The President said he did not like it. If he did not like what was in the Senate bill, he must have hated the bill which was passed by a Republican House.

In the Senate, we have a compromise worked out by Senators MURRAY and SHELBY, and we are told they are not going to let us do that; the President will veto it.

The Senator from Iowa has been a Member of Congress longer than I have, and the Senator from Iowa knows the way the President weighs in is during the conference stage of legislation. That is why I have talked off the Senate floor to my friend from Iowa indicating: TOM, I think they are trying to stall this bill. The Transportation bill, obviously, they are doing that, and here we have the same thing.

If the President does not like this legislation, that is fine; he has veto power, and it is obvious his veto will be sustained. So why doesn't he let us go

to conference and the Senator from Iowa and his counterparts in the House, with Senator LUGAR, can work this out and bring it back? That is the way things are done.

If the President is going to say, unless the Senate does what I want, the bill is going nowhere, and he instructs his people in the Senate the bill is going nowhere, if that is the case, then we might as well be taken out of it and have him declared the King.

Mr. HARKIN. We might as well have a dictatorship if we cannot do anything unless the President first says we are allowed to do it. I hope I am wrong. I refrained from saying anything about it since this afternoon, but it appears to me there may be a deliberate slowdown here.

Again, I say to my friend from Nevada, I hope I am wrong. I hope we come in tomorrow morning and dispose of amendments. I hope we can propose a time agreement tomorrow so we can vote on final passage of this Agriculture emergency bill. Doesn't that seem like a logical way to proceed, I ask the Senator?

Mr. REID. I have heard from the Senator from Iowa and the Senator from North Dakota that their States are so dependent on agriculture. It is difficult for me to comprehend. In Nevada, we grow garlic, a few potatoes, and lots of alfalfa. The States of Iowa and North Dakota are two examples. I heard the Senator from North Dakota say over 40 percent of the economy of the State of North Dakota is agriculture related. Iowa is a huge part of that economy.

Mr. HARKIN. It is our biggest industry.

(Mrs. CARNAHAN assumed the Chair.)

Mr. REID. Madam President, both Senators have said, if this legislation does not pass, what it will do to their States and what it will do to their farmers. That, to me, indicates the President should allow us to move this bill along.

It appears to me this is all coming from the White House. The Senator does not have to agree. I understand. But it appears to me this is all coming from the White House. We are being allowed to move nothing. Nothing. We have had no conferences. The few bills we were fortunate enough to pass, we have had no conferences.

The President wants us to write the legislation he thinks is appropriate. The last measure we worked on, the Transportation appropriations bill, is a perfect example. It appears he wants it his way or no way.

I say to my friend from Iowa, I hope I am wrong. I told you earlier today I thought it was being slowed down, that it was going nowhere. I hope I am wrong.

Mr. HARKIN. I hope so, too.

Mr. REID. I hope people say: Let's agree to go to final passage at 5 o'clock and go to conference. The House is trying to adjourn Thursday. We can have the conference Thursday. We will spend all night doing it. We can do it. That is the way we used to legislate.

Mr. HARKIN. I am informed on this go-round I will be chairing the conference. I spoke with both the chairman and ranking member of the House Agriculture Committee today. They said we can go to conference and wrap it up in short order. I think that is true. Given a good morning or afternoon, I believe we can work this out and come back with a package that will be widely supported, but we cannot get there if we cannot get to a final vote on the bill.

Mr. REID. I say to the Senator, I saw the chairman of the House Agriculture Committee in the Senate Chamber today.

Mr. HARKIN. And the ranking member.

Mr. REID. I did not recognize him.

Mr. DORGAN. Will the Senator yield further?

Mr. REID. I will be happy to yield.

Mr. DORGAN. Madam President, there is a pretty wide gap between what Washington thinks and what farmers know. This, after all, is about family farmers. That is what the issue is: emergency help for family farmers. There are a whole lot of folks in the country struggling to make a living. Prices family farmers receive—the price for commodities—have collapsed to 1930 levels in real dollars.

I heard some people say: Things are improving. Yes, the price of cattle has improved, there is no question about that, but I guarantee, there is no one who serves in the Senate who has seen their income diminished in any way that resembles what has happened to family farmers. Grain prices are still at a very significant low.

When one takes particular grains and say they are at a 17-year low or 25-year low and then say they have improved slightly from that, the improvement ''slightly'' does not mean very much. It doesn't mean much to family farmers if slight improvements in the prices they receive means they are going to go broke probably a few weeks later.

The fact is, our family farmers are in desperate trouble.

The point I make is this is an emergency supplemental bill dealing with agriculture. It is in the budget, it is provided for, and we are trying to get some help out as soon as we can to family farmers.

Last Friday, inexplicably we were confronted with the question of having to file a cloture motion on the motion to proceed. In plain English, that means the other side said we had to have a debate about whether or not we were going to have a debate on this issue. We said: This is an emergency issue to help family farmers. These are, pardon me to others, America's last heroes, in my judgment. These are families out there struggling, working under a yard-light trying to keep it together. They are harvesting a crop—if they are lucky enough to get a good crop—and trucking it to the elevator only to find they are getting pennies on the dollar, 1930s prices in real value.

The fact is, they are hanging on by their financial fingertips trying to stay alive. And then when we came to this issue, we were told we have to debate whether we are going to be able to debate.

I am sorry, there is something wrong with that. There is something that misses the urgency of what ought to be done by the Senate to help families who are in trouble.

I help a lot of people. I am someone who believes I have a responsibility to invest in other States, in other regions. I support mass transit. We do not have a subway system in Bismarck, ND, but count me as a supporter because I believe it is important for our country to do that for other areas. I support programs in virtually every other area in this country because I think it strengthens this country. Investment in family farmers strengthens our country as well. This is just a small bridge. We have to build a bigger bridge for them in the new farm program which comes next.

To get from here to there, we are trying to do this emergency supplemental for Agriculture. It is just inexplicable to me that we even had to debate whether we would be allowed to debate. Once we got cloture, which says, ''It is OK, you won the debate; we can now debate,'' we find ourselves at a parade rest. It is like watching paint dry, except paint seems to dry more quickly than good debate on this bill.

I ask the Senator from Iowa—if the Senator from Nevada will yield to him—on other appropriations bills we have traditionally worked with each other, have we not? Both sides say all right, how many amendments do you have; this is how many we have; can we get time agreements; can we work them out; can we find an end date so we can get these done?

We have always done that. I hope we can do that on this piece of legislation because it is so important.

The only way we are going to accomplish anything, I fully understand, is to be able to elicit cooperation from both sides. We have to cooperate. I understand that. Anybody can stop this place. Throw a wrench in the crank case and it comes to a stop quickly. That is easy to do in the Senate.

Are we in a position, I ask the majority whip, where we are able to get perhaps the other side to say to us, and our side to say to them: Here are the total amendments we have. Let's work through them and find ways to reach an understanding of how we will get this bill passed.

Are we able to do that? If not, why not?

Mr. REID. I proposed earlier today that we have a time for filing amendments. No need to write it up. It will not happen. For those watching, that means if we have an agreement, usually we have very competent staff write up a unanimous consent agreement so we can propound it. There was

no need to write this up because there was no chance the other side would agree in any way to limit amendments. We have no amendments on this side.

We are not a bunch of farmers over here. I say that in a positive fashion. We are not a bunch of Senators representing only farm States. We have a wide range of interests. We have been convinced the family farmers are so important, agricultural interests are so important to this country, we all support an emergency Agriculture bill. That is why all 51 on this side of the aisle support this bill. We want to move it quickly. If there is something wrong with it, I have enough confidence in the legislative process, and I recognize the President will be involved in it, that a different product will come back than what we pass. We are not being allowed to pass anything out of here. That is a shame. It hurts the institution. It hurts the legislative process. Most of all, I am convinced after 3 days of debate, the family farms, the agricultural interests in the country are being hurt, and hurt badly, and some irreparably damaged if we do not pass this legislation by this coming Friday or Saturday.

Mr. HARKIN. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. HARKIN. It is important to keep in mind what we are trying to do, and I will preface that with a statement. We are trying to provide the payments to our farmers all over America the same basic rate of payment they got last year. It is not more, just the same basic rate. We know input costs have gone up; fuel is higher.

Mr. REID. ''Input'' means production costs.

Mr. HARKIN. Production costs are higher. We want to get them the same amount as last year. This is so important to my State. The difference between what the committee bill has and the amendment offered today by Senator LUGAR is about $100 million. That is how much we are hurting in my State.

If that amount of money is taken away, if we don't get that payment out, think of all the small town banks that have loans to farmers. These are not Bank of America and Wells Fargo. These are small, country banks. They have extended credit to these farmers. They have to pay back their depositors, too, just like any bank. Yet $100 million they would not get; that would be less than what they got last year.

Think of the damage that would do to our economy in the State of Iowa. In North Dakota, it is roughly half of that, $51 or $50 million in North Dakota. That is a big hit in a State such as North Dakota. Think of all the independent people, small town banks, implement dealers, feed stores, the seed companies, all the people up and down the Main Streets who, in many cases, have extended credit to family farmers, believing we are going to come in and do what the budget allows to be done. We are not asking for any more than what we got last year.

If I understand correctly, the President says we have to take less. Somehow we can afford to get hit harder in rural America. We cannot afford to get hit harder. We have been hit hard in the last few years, pretty darned hard. All we are asking is to make the same payments we did last year. The budget allows for that—the budget passed by the Republican Congress, I point out. The Republicans passed that budget. In that budget, there is money to allow farmers to get 100 percent of the market loss and oilseeds payments that were made last year.

If the budget allows it and the money is there, why should we not at least get the payments out for our family farmers on the same basis we did last year?

Mr. REID. The chairman of the Budget Committee has been on the floor for the last 2 days we have been on this bill. Each day he has said, citing line and verse of the Budget Act, that the budget resolution that was passed and the activity that has been generated by this bill do not in any way violate the Budget Act. He talked again this morning about this.

People are saying it is $2 billion over what it should be. I say to my friend from Iowa and anyone within the sound of my voice, we had a vote on that today, in effect. The vote was, no; it is fine. The vote was 52–48, as I recall. A close vote, but we have a lot of close votes, just like the Supreme Court makes a lot of close decisions. Even though they are close, that is the law. A vote that is 52–48 carries the same weight as a vote 99–1.

For anyone who says this bill is a budget buster, I offered a motion to table the amendment of my friend from Indiana. I moved to table that amendment because I felt the Senate should be able to speak as to whether or not they felt it was too much money. Clearly, the Senate said it was not too much money.

I repeat, this matter should be passed out of the Senate so we do have the opportunity, for the good of the farming community, agriculture all over America, for their benefit we should be able to go to conference with the House immediately. It should be in conference in the morning.

Mr. HARKIN. We could be. We could be in conference tomorrow.

Mr. THOMAS. Will the Senator yield?

Mr. DOMENICI. Could I ask a question?

Mr. REID. I yield to my friend from New Mexico without losing my right to the floor.

Mr. DOMENICI. I have been waiting to be heard for 6 or 7 minutes. How much longer before the Senator might be able to speak? The Senator has the floor.

Mr. REID. I understand that. I am about wound down. I think the Senator from Iowa is just about finished. Does the Senator from Wyoming have anything to say?

Mr. THOMAS. I was going to say if you wanted to hear from the other side, a Senator is standing here. I wondered if you would give the Senator a chance to speak.

Mr. REID. I will yield the floor in a minute. Having served with my friend from New Mexico for the years I have, no one ever has to worry about his having the ability to speak. He always figures out a way to do it. I have no problem yielding the floor in just a minute.

For the information of Senators, it appears clear there will be no more votes tonight. I also say the Senator from Ohio wishes to offer an amendment, and we will talk to the staff and perhaps we can work something out so when he finishes we can adjourn for the evening.

I am happy to yield to my friend, the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the distinguished majority whip for yielding, and Senator HARKIN. I will take only a few minutes. My friend from Ohio has been waiting for a long time.

I am listening tonight about how urgent matters are and how urgent it is we pass this measure tonight. I just want to make sure everybody understands that our farmers are in need of emergency relief provided in this bill. I hope my friend from Iowa is listening.

This Harkin measure was voted out of committee on July 25. The House bill came to the Senate on June 26—1 month before it was voted out by the Ag Committee, which you chair, I say to my good friend, the distinguished Senator from Iowa. So if there is 1 day's delay on the floor because somebody really thinks that dairy compacts are important to their State, should it actually, in reality, even be insinuated they are the cause for delay when, as a matter of fact, the House bill has been here for 1 month?

The House bill is still something that is possible. If we pass the House bill, everything our farmers need is completed. This bill that is before us in the Senate, has the House relief and then it adds additional spending into the next year—I am not arguing that the next year is against the budget resolution, but why do we have to, in an emergency, do next year's spending when the emergency we are worried about is this year?

I do not intend to stay here very long and debate the issue. I just thought it might be of interest to some, what the real facts are with reference to delay.

Having said that, I understand the great concern of the Senator from Iowa about agriculture. I understand the Senators on the other side who have gotten up and spoken today about agriculture. I do not want anyone to think that in the past 6 years while we were in control of the Senate we did not put very many billions—billions of dollars into emergency relief for the farmers. We did.

When I was chairman of the Budget Committee, on which I am now ranking member—obviously, you can just go

back and add it up—some years it was $8 billion in emergency money, other years we voted for $6 billion and $8 billion and $12 billion. So it is not anything new to have to vote or to be in favor of emergency relief for our farmers. One of these days we need a better system, but for now the world economy and a lot of other things are imposing on our farmers in such a way that they do need help.

I am sure if the House bill were before us, with all of the emergency relief that is needed for this year, without which many farmers will not get what they are entitled to—if that were before us, it would probably get no negative votes. We could pass it and be done with it.

Having said that, why did the Senator from New Mexico today object to proceeding with the amendment, with reference to dairies?

I am pleased to note that even though I objected to a time limit, it was not the Senator from New Mexico who caused the delay. For some reason, the other side decided to pull the amendment. That is their own strategy. I didn't have anything to do with that. I compliment them for their arguments in favor of the compact that was before the Senate as offered by the distinguished Senator from Pennsylvania.

I would just like to say, all of us come here because from time to time we are worried about legislation and its impact on our States. I came to the floor earlier because I have been very busy and I was not totally familiar with the compact amendments that were on the floor. I did know, when I came to the floor, that they might impact my State. I have now found they would impact my State in a dramatic way. All I want to do is tell the Senate what is happening to dairy in the United States.

We are here talking about compacts protecting States as if that is the only way to get milk products for American consumers. The truth of the matter is, New Mexico and one other State are shining examples of a total departure from the idea of compacts, and a departure that says: Innovation. Let's do new things. Let's save real dollars for those who are consuming. We want to save on transportation, and under the compact approach you do not save on transportation.

New Mexico's dairymen are competing in their part of the country with new technologies. They have new ways of treating milk before it is transported. They make it lighter. When it gets to where it has to go, it is returned to its original form, and who benefits? There is no change in the milk, and the beneficiaries are those who buy cheaper milk and those who producer more and more milk in the herds that are now grazing the landscapes of New Mexico and Idaho.

I want to say how important it is we let that happen, that we let this innovation and competition happen. I am quite sure those who have compacts feel just as strongly about their States and about what they are doing with small herds and the like, as I do about what is happening in my State. I believe what is happening in my State and a few others like it is the wave of the future. Innovation and competition are changing the face of business in all our States and it is going to change the production of milk and milk-related products, just as sure as we are standing here tonight.

In the year 2000, the dairy industry contributed over $1.8 billion to New Mexico's economy. The producers had about 150 individual dairy farmers, over 250,000 cows. That has grown since the early 80's and 90's. These are just the numbers we have are for the year 2000. New Mexico ranked 9th, believe it or not, in the total number of dairy cows; 10th in the total production of milk—5.23 billion pounds; 5th in the production per cow, 20,944 pounds.

Some listening from other States probably cannot believe that is really happening, but it is. Yes, it is. We continue to be the first in the United States in the number of cows per herd, with New Mexico dairies averaging 1,582 cows per operation.

I am very sorry if in some States they have small operations. But I think in the custom and tradition of the Senate that a Senator from New Mexico who has this happening in his State, which is otherwise a rather poor State, should have enough time to come to the floor and discuss something as complicated and detrimental to our State—probably as detrimental as any other legislation directly affecting New Mexico this whole year.

New Mexico dairymen have a dramatic impact on local and regional economies, from the hiring of labor to feed purchases. According to the New Mexico Department of Labor, New Mexico dairies currently employ up to 3,183 people with an estimated payroll of $64.8 million. Additionally, NM processors currently employ up to 750 people with an estimated payroll of $25.5 million. This is an industry that I am committed to fighting for.

Regional compacts could threaten this vital New Mexico industry. New Mexico has a small population and with the numbers I just mentioned, it produces a vast amount of milk. The future of the New Mexico dairy industry depends on mechanisms that are conducive to allowing NM milk to be transported to other areas. Compacts prohibit this type of activity.

The Northeast Dairy Compact was established in mid-1997 as a short term measure to help New England dairy farmers adjust to a reformed Federal milk marketing order system. Even though market order reform was completed in late 1999, the Northeast compact was extended 2 additional years. It does not need to continue.

The ''experiment'' with a Northeast Dairy Compact in the New England states has provided evidence against existing dairy compacts and potential expansion of compacts into other regions. I would like to take a moment and discuss why the Northeast dairy compact has been a failure.

The stated goal of the Northeast compact was to reverse the steady decline in the number of dairy farms in this country. The numbers simply state the opposite has proved true. American Farm Bureau data indicates that New England lost more farms in the three years under the compact 465 than in the 3 years just prior to the compact 444.

Most importantly, compacts are unconstitutional. Compacts blatantly undermine the commerce clause. One of the central tenets of the U.S. Constitution and a basic foundation of our nation is a unified economic market. We have never advocated for the right of States to unravel this central tenet of the U.S. Constitution, by allowing States to erect economic walls against one another.

The higher prices paid by processors are passed on to consumers at the retail level. Economic studies, including one ordered by the Northeast Compact Commission itself, have confirmed the pass-through costs to consumers. These studies put the retail impact of the Northeast compact anywhere from 4½ to 14 cents per gallon of milk.

Additionally, compacts discourage farmers and cooperatives from finding efficiencies in marketing, transportation and processing such as ultra-filtration and reverse osmosis technologies currently being used and improved upon by New Mexico dairymen.

This is definitely a commodity and an industry worth protecting. If compacts are designed to protect dairy farmers and dairy farmers need protection, then do it with a national, not a regional program. If there are problems with the program, lets consider a national solution rather than expanding and extending divisive regional policies. A national alternative will address the concerns of all dairy farmers, not just those in compact States.

Compacts establish restrictions and economic barriers against the sale of milk from other regions, increase milk prices to consumers in the compact region, and lead to a reduction in the price of milk paid to farmers outside the compact area. This is a quick fix not a national solution. We need a policy that addresses the concerns of producers in all regions, without pitting farmers in one region against those in other regions, or interfering in the marketplace through artificial price fixing mechanisms.

I fear the Northeast dairy compact has set some kind of precedent for regional price fixing for an agricultural commodity. This cannot continue. If we do not stop this right now, where will it stop? Will we soon see a regionally fixed price for wheat to make bread? Or how about fruits and vegetables? Or will we soon see unelected regional commissions fix prices for gasoline? Or coal? Or even lumber? These

are all commodities that have a regional imbalance of production and consumption, somewhat similar to milk, and the producers of these commodities have seen hard times in recent history. I suggest regional price fixing should end immediately.

To reiterate, I challenge the constitutionality of the compacts. I believe they will be challenged sooner or later. I believe the U.S. Supreme Court is moving in a direction where they will be declared to be monopolistic. I think that is what is going to happen. But I do not want to debate that as a lawyer or constitutional expert here on the floor. I just want to say clearly I must, in all good conscience, defend my State against what is going to happen if we proceed too quickly and we do not have a chance to thoroughly understand this matter.

As I said, I have even studied the history of how we first got involved in these compacts. Actually, it was accidental. It was an emergency situation, and it was supposed to last for only 2 years. Two years has led into many years beyond, and instead of just the Northeast, it is spreading throughout. So what we have are these kinds of compacts among States all over America except for States such as New Mexico and perhaps Idaho.

We want to be competitive. We want to provide the very best products to as many American people as we can.

It is very important that we had this discussion today. I do not believe it is fair to characterize what has gone on here on this bill as any kind of excessive delay. You have a bill that exceeds what the President asked for and what the House passed by almost $2 billion. Use of that $2 billion will not occur until a year from now. It is not an emergency. Yet we have those saying if you do not let it pass, and let it pass quickly, you are unduly delaying what our farmers need.

It is very easy to decide how to fix this. Just take the 2002 money out of this bill and have it address a real emergency and let's vote up or down on it. That means we would not even have to go to conference. All the farmers in our country who need their checks this year will get them, and they will get them on time. Otherwise, it is very doubtful whether they will.

Pass this bill with the 2002 money. That is not an emergency. Try to pass it with anything like the compact and who knows where it will end up. The President isn't telling this Senator what to do. But I understand he will veto the bill. I understood where I was before I knew where he was, if anybody is interested on that side. Clearly, it did not come from the President. My concern is as it affects New Mexico.

I close by discussing what has happened in the last 10 years in the United States of America. It is a new economy. The United States has basically changed the underpinnings of its economy. President Clinton said it. Our new President says it. Alan Greenspan says it. It is a new economy in capital letters. It means we are changing. We are being innovative. We are becoming more competitive. We are inventing and putting more things on the market. What does that increase? It increases our productivity. Productivity is the key to the Social Security trust fund and to paying our seniors in the future. It is the key to having surpluses in the future. Productivity can apply to every industry, including dairy cows and milk production.

That is what we think ought to happen in America. We would like to continue to do it in our States. We would like for the Senate not to impose upon them a cartel. States can in a sense in their own circuitous way fix the product. Maybe you should strike ''fix the price'' and make arrangements for what it will cost so we will not be losing any pejorative words.

I am ready to discuss this tomorrow. I have been thoroughly apprised of the compact issue. I understand it, and I am willing to use a reasonable amount of time to discuss this tomorrow, and then proceed. But what we think on this is not going to get this bill cleared and say it will pass and it will go to the President. It has a lot of hurdles. The farmers need their money very quickly. We have already had a month when we could have produced a bill—at least 3½ weeks—for reasons which might be good. We didn't do that. But to complain right now that this 1 day on the Senate floor is what is hurting our farmers is just not true.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I have heard it said on the floor a couple of times today that the Agriculture Committee is not moving this bill quickly enough. The fact is, the Agriculture Committee did not have a reconstituted committee until June 29. Following that, it did not have its full membership until July 1. Following that, the committee worked 8 days. In 8 days, the bill came out of committee. It sounds like pretty good work to me. Within 8 days we had a major piece of legislation such as this coming out of the committee. Senator HARKIN and Senator LUGAR did a pretty good job.

I repeat: It could not move forward until the committee was reconstituted.

Last year we passed a bill similar to this. The agricultural community has problems in different places every year. But they always have problems. Last year we passed a bill with $7.1 billion. It was very close to what we are trying to pass this year.

AMENDMENT NO. 1212, WITHDRAWN

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 1212.

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

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

The amendment is as follows:

(Purpose: To provide a substitute amendment)

Strike everything after the enacting clause and insert the following:

SECTION 1. MARKET LOSS ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall, to the maximum extent practicable, use $4,622,240,000 of funds of the Commodity Credit Corporation to make a market loss assistance payment to owners and producers on a farm that are eligible for a final payment for fiscal year 2001 under a production flexibility contract for the farm under the Agriculture Market Transition Act (7 U.S.C. 7201 et seq.).

(b) AMOUNT.—The amount of assistance made available to owners and producers on a farm under this section shall be proportionate to the amount of the total contract payments received by the owners and producers for fiscal year 2001 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

SEC. 2. SUPPLEMENTAL OILSEEDS PAYMENT.

The Secretary shall use $423,510,000 of funds of the Commodity Credit Corporation to make a supplemental payment under section 202 of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of the 2000 crop of oilseeds that previously received a payment under such section.

SEC. 3. SUPPLEMENTAL PEANUT PAYMENT.

The Secretary shall use $54,210,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(a) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of quota peanuts or additional peanuts for the 2000 crop year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 4. SUPPLEMENTAL TOBACCO PAYMENT.

(a) SUPPLEMENTAL PAYMENT.—The Secretary shall sue $129,000,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to eligible persons (as defined in such section) that previously received a payment under such section.

(b) SPECIAL RULE FOR GEORGIA.—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use the sum of $13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000.

SEC. 5. SUPPLEMENTAL WOOL AND MOHAIR PAYMENT.

The Secretary shall use $16,940,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 814 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387), to producers of wool, and producers of mohair, for the 2000 marketing year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 6. SUPPLEMENTAL COTTONSEED ASSISTANCE.

The Secretary shall use $84,700,000 of funds of the Commodity Credit Corporation to provide supplemental assistance under section 204(e) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers and first-handlers of the 2000 crop of cottonseed that previously received assistance under such section.

SEC. 7. SPECIALTY CROPS.

(a) BASE STATE GRANTS.—The Secretary shall use $26,000,000 of funds of the Commodity Credit Corporation to make grants to the several States and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture. The amount of the grant shall be—

(1) $500,000,000 to each of the several States; and

(2) $1,000,000 to the Commonwealth of Puerto Rico.

(b) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $133,400,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount that represents the proportion of the value of specialty crop production in the State in relation to the national value of specialty crop production, as follows:

(1) California, $63,320,000.
(2) Florida, $16,860,000.
(3) Washington, $9,610,000.
(4) Idaho, $3,670,000.
(5) Arizona, $3,430,000.
(6) Michigan, $3,250,000.
(7) Oregon, $3,220,000.
(8) Georgia, $2,730,000.
(9) Texas, $2,660,000.
(10) New York, $2,660,000.
(11) Wisconsin, $2,570,000.
(12) North Carolina, $1,540,000.
(13) Colorado, $1,510,000.
(14) North Dakota, $1,380,000.
(15) Minnesota, $1,320,000.
(16) Hawaii, $1,150,000.
(17) New Jersey, $1,100,000.
(18) Pennsylvania, $980,000.
(19) New Mexico, $900,000.
(20) Maine, $880,000.
(21) Ohio, $800,000.
(22) Indiana, $660,000.
(23) Nebraska, $640,000.
(24) Massachusetts, $640,000.
(25) Virginia, $620,000.
(26) Maryland, $500,000.
(27) Louisiana, $460,000.
(28) South Carolina, $440,000.
(29) Tennessee, $400,000.
(30) Illinois, $400,000.
(31) Oklahoma, $390,000.
(32) Alabama, $300,000.
(33) Delaware, $290,000.
(34) Mississippi, $250,000.
(35) Kansas, $210,000.
(36) Arkansas, $210,000.
(37) Missouri, $210,000.
(38) Connecticut, $180,000.
(39) Utah, $140,000.
(40) Montana, $140,000.
(41) New Hampshire, $120,000.
(42) Nevada, $120,000.
(43) Vermont, $120,000.
(44) Iowa, $100,000.
(45) West Virginia, $90,000.
(46) Wyoming, $70,000.
(47) Kentucky, $60,000.
(48) South Dakota, $40,000.
(49) Rhode Island, $40,000.
(50) Alaska, $20,000.

(c) SPECIALTY CROP PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops in the use of the grant funds.

(d) SPECIALTY CROP DEFINED.—In this section, the term 'specialty crop' means any agricultural crop, except wheat, feed grains, oilseeds, cotton, rice, peanuts, and tobacco.

SEC. 8. COMMODITY ASSISTANCE PROGRAM.

The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States to be used by the States to cover direct and indirect costs related to the processing, transportation, and distribution of commodities to eligible recipient agencies. The grants shall be allocated to States in the manner provided under section 204(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)).

SEC. 9. TECHNICAL CORRECTION REGARDING INDEMNITY PAYMENTS FOR COTTON PRODUCERS.

(a) CONDITIONS ON PAYMENT TO STATE.—Subsection (b) of section 1121 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105–277 (7 U.S.C. 1421 note), and as amended by section 754 of the Agriculture, Rural development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549A–42), is amended to read as follows:

''(b) CONDITIONS ON PAYMENT TO STATE.—The Secretary of Agriculture shall make the payment to the State of Georgia under subsection (a) only if the State—

''(1) contributes $5,000,000 to the indemnity fund and agrees to expend all amounts in the indemnity fund by not later than January 1, 2002 (or as soon as administratively practical thereafter), to provide compensation to cotton producers as provided in such subsection;

''(2) requires the recipient of a payment from the indemnity fund to repay the State, for deposit in the indemnity fund, the amount of any duplicate payment the recipient otherwise recovers for such loss of cotton, or the loss of proceeds from the sale of cotton, up to the amount of the payment from the indemnity fund; and

''(3) agrees to deposit in the indemnity fund the proceeds of any bond collected by the State for the benefit of recipients of payments from the indemnity fund, to the extent of such payments''.

''(b) ADDITIONAL DISBURSEMENTS FROM THE INDEMNITY FUND.—Subsection (d) of such section is amended to read as follows:

''(d) ADDITIONAL DISBURSEMENT TO COTTON GINNERS.—The State of Georgia shall use funds remaining in the indemnity fund, after the provision of compensation to cotton producers in Georgia under subsection (a) (including cotton producers who file a contingent claim, as defined and provided in section 51 of chapter 19 of title 2 of the Official Code of Georgia), to compensate cotton ginners (as defined as provided in such section) that—

''(1) Incurred a loss as the result of—

''(A) the business failure of any cotton buyer doing business in Georgia; or

''(B) the failure or refusal of any such cotton buyer to pay the contracted price that had been agreed upon by the ginner and the buyer for cotton grown in Georgia on or after January 1, 1997, and had been purchased or contracted by the ginner from cotton producers in Georgia;

''(2) paid cotton producers the amount which the cotton ginner had agreed to pay for such cotton received from such cotton producers in Georgia; and

''(3) satisfy the procedural requirements and deadlines specified in chapter 19 of title 2 of the Official Code of Georgia applicable to cotton ginner claims.''.

''(c) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking ''Upon the establishment of the indemnity fund, and not later than October 1, 1999, the'' and inserting ''The''.

SEC. 10. INCREASE IN PAYMENT LIMITATIONS REGARDING LOCAL DEFICIENCY PAYMENTS AND MARKETING LOAN GAINS.

Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(1)), the total amount of the payments specified in section 1001(3) of that Act that a person shall be entitled to receive for one or more contract commodities and oilseeds under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) during the 2001 crop year may not exceed $150,000.

SEC. 11. TIMING OF, AND LIMITATION ON, EXPENDITURES.

''(a) DEADLINE FOR EXPENDITURES.—All expenditures required by this Act shall be made not later than September 30, 2001. Any funds made available by this Act and remaining unexpended by October 1, 2001, shall be deemed to be unexpendable, and the authority provided by this Act to expend such funds is rescinded effective on that date.

''(b) TOTAL AMOUNT OF EXPENDITURES.—The total amount expended under this Act may not exceed $5,500,000,000. If the payments required by this Act would result in expenditures in excess of such amount, the Secretary shall reduce such payments on a pro rata basis as necessary to ensure that such expenditures do not exceed such amount.

SEC. 12. REGULATIONS.

''(a) PROMULGATION.—As soon as practicable after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this Act and the amendments made by this Act. The promulgation of the regulations and administration of this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

''(b) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(c) This section shall be effective one day after enactment.

Mr. LUGAR. Mr. President, I ask unanimous consent that the amendment be withdrawn.

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

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, I have had an opportunity to listen to my colleagues talk about what is happening in the Senate in terms of procedure. I had an opportunity to sit in the Presiding Officer's chair for a lot of time during my first 2 years in the Senate. In fact, I was the first member of the Republican Party as a freshman to get the Golden Gavel Award for 100 hours in the Chair.

I have to comment on what I am hearing on the other side of the aisle that this side of the aisle is delaying the passage of bills. The same complaints being lodged against the Republican side of the aisle are the same complaints the Republicans lodged

against the Democratic side of the aisle during my first 2 years in the Senate. It is deja vu all over again.

The fact is, some of us have some major concerns that we would like to have discussed in the Senate. We would like to have our point of view listened to and taken into consideration. For example, the dairy compact was brought up and then withdrawn. I was very upset when this was brought up last time. My State was opposed to the dairy compact because we thought extending it was not in the best interest of our State, but I never had a chance to vote on it because it came up in conference. It was done in that way.

I think some of us who are concerned about the dairy compact think it is unfair to the farmers in our respective States. For example, my State legislature would never have granted permission for Ohio to be involved in the dairy compact. We ought to have an opportunity to talk about that in the Senate if we think it is something that is very relevant, and we should at least have a chance to vote on it on the floor, if that is the consensus of the Members of the Senate.

In addition, I have heard that this amendment I am bringing up this evening is not relevant to this farm bill. I happen to believe it is very relevant to this farm bill. The farmers in my State are not only interested in money for farmers and for agribusiness, but they are also very interested in fiscal responsibility.

For example, I was at a meeting of farmers in Ohio a couple of weeks ago. One of them asked me: Senator, why did you vote against the education bill? My response was that the education bill increased spending by 64 percent. There was not another question about it in the room. Someone said: Well, if you are going to increase education 64 percent over what you spent last year, that means there is not going to be money for other priorities facing the Federal Government.

The Agriculture Supplemental for FY 2001, in my opinion, could be passed immediately tomorrow if my colleagues on the other side of the aisle would agree to the $5.5 billion that the House passed and to which the President agreed to sign. One of my great concerns is that because of the disagreement over the amount of money this might be delayed. If it is not done before we go home, there is a good possibility that our farmers won't get the $5.5 billion that we want to provide for them.

I suggest to my friends on the other side of the aisle that they agree to the $5.5 billion. Let's get it done, and let's get the money out so we can help our farmers.

In my opinion, to add another $2 billion that is going to come out of the FY 2002 budget when we have a very tight budget situation already is fiscally irresponsible.

We know that the House provided $5.5 billion. If we put in another $2 billion for next year, that means that in order to revise the farm bill, we are going to have to put even more money in there. And I would argue that we are very close right now to spending the Social Security surplus in the 2002 budget.

So I believe this amendment that I am bringing to this Senate is relevant. It is an amendment that I brought up a couple of weeks ago, and it is an amendment I am going to continue to bring up. I am going to repeat the same words I heard from some of the Members on the other side of the aisle, where the Republicans, they felt, did not give them a chance for an up-or-down vote, whether it was on minimum wage or whatever else it was. I want an up-or-down vote on a pure Social Security lockbox. I do not want to see it tabled. I do not want to see it objected to on some procedural matter. I want an up-or-down vote on this. I think it is extremely important to fiscal responsibility for this country.

I think if we do not pass this lockbox legislation, that indeed we will spend the 2002 Social Security surplus of $172 billion.

So I am here to offer an amendment that will lockbox that Social Security surplus and force the Senate and the House to make the necessary hard choices that will bring fiscal discipline to the Government and keep the Social Security surplus from being used.

I am also offering this amendment because it is part of the covenant that we made to the American people when we passed the budget resolution and reduced taxes.

I refer to that covenant as the ''three-legged stool.'' One leg allows for meaningful tax reductions. One other leg reduces debt. The third leg restrains spending. The Presiding Officer may not know this, but in the last budget that we passed in the Senate, we increased budget authority for nondefense discretionary spending by 14.5 percent, with an overall increase in the budget of about 9 percent over what we spent in the year 2000.

I believe this amendment I am offering guarantees that the tax reduction will continue, that we will continue to pay down the debt, and that we will control spending. As I mentioned, if we do not get an up-or-down vote on this, I am going to continue, every opportunity I have, to bring this amendment to this Senate Chamber.

I think my colleagues should know that the softening economy and the inexorable growth of Federal spending are putting us perilously close to spending the Social Security surplus. I think that has been enunciated by Senator CONRAD on several occasions, that we are close to spending the Social Security surplus.

Until CBO and OMB issue their budget reports in August, we will not know for sure, but the early economic barometers are worrisome, and the primary barometer—tax receipts—is down.

In addition, I am concerned that the money in the fiscal year 2001 Agriculture supplemental bill—the bill we are talking about, including the more than $2 billion that the Senator from Iowa is looking to spend in 2002 funds—will, I fear, push us over the top towards spending the Social Security surplus.

So that my colleagues understand what is going on with spending in the Senate, let's just look at this chart. I call it the ''here we go again'' chart. The President came in with a budget recommendation of a 4-percent increase over last year. Our budget resolution came back with an increase of about 5 percent. But after the Senate has passed three appropriations bills, and if you take into consideration if we kept the other 10 appropriations bills at their 302(b) allocations, and you add in the $18.4 billion that the President proposes for defense spending, we are now at an increase in spending of 7.1 percent. And who knows where we are going to be going in the future.

So here we are in the middle of the appropriations season, and we are on track to increase discretionary spending in fiscal year 2002 by more than 7 percent.

But we are not done yet. We have 10 appropriations bills to go, and that does not include conference reports. By the time we are all done, who knows what the final fiscal year 2002 budget will be increased by?

Just look at how much we are increasing some of the specific appropriations bills already. I call this chart: ''old spending habits die hard.''

Here are the three appropriations that we have passed already: Legislative branch, 5.6 percent over last year; Energy and Water, 6.4 percent over last year; Interior, 7.9 percent over last year.

Now let's look at the other bills that have been reported out: Foreign Operations looks like it is OK, 2 percent; Transportation, 3.6 percent—but I am sure it is going to be more than that before the Transportation bill gets out of the Senate—Commerce-Justice-State, 4.4 percent; VA-HUD, 6.8 percent; Treasury-Postal, 6.8 percent; Agriculture, 7.1 percent. So when you add all of this together, there is a very good chance that our spending could be 8, 9, 10 percent higher than last year.

So I think we have a problem. As I mentioned, if you take into consideration that we increase education—that is, if we appropriate a 64-percent increase—we are really in trouble. I think a 64-percent increase for education, is $14 billion more than we would be spending ordinarily.

So I am trying my best, I am trying my very best, to avoid the spending ''train wreck.'' The amendment that I am offering will keep that train on track.

When I was Governor of Ohio, I was faced with a $1.5 billion budget deficit. When I came into office, my colleagues in the House and Senate, the President of the Senate and the Speaker of the House, said to me: George, don't worry

about it. Everything is going to work out fine.

I did not think it would work out fine, and I began almost immediately to start cutting spending. Over a 2-year period, we decreased spending by almost $1 billion. If I had not gotten started early with that process, we would have had a catastrophe.

My feeling is, the sooner the Senate understands we have a real problem that needs to be dealt with, the better off we all are going to be.

So the amendment I offer will guarantee we stay the course toward fiscal discipline. It contains two enforcement mechanisms: A supermajority point of order written in statute, and an automatic across-the-board spending cut to enforce the lockbox.

The amendment creates a statutory point of order against any bill, amendment, or resolution that would spend the Social Security surplus in any of the next 10 years. And waiving the point of order would require the votes of 60 Senators.

In addition, if the Social Security surplus was spent, OMB would impose automatic across-the-board cuts in discretionary and mandatory spending to restore the amount of the surplus that was spent.

I want everyone to understand that this amendment specifically protects the Medicare Program from any cuts.

The only exceptions to the lockbox would be a state of war or if we have a recession.

Some of my colleagues are probably thinking that we don't need this amendment; that the spending excesses I have outlined earlier just will not happen; that we won't spend so much, that we won't dip into Social Security. I disagree. We only need to look at our recent history to see how addicted to spending Congress really is.

If my colleagues will look at this chart, they will see how much Congress has spent on some of the appropriations bills for fiscal year 2001 according to the Senate Budget Committee. We can see Agriculture, a 26.2 percent increase over FY 2000; energy and water, 10.1 percent; Interior, 24.7 percent, Labor-HHS, 25 percent; Transportation, we spent 26.6 percent over fiscal year 2000; Treasury-Postal, 13.4 percent; and VA–HUD, a 13.5 percent increase over FY 2000. You can see, when you look at the numbers, that we have increased budget authority for nondefense discretionary spending by 14.5 percent in fiscal year 2001.

It is amazing to me. I will talk to colleagues who were here during the last 2 years and say to them: Do you realize how much we increased spending? Some of them seem to be shocked that we increased spending 14.5 percent. When I go home and tell people in Ohio that this is what Congress did, they think it is incredible. They just cannot believe it.

I have said to them on many occasions, if I had spent money as mayor, as commissioner, as Governor of Ohio the way we have here in the Senate, they would have run me out of office. They would have literally sent me home.

What are we going to do? What we need to do is wall in Congress. And by ''wall in,'' I mean we are not going to spend Social Security and we are not going to increase taxes, we are going to live within our means.

It is very important that we face up to this reality. My recommendation to my colleagues is that we ought to get out the Defense and the Labor-HHS bills and bring them to the floor now and not wait until the very end as we did last year for the pork-athon.

We have to live within the budget we have. I know that if we keep going one appropriation after another, say we do 11 of them and wait until the very end of the fiscal year for the last 2, we are going to have the same situation we had last year. It is time we got those 13 appropriations bills on the table simultaneously and looked at them with the administration and indicate how much we intend to spend overall—5 percent, or maybe at 6 percent, whatever it is, but work it out so that we don't end up with this great train wreck at the end of this year as we did last year.

I implore my colleagues, the best way we can help our budgetary situation is to formally lockbox the Social Security surplus, simply take it out of the spending equation. It is the best thing we can do relative to our economy.

I realize we have a number of pressing needs facing our Nation. Agriculture is one of them. One of the things about which I have always felt good was even though I am from Cuyahoga County, a big urban county, I was referred to as ''the agri-Governor.'' I am interested in agribusiness. I care about my farmers and I have spent a great deal of time with them. I want them to have that $5.5 billion. I want them to have it now and they can have it now if we can get an agreement with our colleagues from the other side of the aisle.

Let's get it done. Let's not go home and not have it done and have it disappear when the OMB or CBO comes out with their numbers.

I support a strong defense. I support education. However, the money to pay for whatever increases Congress makes to these and other programs has to come from somewhere. We either prioritize our spending or we take the easy way out and reduce the Social Security surplus.

That had happened for 30 years before I came to the Senate. It was not until 1999 that we stopped using the Social Security surplus to subsidize the spending by Congress and by the administration.

I am asking this body to put their money where their mouth is. If my colleagues do not want to spend the Social Security surplus, then I urge them to join me in support of this lockbox amendment.

Before I ask for the amendment to be read, I would like to make one other point in regard to the discussion prior to my speaking that I heard relating to the Transportation bill.

I was one of the Senators who stuck around here last Friday until the very end to find out what would happen. I had an event in Cleveland to which I had to go, but I did not go because I really thought it was important that we get some dialog between Members of the Senate in regard to that Transportation bill and the provision of it that deals with truck traffic coming out of Mexico.

I sincerely believed that that legislation interfered with NAFTA and that we ought not to be doing that in the Transportation appropriations bill. I believed it was wrong. I believed my colleagues from the other side of the aisle should have sat down with Senator MCCAIN and Senator GRAMM of Texas and worked out some language that was satisfactory to the Senate and to the President of the United States and which did not violate the NAFTA agreement.

I would like to read an editorial from the Cleveland Plain Dealer, the largest newspaper in Ohio, which I think really captures what happened here last Friday. The title of the editorial is: ''Protectionism in High Gear.''

The Democrat-controlled Senate, with the help of enough Republicans to block a filibuster, decided last week that equal protection under the law doesn't apply to Mexico under NAFTA.

Beneath a veneer of safety concerns, the Senate refused to eliminate the trade barriers that keep Mexican trucking companies from carrying freight beyond a 20-mile border zone, no matter that among their fleets are some of the most modern, best-equipped trucks on any nation's roads.

It's a witches' brew of protectionist politics disguised as precaution, fueled by the demands of organized labor, that gives off a stench of old-fashioned ethnic prejudice. What's more, it invites a trade war of retaliation, should Mexico decide to close its borders to U.S.-driven imports. Combined with an even harsher House-passed version incorporated in the Department of Transportation appropriations bill, it invites a veto by President George W. Bush.

No one supporting Mexico's rights under the North American Free Trade Agreement ever has argued that American roads should be opened to unsafe vehicles. But in the years since NAFTA was passed, Mexico has made giant strides to improve its fleets. Some of its largest trucking companies now have rigs whose quality surpasses those of American companies.

But safety is little more than a stray dog in this fight. What this is about is the $140 billion in goods shipped to the United States from Mexico each year, and the Teamsters Union's desire that its members keep control of that lucrative trade.

Labor—which documents gathered in a four-year Federal Elections Commission probe show has had veto power over Democratic Party positions for years—has never accepted the benefits of expanded hemispheric trade. It has been adamant in its opposition to allowing Mexican trucks, no matter how modern the equipment or well-trained the drivers, access to U.S. highways. It was this opposition that kept President

Bill Clinton from implementing the agreement, and it is this opposition that yet drives labor's handservants, who now control the Senate.

This position should be an embarrassment to a party that makes a show of its concerns for the poor and downtrodden. It is a setback to U.S.-Mexican relations, and an insult to Mexico's good and earnest efforts to improve relations with its northern neighbor. It is an abrogation of our treaty responsibilities, and it must not be allowed to stand.

At least from the perspective of Ohio's largest newspaper, looking in on what happened last Friday is a pretty good indication how many Americans feel about what happened last week. It wasn't some effort to delay the Transportation bill but a legitimate concern on the part of many people in the Senate that we sit down and try to work out language that would guarantee safe trucks in the United States, the safety of the people in the United States of America, and at the same time guarantee that we not violate the NAFTA agreement.

AMENDMENT NO. 1209

Mr. VOINOVICH. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH] proposes an amendment numbered 1209.

Mr. VOINOVICH. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To protect the social security surpluses by preventing on-budget deficits)

At the appropriate place, insert the following:

SEC. ___. PROTECT SOCIAL SECURITY SURPLUSES ACT OF 2001.

(a) SHORT TITLE.—This section may be cited as the ''Protect Social Security Surpluses Act of 2001''.

(b) REVISION OF ENFORCING DEFICIT TARGETS.—Section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 903) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) EXCESS DEFICIT; MARGIN.—The excess deficit is, if greater than zero, the estimated deficit for the budget year, minus the margin for that year. In this subsection, the margin for each fiscal year is 0.5 percent of estimated total outlays for that fiscal year.'';

(2) by striking subsection (c) and inserting the following:

''(c) ELIMINATING EXCESS DEFICIT.—Each non-exempt account shall be reduced by a dollar amount calculated by multiplying the baseline level of sequesterable budgetary resources in that account at that time by the uniform percentage necessary to eliminate an excess deficit.''; and

(3) by striking subsections (g) and (h).

(c) MEDICARE EXEMPT.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 253(e)(3)(A), by striking clause (i); and

(2) in section 256, by striking subsection (d).

(d) ECONOMIC AND TECHNICAL ASSUMPTIONS.—Notwithstanding section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(j)), the Office of Management and Budget shall use the economic and technical assumptions underlying the report issued pursuant to section 1106 of title 31, United States Code, for purposes of determining the excess deficit under section 253(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, as added by subsection (b).

(e) APPLICATION OF SEQUESTRATION TO BUDGET ACCOUNTS.—Section 256(k) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(k)) is amended by—

(1) striking paragraph (2); and

(2) redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

(f) STRENGTHENING SOCIAL SECURITY POINTS OF ORDER.—

(1) IN GENERAL.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by inserting at the end the following:

''(g) STRENGTHENING SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend section 13301 of the Budget Enforcement Act of 1990.''.

(2) SUPER MAJORITY REQUIREMENT.—

(A) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

(B) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

(3) ENFORCEMENT IN EACH FISCAL YEAR.—The Congressional Budget Act of 1974 is amended in—

(A) section 301(a)(7) (2 U.S.C. 632(a)(7)), by striking ''for the fiscal year'' through the period and inserting ''for each fiscal year covered by the resolution''; and

(B) section 311(a)(3) (2 U.S.C. 642(a)(3)), by striking beginning with ''for the first fiscal year'' through the period and insert the following: ''for any of the fiscal years covered by the concurrent resolution.''.

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to fiscal years 2002 through 2006.

Mr. VOINOVICH. I apologize to the majority leader for taking more time than I expected. I hope he will forgive me.

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

The PRESIDING OFFICER. Is there a sufficient second?

There does not appear to be a sufficient second for the yeas and nays.

Mr. DASCHLE. Will the Senator from Ohio yield for a unanimous consent request at this time?

Mr. VOINOVICH. Yes, I yield.

The PRESIDING OFFICER. The majority leader.

ORDERS FOR WEDNESDAY, AUGUST 1, 2001

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, August 1. I further ask unanimous consent that on Wednesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Agriculture supplemental authorization bill.

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

PROGRAM

Mr. DASCHLE. Mr. President, on Wednesday the Senate will convene at 9:30 a.m. and resume consideration of the Agriculture supplemental authorization bill. To ensure that all of our colleagues are given adequate notice, I will make the motion to proceed to the reconsideration of the Transportation appropriations bill, the bill that the distinguished Senator from Ohio has just been addressing. We will do that tomorrow at 9:30. There will be the likelihood of more than one vote. That will begin at 9:30, and we will stay on the bill for whatever length of time it takes.

If cloture is invoked, it is my intention to complete our work on the bill. If necessary, we will stay through the night, and we will be in session. We will not have the opportunity to go out, but we will take that into account tomorrow morning.

My hope is we can complete our work on the bill, and that we can also take up the HUD–VA bill at an appropriate time. That will be the schedule tomorrow.

I thank the Senator from Ohio for yielding.

Mr. 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. DASCHLE. 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. DASCHLE. Mr. President, the distinguished Senator from Ohio had asked for the yeas and nays on his amendment. We are prepared to again pose the question.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DASCHLE. Mr. 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.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now stand in a period of morning business, with Senators allowed to speak therein for a period of up to 10 minutes each.

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

THE NOMINATION OF MARY SHEILA GALL TO BECOME CHAIRWOMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION

Mr. BIDEN. Mr. President, I rise today to express my serious concerns about the President's nominee to Chair the Consumer Product Safety Commission, Mary Sheila Gall.

The Consumer Product Safety Commission was created nearly 30 years ago with the mission of protecting our families from consumer products that pose serious health or safety risks. The Commission serves as the consumer advocate for our Nation's children, protecting them from potentially dangerous, and in some cases deadly, products. In short, the Commission is charged with saving lives, and it has done so with great success over the past several years. This success is based primarily on the advocacy role that the Commission has assumed in fulfilling its duties for America's families and children. And it is Ms. Gall's apparent opposition to this advocacy role that has given me serious concerns about her nomination.

As a Commissioner for the past ten years, Ms. Gall has opposed reasonable attempts to review questionable products and implement common sense protections for consumers. Perhaps the most troubling example of this trend has been Ms. Gall's record on fire safety issues. Ms. Gall opposed a review of upholstered furniture flammability and small open flame ignition sources, such as matches, lighters, and candles. In opposing the review, she stated that ". . . the benefits from imposing a small open flame ignition standard on upholstered furniture are overestimated."

With all sincerity, I doubt that the brave men and women who risk their lives every day fighting house fires in Delaware and throughout the Nation would agree with that assessment. Nor would they agree with Ms. Gall's decision to walk away from fire safety standards for children's sleepwear. In 1996, Ms. Gall voted to weaken fire safety standards that required children's sleepwear to be made from flame-resistant fabrics. Ms. Gall joined another commissioner in exempting from this standard any sleepwear for children less than nine months old, and any sleepwear that is tight-fitting for children sizes 7–14. I support the original standard, which worked for more than two decades before it was weakened by the Commission. And I have cosponsored legislation with my former colleague from Delaware, Senator Bill Roth, that called on the Commission to restore the original standard that all children's sleepwear be flame-resistant.

But it's not just her record on children's sleepwear and fire safety issues that concerns me about Ms. Gall. She has turned her back on children and families on a number of occasions, rejecting moderate, common-sense warnings and improvements dealing with choking hazards, bunk bed slats, and crib slats. In some of these cases, Ms. Gall has even opposed efforts to merely review questionable products, to mention nothing about imposing regulatory standards to correct any potentially dangerous problems. For instance, Ms. Gall opposed a safety review of baby walkers that, according to the Commission, were associated with 11 child deaths between 1989 and 1994, and as many as 28,000 child injuries in 1994, alone.

This safety review brought to light ways to produce walkers that were safer for children, which were then used by manufacturers to develop a voluntary standard for producing a safer product. This voluntary standard was applied within the industry, and a media campaign followed to educate parents about the new, safer walkers that were entering the marketplace. The Commission has estimated that since the review process took place in 1995, injuries related to baby walkers dropped nearly 60 percent for children under 15 months of age, from an estimated 20,100 injuries in 1995 to 8,800 in 1999.

These statistics are proof that the Commission's role as child advocate produces results. But if Ms. Gall had her way, we would not have had a review of baby walkers at all. And without this review, it is unlikely we would have had the important voluntary standards that have protected thousands of children. If Ms. Gall is unwilling to even take the first step in reviewing potentially dangerous products, I question whether we can expect her to fulfill the Commission's responsibility as the Nation's child advocate.

I do not make this decision to oppose Mary Sheila Gall's nomination lightly. I have long recognized that the President should generally be entitled to have an administration comprised of people of his choosing. While his selections should be given considerable deference, that power is nonetheless limited by the duty of the United States Senate to provide "advice and consent" to such appointments.

Throughout my tenure in the Senate, I have supported countless nominees for Cabinet and other high-level positions, including many with whom I have disagreed on certain policies. But I have also cast my vote against confirmation when I have become convinced that the nominee is not suitable to fill the role to which the person was nominated. I have reluctantly reached the conclusion that this is one such case. It is one thing to serve as a commissioner, as Ms. Gall has done these past ten years. But serving as chair of this important Commission is a very different role. As such, I strongly urge my colleagues on the Senate Commerce Committee to oppose Ms. Gall's nomination as Chairwoman of the Consumer Product Safety Commission. To put it simply, there is nothing less than children's lives at stake.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 8, 1994 in Reno, NV. A gay man, William Douglas Metz, 36, was stabbed to death. A self-proclaimed skinhead, Justin Suade Slotto, 21, was charged with murder. Slotto allegedly went to a park with the intent of assaulting gays.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ECONOMIC AND POLITICAL DIFFICULTIES IN TURKEY

Mr. SARBANES. Mr. President, as my colleagues are well aware, the people of Turkey, a NATO ally, are experiencing extremely serious economic and political difficulties.

On April 10, 2001, at the Bosphorous University in Istanbul, Turkey, our distinguished former colleague in the House of Representatives, the Honorable John Brademas, delivered a most thoughtful address, on this subject, "Democracy: Challenge to the New Turkey in the New Europe." Dr. Brademas' speech was sponsored by TESEV, the Turkish Economic and Social Studies Foundation. Its contents some four months later still resonate with timely wisdom and creative analysis.

A long-time and effective advocate of democracy and transparency, John Brademas served for 22 years, 1959-1981, in the House of Representatives from Indiana's Third District, the last four as House Majority Whip. He then became President of New York University, the Nation's largest private university, in which he served for 11 years, 1981-1992. He is now president emeritus.

Among Dr. Brademas' involvements include Chairman of the Board of the National Endowment for Democracy, NED, from 1993–2001, and founding director of the Center for Democracy and Reconciliation in Southeast Europe. Located in Thessalonike, Greece, the Center seeks to encourage peaceful and democratic development of the countries in that troubled region of Europe.

I believe that Members of the Senate and the House of Representatives and other interested citizens will read with interest Dr. Brademas' significant discussion of the challenge of creating a truly more open and democratic Turkey. I ask unanimous consent to print Dr. Brademas' address in the RECORD.

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

DEMOCRACY: CHALLENGE FOR THE NEW TURKEY IN THE NEW EUROPE

I count it an honor to have been asked to Istanbul to address a forum sponsored by the Turkish Economic and Social Studies Foundation, and I thank my distinguished host, Ambassador Özdem Sanberk, Director of TESEV, for his gracious invitation even as I salute the invaluable work performed by TESEV in promoting the institutions of civil society and democracy in Turkey.

So that you will understand the perspective from which I speak, I hope you will permit me a few words of background.

In 1958, I was first elected to the Congress of the United States—the House of Representatives—where I served for 22 years.

During that time I was particularly active in writing legislation to assist schools, colleges and universities; libraries and museums; the arts and the humanities; and services for children, the elderly, the handicapped.

A Democrat, I was in 1980 defeated for reelection to Congress in Ronald Reagan's landslide victory over President Jimmy Carter and was shortly thereafter invited to become President of New York University, the largest private, or independent, university in our country, a position I held for eleven years.

If I were to sum up in one sentence what I sought to do at NYU during my service as President, it was to lead the transformation of what had been a regional-New York, New Jersey, Connecticut-commuter institution into a national and international residential research university.

And I think it's fair to say that that transformation took place, thanks in large part to philanthropic contributions from private individuals, corporations and foundations.

Although no longer a Member of Congress or university president, I continue to be active in a range of areas, only a few of which I shall mention.

By appointment of President Clinton in 1994, I am Chairman of the President's Committee on the Arts and the Humanities, a group of 40 persons, 27 from the private sector and 13 heads of government departments with some cultural program. Our purpose is to make recommendations to the President—and the country—for strengthening support for these two fields in the United States—and we have done so. Four years ago, then First Lady of the United States, and Honorary Chair of the Committee, Hillary Rodham Clinton, and I released Creative America, a report to the President with such recommendations.

Among them was that the United States give much more attention to the study of countries and cultures other than our own, including strengthening international cultural and scholarly exchanges. Only last Fall, I took part, at the invitation of the then President, Bill Clinton, in the White House Conference on Culture and Diplomacy, at which these ideas, and others, were discussed, and I have urged the new Secretary of State, Colin Powell, to consider ways of implementing them.

Several days ago, in Washington, I attended a meeting of the Advisory Board of Transparency International, the organization that combats corruption in international business transactions, to talk about how to expand the OECD Convention outlawing bribery of foreign public officials to include outlawing bribery of officials of political parties.

NATIONAL ENDOWMENT FOR DEMOCRACY

And last January I stepped down after eight years as Chairman of what is known in the United States as the National Endowment for Democracy.

Since its founding in 1983, the National Endowment for Democracy, or NED, as we call it, has played a significant role in championing democracy throughout the world.

The purpose of NED is to promote democracy through grants to private organizations that work for free and fair elections, independent media, independent judiciary and the other components of a genuine democracy in countries that either do not enjoy it or where it is struggling to survive.

Two years ago, in New Delhi, India, I joined some 400 democratic activists, scholars of democracy and political leaders from over 85 countries brought together by NED for the inaugural Assembly of the World Movement for Democracy.

The establishment of this World Movement is inspired by the conviction that interaction among like-minded practitioners and academics on an international scale is crucial in the new era of global economics and instant communications. The Movement, we hope, can help democrats the world over respond to the challenges of globalization.

Indeed, last November, Ambassador Sanberk and I were together in Sao Paulo, Brazil, for the Second Assembly of the World Movement for Democracy.

CENTER FOR DEMOCRACY AND RECONCILIATION IN SOUTHEAST EUROPE

And I have been involved in yet another initiative related to strengthening free and democratic political institutions. Four years ago, a small group of persons, chiefly from the Balkans, decided to create what we call the Center for Democracy and Reconciliation in Southeast Europe. The Center officially opened its offices one year ago in the city of Thessaloniki, birthplace, as you all know, of the great founder of the Turkish Republic, Mustafa Kemal Atatürk. I was pleased that my friend, the distinguished Turkish business leader, Mr. Sarik Tara, was with us on that occasion.

The Center is dedicated to building networks among individuals and groups working for the democratic and peaceful development of Southeast Europe.

Chairman of the Board is a respected American diplomat, Matthew Nimetz, who was Under Secretary of State with Cyrus Vance and is Special Envoy for United Nations Secretary-General Kofi Annan to mediate between Athens and Skopje. The Center's Board is composed overwhelmingly of leaders from throughout Southeast Europe, including Mr. Osman Kavala and Dr. Seljuk Erez of Turkey. Ambassador Nimetz and I are the only two Americans on the Board.

Although the Center is administratively headquartered in Salonika, which, with excellent transportation and communications facilities, is easily accessible from throughout the region, the activities of the Center are carried out in the several countries of Southeast Europe.

Last September, the Board of the Center met here in Istanbul where Mr. Tara and other Turkish leaders graciously received us.

Indeed, I arrived in Istanbul only last Sunday after a meeting of the Center's Board this past weekend in Thessaloniki. We had originally planned to gather in Skopje but you will understand why we changed the venue!

What are we doing at the Center? Here are some of our current projects:

JOINT HISTORY PROJECT

The Center's inaugural program is a ''Joint History Project,'' which brings together professors of Balkan history from throughout the region to discuss ways in which history is used to influence political and social relations in Southeast Europe. The scholars seek to produce more constructive, less nationalistic, history textbooks and thereby ultimately enhance the understanding of, and respect for, the peoples of the region for each other—a daunting challenge, we realize!

For it is evident in the Balkans that how history is taught can powerfully shape the attitudes of people toward those different from themselves. Even as the violence plaguing this region has roots in nationalist, religious and ethnic prejudices, cultivated, in many cases, by and based on distortions of histories, the accurate teaching of history can be crucial in promoting tolerance and peace.

An Academic Committee, established by the Joint History Project, encourages exchange among scholars in participating educational institutions. We on the Center Board hope the Committee will establish a network among academics in Southeast Europe as counterweight to existing nationalistic groups within each country. So far we have organized two seminars for young scholars and another two are being arranged.

The Center's History Project has also begun to work with the Stability Pact for Southeastern Europe, initiated by the European Union and supported by the United States and other non-EU countries in Europe. The mission of the Pact is to extend democracy and prosperity to all the peoples of Southeast Europe. So far, the participating governments have pledged $2.4 billion for the initiative.

I must also cite the Center's Young Parliamentarians Project which, through a series of seminars, enables young MPs from Southeast Europe to join parliamentarians from Western Europe and the European Parliament as well as professionals, economists and journalists to discuss issues of urgent and continuing concern in the region.

The Center last year conducted four seminars on such subjects as the workings of parliamentary democracy, the relationship between politics and the media, the operation of a free market economy, and the organization of political parties.

This year, in another project, the Center is sponsoring seminars on reconciliation in the former Yugoslavia. Serbs and Croats have already met in Belgrade and will meet again next month in Zagreb. And representatives of the other peoples of the former Yugoslavia will soon meet.

All the projects I have cited promote, by creating cross-border contacts and stimulating dialogue, the economic, social and political development of the Balkans. Our goal, to reiterate, is to encourage vibrant networks of individuals and groups with common interests and experiences.

I hope I have made clear, from what I have told you, that in my own career, as a Member of Congress, university president and participant in a range of pro bono organizations, I have been deeply devoted to the causes of democracy, free and open political institutions and encouraging knowledge of and respect for peoples of different cultures and traditions.

Against this background, I want now to talk with you about the great challenge, as I see it, facing what I call ''the new Turkey in the new Europe''—and that challenge is democracy.

So that you can better understand my viewpoint, I must tell you one other factor in my own experience that I believe relevant to my comments.

GREECE, CYPRUS, AND TURKEY

As some of you know, my late father was born in Greece, in Kalamata, in the Peloponnesus. My late mother was of Anglo-Saxon ancestry.

I was the first native-born American of Greek origin elected to the Congress of the

United States, and I am proud of my Hellenic heritage.

In 1967, however, when a group of colonels carried out a coup in Greece, established a military dictatorship, later throwing out the young King, I voiced strong opposition to their action.

I refused to visit Greece during the seven years the colonels ruled, refused invitations to the Greek Embassy in Washington and testified in Congress against sending U.S. military aid to Greece.

My view was that as Greece was a member of NATO, established to defend democracy, freedom and the rule of law, of all of which goals the colonels were enemies, I had as a matter of principle to oppose sending arms from my own country to the country of my father's birth.

In like fashion, when in 1974, the colonels attempted to overthrow Archbishop Makarios, the President of Cyprus, triggering their own downfall and sparking two invasions by Turkish armed forces, equipped with weapons supplied by the United States, I protested the Turkish action, again on grounds of principle.

For the Turkish invasion violated U.S. legal restrictions on the use of American arms, namely, that they could be utilized solely for defensive purposes.

Because American law mandated that violation of such restrictions would bring an immediate termination of any further arms to the violating country and because Secretary of State Kissinger willfully refused to enforce the law, we in Congress did so by legislating an arms embargo on Turkey.

I can also tell you that when my colleagues in Congress and I who called on Kissinger in the summer of 1974 to press him to take the action required by law, we reminded him that the reason President Nixon, who had just resigned, was constrained to do so was that he had failed to respect the laws of the land and the Constitution of the United States.

So even as I opposed U.S. military aid to Greece in 1967 on grounds of principle, I opposed U.S. arms to Turkey in 1974 on grounds of principle. You may not agree with my viewpoint on either matter but I want you to understand it!

A NEW DEMOCRATIC TURKEY?

Yet I would not be here today if I did not believe in the prospect of a new, democratic Turkey, belonging to the new Europe, a member of the European Union and a continuing ally of the United States.

I am well aware that Turkey is now confronted with a profound financial and economic crisis, ''the most severe economic crisis of its history,'' the Chairman of TÜSIAD, Mr. Tuncay Özihlan, told a group of us in New York City last month at a meeting with members of the Turkish Industrialists' and Businessmen's Association. It is a crisis that reaches all parts of the nation.

If I have one thesis to advance tonight, it is this: That the combination of three factors make this moment one of great opportunity for fundamental reform of the Turkish political system and significant advance in the quality of life of the Turkish people.

The first factor is the economic crisis. The distinguished Turkish economist, Mr. Kemal Dervis, has, as you know, been charged with recommending structural reforms essential if Turkey is to win assistance from the International Monetary Fund, the United States and other actors in the international financial community.

Most obvious in this respect is the situation of Turkish banks, widely understood to be afflicted by corrupt links with the nation's political parties.

The second factor that can drive fundamental reform in Turkey and bring the country into the modern world is Turkey's candidacy for accession to the European Union.

Beyond the economic crisis and Turkish candidacy for entry into Europe, there is a third factor that can make this the time to start building a new Turkey in the new Europe.

I speak of the rising engagement in pressing for democracy of the leaders of Turkish business and industry, of your universities, of the media, and leaders of the other institutions of what we call civil society.

So where are we now?

TURKEY AND THE EUROPEAN UNION

First, we can be encouraged by the approval last month by the Turkish cabinet of the National Program for Adoption to the Acquis of the European Union, or NPPA.

In my view, Turkish leaders of all parties should agree to confront the problems resolution of which is necessary to Turkish entry into Europe.

And if Turkish responses are only cosmetic, as Günter Verheugen, the European Commissioner in charge of enlargement, has made clear, the candidacy will fail. Verheugen has reminded Turkish leaders that the European Council in December 1999 in Helsinki stated, ''Turkey is a candidate state destined to join the Union on the basis of the same criteria as applied to the other candidate states.''

I add that Turkey should deal with these obstacles not solely to meet the so-called Copenhagen requirements for EU membership but also because such action will be in the interest of the people of Turkey.

What has impressed me greatly as I prepared for this visit to Istanbul is the deep commitment of so many Turkish leaders, especially in business and industry and in the universities, to the economic and political reform of this great country.

What are the requirements Turkey must meet to enter Europe?

Let me here remind you of the eloquent words of TESEV's respected Director, Özdem Sanberk, only a few weeks ago (''It's Not the Economy, Stupid!'' Turkish Daily News, February 28, 2001).

Commenting on the clash last February between Prime Minister Bulent Ecevit and President Ahmet Necdet Sezer, Ambassador Sanberk said: ''. . . You cannot reform the economy root and branch without an equally radical reform of the political system. . . .

''. . . [O]nly comprehensive political reform can create the stability . . . required for long-term economic success.''

The Ambassador then criticized the Government's failure to undertake radical structural reform, to ''plug the leaks in the state-owned banks, through which billions of dollars of public money have poured. . . . No crackdown on curruption in the highest places. No lifting of cultural restrictions on freedom of expression. No reform of the Political Parties Law, which might transform our parties into something more useful than closed clubs dominated by their leaders. No serious effort to change a constitution which does not meet the needs of the age. . . .

''. . . The problems that lie at the root of Turkey's current difficulties are political, not economic and political reform can solve them. . . .''

LEADERSHIP OF TÜSIAD

I find encouragement, too, at the positions taken by the leadership of TÜSIAD, Turkey's major business and industrial organization.

Indeed, only a few days ago, in New York City, I had the privilege of meeting several members of TÜSIAD, including its distinguished chairman, Mr. Özihlan.

I said then, and repeat here, that I have been deeply impressed by the high quality of the reports published by TÜSIAD and by the obvious commitment of so many leaders of Turkish business and industry to the principles of democracy and human rights, freedom of enterprise, freedom of belief and opinion.

As Muharrem Kayhan, President of TÜSIAD's High Advisory Council, who was also in New York last month, has said, ''The requisites of EU membership are exactly what Turkey needs. . . .

''. . . TÜSIAD believes that fully adopting the Copenhagen Criteria will benefit our country. We think that the fears expressed about the possible damages Turkey might suffer if its special conditions are not taken into account are exaggerated.

TÜSIAD . . . consistently calls for a thoroughgoing political reform for quite a long time. We firmly believe that unless we change Turkey's political system, efforts to modernize our economy will be in vain. To that end we join the President of the Republic Ahmet Necdet Sezer, in calling for a reform of the constitution and the rewriting of the Political Parties Law and the Electoral Law.'' (TÜSIAD)

This commitment to democracy, freedom of opinion, free market economy, a pluralistic society, clean politics, social development and the rule of law is, I have observed, one that runs through TÜSIAD's several studies and reports directed to the problems that face Turkey.

Not only does TUSIAD call for action to meet the Copenhagen criteria but do does a wide range of scholars, analysts and officials from Turkey itself as well as from other countries.

Deputy Prime Minister Mesut Yilmaz last month, in speaking of the cabinet approval of the NPPA, said that Turkey must give top priority to ensuring freedom of speech, cracking down on torture, reviewing the death penalty and offering more freedom of organization for trade unions.

So what else must be done for Turkish entry into Europe?

The European Union has also called on Turkey to grant full cultural rights to all minorities, including allowing Turkish citizens to speak whatever language they like. After all, millions of the over 65 million people of this country speak Kurdish. Why is it not possible to respond to their desire for a degree of cultural freedom?

I was present in New York City when your Foreign Minister, Ismail Cem, and the Greek Foreign Minister, George Papandreou, were both honored at a dinner, a symbol of a reapprochement between Turkey and Greece in recent months triggered by the response in each country to earthquakes in the other.

THE CYPRUS ISSUE

Here again, I have been impressed by how both Turkish and Greek business leaders seem to be able to communicate effectively with each other, yet another example of the significant contribution that institutions of civil society can make to encouraging peaceful resolution of conflict in this troubled part of the world.

And, of course, Europe wants to see progress in resolving the thorny issue of Cyprus. With respect to Cyprus, I could make an entire speech tonight but I won't!

Let me say that it must be obvious that both Greek and Turkish Cypriots perceive a problem of security, both are unhappy with the present situation and both would like to improve their political and economic conditions by entering the European Union. Turkish Cypriots, moreover, have an acute economic problem, with less than a fifth of the $17,000 per capita GDP annually of the Greek Cypriots.

Clearly Turkish Cypriots would be the net beneficiaries of entry into Europe but this

gain will come only if Cyprus is admitted as a single federal state, bi-zonal and bi-communal.

Accordingly, if Turkish Cypriots are not to continue to be left behind, economically and politically, the only sound answer is for Turkey and the Turkish Cypriots to accept the United Nations Security Council resolutions calling for such a settlement.

For as The Economist has written, Cyprus represents ''the main block of Turkey's hope of joining the European Union in the near future.''

I turn to another matter that is clearly of concern to the European Union, the role of the armed forces in the political system of Turkey.

Now, of course, for decades, the principal link between the United States and Turkey has been strategic, specifically, military. In light of the geographical location of Turkey, the size of its armed forces and its population, such a relationship should not be surprising. Turkey is a major actor on nearly every issue of importance to the United States in this part of the world, including NATO, the Balkans, the Aegean, Iraqi, sanctions, relations with the states of the former Soviet Union, turmoil in the Middle East and transit routes for Central Asian oil and gas.

THE ROLE OF THE MILITARY IN TURKISH POLITICS

Yet it must be obvious to any thoughtful observer that of particular importance in opening the doors to Europe for Turkey is that steps be taken to curb the influence of the military in politics.

I am certainly aware of the respect and admiration the Turkish people have always had for their armed forces. Nonetheless, any serious student of the place of the military in Turkish life learns very quickly that its role extends far beyond defense of the security of the Republic.

Here, rather than using my own words, let me cite those of a distinguished Turkish journalist, Cengiz Candar:

''Unlike Western armies, the Turkish military is politically autonomous and can operate outside the constitutional authority of democratically elected governments. It can influence the government both directly and indirectly, controlling politicians according to its own ideas and maxims. . . .

''The National Security Council is the institution that really runs the country. . . . ''

''. . . [T]he military has become the power behind the scenes that runs Turkish politics. . . .

''. . . The military is able to intervene at will in politics, not only determining who can form governments, but actually exercising a veto over who can contest elections. . . .'' (''Redefining Turkey's Political Center,'' Journal of Democracy, October 1999, Vol. 10, No. 4)

A powerful analysis of the role of the military in Turkish politics is to be found in an essay published last December in the influential journal Foreign Affairs by Eric Rouleau, French Ambassador to Turkey from 1988 to 1992. (''Turkey's Dream of Democracy,'' Foreign Affairs, Vol 79, No. 6, November/December 2000)

Said Rouleau, commenting on Turkey's candidacy for the EU, ''Turkey today stands at a crossroads,'' and explains that ''The [1999] Helsinki decision [of the EU] called on Turkey, like all other EU membership candidates, to comply with the . . . Copenhagen rules [requiring] EU hopefuls to build Western-style democratic institutions guaranteeing the rule of law, individual rights, and the protection of minorities. Indeed, the EU's eastern and central European candidates adopted most of the Copenhagen norms on their own, before even knocking at the doors of the union.''

Rouleau then asserts that the Copenhagen criteria ''represent more than simple reforms; they mean the virtual dismantling of Turkey's entire state system . . . which places the armed forces at the very heart of political life. Whether Turkey will choose to change . . . a centuries-old culture and . . . practices ingrained for decades—and whether the army will let it—remains uncertain. Even EU membership, the ultimate incentive, may not be enough to convince the Turkish military to relinquish its hold on the jugular of the modern Turkish state.''

Rouleau then describes the ways in which the National Security Council (NSC) operates and notes the objections of the EU to the military's budgeting, its ownership of industries, its own court system and, above all, the military's dominance over civilian authority.

Concludes Rouleau: ''Turkey's EU candidacy has crystallized the way in which two very different visions of the country are now facing off. . . . On the one side stands the Turkey of . . . the 'Kemalist republicans,' those who see the military as the infallible interpreter of Atatürk's legacy and the sole guardian of the nation and the state. . . .

''On the other side stand . . . the 'Kemalist democrats' . . . proud of the revolution carried out by the founder of the republic eight decades ago, but a the same time . . . believe that the regime should adapt to modernity and Western norms. This group includes intellectuals . . . business circles . . . and . . . Kurds and Islamists hopeful that Brussels will ensure that their legitimate rights are recognized and guaranteed.''

TÜSIAD FOR DEMOCRATIC REFORM

What, I must tell you, seems to me a particularly significant statement about the place of the military is the following sentence, under the heading, ''Democratization and the Reform Process in Turkey,'' in the document prepared for the visit of the TÜSIAD Board of Directors to Washington, DC, and New York last month (''TÜSIAD Views on Various Issues''):

''8. National Security Council (NSC) should be eliminated as a constructional body and its sphere of activity be restricted to national defense.''

While one group of TÜSIAD leaders was in the U.S., speaking in Paris at the same time at a panel sponsored by Le Monde, was Dr. Erkut Yucaoglu, former TÜSIAD Chairman. Here are his words:

''. . . TÜSIAD has been in the forefront of the struggle for political reform in Turkey. . . . Our report on democratization challenged the most sacred tenets of the existing order in the country, be it freedom of expression of all sorts, the role of the National Security Council, or private broadcasting in all languages, or the political parties law. We have consistently defended the integration with the EU and called for a speedy implementation of the Copenhagen criteria without reference to Turkey's special conditions. . . .

''. . . It is no secret . . . that the Turkish political system as it is presently functioning is in a crisis, perhaps a terminal one. The political parties have lost the confidence of the public a long time ago. . . .

''By now, every thinking person in Turkey knows that if the country wishes to fulfill its own promise of greatness and become prosperous, the political system must change . . . .''

Dr. Yucaoglu went on to praise the President of the Republic as ''a national leader'' who enjoys ''the support of an overwhelming percentage of the population, who is committed to Turkey's European vocation. Mr. Sezer stands for the rule of law, civilian supremacy, anti-corruption, integration with the globalizing world and perhaps most important, for an unfettered democracy. . . .''

Now I am aware that I have spoken to you very candidly about the challenges—and opportunities—Turkey faces as your country moves into the 21st century.

You will observe, however, that most of the voices I have cited that are pressing for reform in Turkey are Turkish!

I certainly don't want to suggest that we in the United States have a perfect political system. As you know, far too few of our eligible citizens bother to vote, and the scramble for money to finance our political campaigns is an ongoing threat to the integrity of American democracy. Even now, Congress is acting on measures to reform campaign financing.

Moreover, as you are all aware, the Presidential election in my country last year was finally determined by our Supreme Court in a decision that has caused leaders of both our Democratic and Republican Parties to call for reform of our election laws.

I have noted that the election of President Sezer seems to be regarded by Turkish champions of democracy as a great victory. Like the leaders of TESEV and TSIAD, I have also been impressed by President Sezer's commitment to the rule of law and to rooting out corruption, and by all accounts, President Sezer has won the confidence of over 80% of the citizens of Turkey.

I have said that the combination of the current economic crisis, Turkish candidacy for entry into the European Union and the increasing influence of the leaders of civil society make this a moment of extraordinary opportunity for the people of Turkey.

So now let me say some words about civil society.

CIVIL SOCIETY AND DEMOCRACY

What do we mean by the term?

Civil society is the space that exists between, on the one hand, the state—government—and, on the other, individual citizens. This space is where citizens act with one another through non-governmental organizations (NGOs), foundations, and independent media

For as I am sure you will agree the state cannot—and should not—in any country do everything.

Indeed, I believe it significant that last year German Chancellor Gerhard Schröder, as you know, a Social Democrat, declared:

''One of the great illusions of Social Democratic policies has been the idea that 'more state' guarantees more justice. However, providing or even extending the 'classical' means of state intervention—law, power, and money—can no longer be considered sufficient solutions for a society where movement 'has become as important as regulation' (Alain Touraine). . . .''

Added Schröder, ''Subsidiarity, giving responsibility back to those who are willing and capable of assuming this responsibility, should not be understood as a gift from the state, but, rather, as a socio-political necessity.'' (''The Civil Society Redifining the Responsibilities of State and Society,'' Die neue Gesellschaft, No. 4, April, 2000, Frankfurt.)

For the health of democracy, then, we must strengthen the institutions of civil society.

FOUNDATIONS IN TURKEY

What is the state of civil society in Turkey today, on non-governmental organizations, or as we say, NGOs?

Now I do not pretend to be an expert on NGOs in Turkey. But I understand that there are some 75,000 private associations registered in Turkey including more than 10,000 nonprofit foundations. Some foundations make charitable donations to NGOs and individuals; others are so-called ''operating foundations'' which provide social services and

support education and research. (''Human Rights and Turkey's Future in Europe,'' by Aslan Gunduz, Orbis, Vol. 45, No. 1, Winter 2001, p. 16.)

Of these 10,000 foundations, nearly half were started in only the last 30 years.

Of course, Turkey has a long history of philanthropic foundations. During the Ottoman Empire, many of the services the state now provides, in health care, education and city-planning, were financed by foundations. (Davut Aydin, unpublished book chapter.)

I am sure that you here can tell me how NGOs gained a new prominence in Turkey through their effective relief work after the earthquake.

But you also know that NGOs have often faced intense scrutiny, and sometimes harassment, from the government. So I cannot emphasize enough the importance of philanthropic support from the business community in sponsoring NGO activities.

Last year, by the way, I delivered a speech in Athens in which I sharply criticized the Greek law that imposes a 20% tax on philanthropic contributions, reduced by half in the December 2000 budget but still an anomaly in a land that gave us the word philanthropia.

I hope that Turkish law will include further incentives to create foundations and expand the services they provide.

NATIONAL ENDOWMENT FOR DEMOCRACY IN TURKEY

I can also tell you that the National Endowment for Democracy, which, as I have said, I chaired for several years, has supported several non-governmental organizations in Turkey. I'll say something about a few to illustrate the kinds of civil society groups—and their activities—that contribute to a strong democracy:

First, I note that the Center for the Research of Societal Problems, (TOSAM), founded by Professor Dogu Ergil, has been a NED grantee since 1997.

An NGO called the Foundation for Research of Societal Problems (TOSAV) was established in 1996 to explore possible solutions to the Kurdish issue. After TOSAV published a Document of Mutual Understanding on possible peaceful solutions, TOSAV's founders were brought to trial at State Security Court and the document was banned.

To continue their work, TOSAV members established TOSAM, which produces Democracy Radio, broadcasting bi-weekly programs on such themes as democracies and minorities, the role of the media in a democracy, and the relationship between central and local government.

The Helsinki citizens' Assembly—Turkey (HCA—Turkey) has been a NED grantee since 1997.

Founded in 1990, HCA is an international coalition that works for the democratic integration of Europe and on conflict resolution in the Caucasus and the Middle East. HCA—Turkey was established by jurists, human rights activists, mayors, trade unionists, journalists, writers and academics.

HCA brings together representatives of civil society organizations from different cities, legal experts, academics and representatives of municipalities to develop and advocate an agenda for reform of the law governing NGOs in Turkey.

Women Living Under Muslim Law—Turkey (SLUML—Turkey) has been a recipient of NED grants since 1995. Founded in December 1993, this NGO provides information and advice to women's organizations throughout the country. WLUML-Turkey sponsors a project to train social workers, psychologists and teachers from community centers throughout Turkey in conducting legal literacy group sessions for women.

An active civil society, then, provides a check on a powerful state. For in a genuine democracy, non-governmental associations have the responsibility of keeping a close eye on the operations of government. So you and I know that if governments, in order to discourage or eliminate criticism, seek to crush free and independent newspapers, radio and television, or to control NGOs, democracy will be gravely weakened.

EDUCATION CRUCIAL TO FUTURE OF TURKEY

It will not surprise you, given my history in Congress and as a university president, that I believe a key ingredient of civil society, fundamental to the success of democracy and a modern economy, is education.

Certainly, education is crucial to the future of Turkey, where 30% of the population is below the age of 15! (''EU-Turkey Relationship: Less Rhetoric, More Challenges,'' by Bahadir Kaleagasi, Private View, No. 9, Autumn 2000, p. 22.)

Although I am a strong champion of both state and private support of education, I must note the growth in recent years of private universities in Turkey. As one who helped raise nearly $1 billion in private funds for New York University, I am impressed that several of your private universities have been founded with the generous support of Turkish business leaders. I think here particularly of Bilkent University, Sabanci University and Koc University.

I add that I have myself accepted the invitation of one of Turkey's outstanding business leaders, Mr. Rahmi Koc, to serve on the Board of Friends of Koc University, an American foundation chaired by the respected Turkish-American founder of Atlantic Records, and a good friend, Mr. Ahmet Ertegun, even as I have agreed to serve on the Board of Anatolia College in Thessaloniki. And I am pleased that these two institutions are cooperating in a joint training program.

These universities also make an important contribution to emerging civil society in Turkey. Founded through acts of philanthropy and charging tuition fees, they teach students that there can be institutions, independent of the state, serving social needs.

And as I speak of universities, let me say that while it is imperative that the United States and Turkey maintain their strategic alliance, I would very much like to see our relationships broadened to include expanded educational and cultural links. For most Americans, even educated ones, don't know very much about Turkish history or culture.

I shall add that in respect of another important question affecting U.S. policy toward Turkey, Turkish relations with Greece, I have for several years now proposed that Turkish universities establish departments of Greek studies and Greek universities create department of Turkish studies, the better for each society to understand the other.

As I conclude his talk, I realize that I have certainly not covered every subject relevant to my central thesis. I have not attempted to be exhaustive; I hope I have been instructive.

HISTORIC OPPORTUNITY FOR DEMOCRACY IN TURKEY

My thesis is straightforward. It is that there are three powerful developments that, it seems to me, provide an historic opportunity for genuine democratic advance in Turkey.

The first is the economic and financial crisis that your country is now facing.

The second is Turkey's application for membership in the European Union.

And the third is rising importance of the institutions of civil society in Turkish life.

I have drawn particular attention to the movement for democratic change-for freedom of expression, a free market economy and reform of the political system-pressed by the business leaders of Turkey, like those at TESEV and TUSIAD.

Although the friends of Turkey in my own country and elsewhere will do what we can to encourage reform, for your great country to become a vigorous and vibrant democracy is, in the final analysis, up to the people of Turkey.

REMEMBERING THE BIG THOMPSON FLOOD

Mr. ALLARD. Mr. President, I rise today to honor those who lost their lives, as well as those who survived, Colorado's Big Thompson Flood of 1976. Twenty-five years ago today more than one foot of rain fell in a matter of hours, creating a flash flood in Big Thompson Canyon which killed 144 people and caused over $30 million in property damage. We remember those who died in this natural disaster, and also the survivors who had to rebuild their lives, working as a community to start over again. Today, outside of my hometown of Loveland, Colorado, 1,000 survivors of this tragedy will gather to commemorate the Big Thompson Flood. Though I cannot be with them in this ceremony, my thoughts and prayers are with them and I speak on the Senate floor today as a tribute to this special event.

I ask unanimous consent that the following letter, which I wrote for the commemoration ceremony of the Big Thompson Canyon Flood of 1976, be printed in the RECORD.

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

Greetings to the families and friends of the victims of the Big Thompson Canyon Flood

As we look back twenty-five years ago today we remember the shock and devastation that took place in this canyon. Joan and I arrived just after the crest from the Big Thompson flood had passed through Loveland and were astounded by the destruction. At the time I was a county health officer and I had a number of clients up the canyon ravaged by the flash flood who had animals at my hospital. I was devastated by the tragedies which affected our community.

Since that time the people of the communities in the canyon have worked together to rebuild their lives and their property. We have heard of many sad stories and yet, many stories of kindness and concern for others through the years.

Today, as survivors, families and friends congregate to commemorate the Big Thompson Canyon flood, my thoughts and prayers are with you. The bronze sculpture dedicated today will permanently honor those who died in the flood and I will enter this letter into the CONGRESSIONAL RECORD as a tribute to all those affected by the Big Thompson Canyon Flood on July 31, 1976.

Joan's and my thoughts are with you as we remember the people who lost their lives and also those who survived this flood and recreated their lives.

Sincerely,
Wayne Allard

STOP TRADING AND AIDING THE BURMESE MILITARY JUNTA

Mr. HARKIN. Mr. President, once in awhile, the world is confronted with a national government so extreme in its violation of basic human rights and

worker rights and so morally bankrupt that it requires exceptional, coordinated action on the part of all civilized nations. A case in point is the Burmese military junta that has been in power since 1988 and which continues to terrorize this nation of 48 million people to this day.

This is a despicable military dictatorship that is quite simply beyond the pale.

It uses forced labor as a normal way of conducting business and international trade.

It uses forced child labor to build roads and dams, to transport goods for the military, and to tend the fields.

It exploits 50,000 child soldiers—the most of any nation on Earth.

It is a drug trafficker of the first order—the No. 1 source of heroin on our streets in America.

It routinely confiscates and operates apparel and other factories, directly and indirectly, to earn foreign exchange to keep its brutal grip on power.

It brazenly ignores the democratic yearnings of its own people who overwhelmingly elected the National League for Democracy to power in the national elections in 1990.

It has kept Aung San Suu Kyi, the democratically elected national leader of Burma and Nobel Peace Prize Laureate, under house arrest and cutoff from outside communication for most of the past decade, while imprisoning, torturing, and killing tens of thousands of Burmese prodemocracy supporters.

For all of these reasons, I introduced legislation, S. 926, in late May to establish a complete U.S. trade ban with Burma. I am greatly heartened that Senators HELMS, LEAHY, MCCONNELL, HOLLINGS, WELLSTONE, FEINGOLD, SCHUMER, FEINSTEIN, LIEBERMAN, CLINTON, TORRICELLI, DAYTON, CORZINE, and MIKULSKI have already joined as cosponsors of this bill to make more effective the limited sanctions enacted by a bipartisan majority in 1997.

Now we need President Bush to throw his support behind this measure as well. I am hopeful that he will follow his words with action because he wrote to many of us nearly two months ago pledging that ''we strongly support Daw Aung San Suu Kyi's heroic efforts to bring democracy to the Burmese people.''

Now is not the time to hesitate. We already have fresh evidence that even the threat of enactment of this legislation is making life much more difficult for the Burmese generals in several ways.

First, the Wall Street Journal on July 9th carried an in-depth story under the headline, ''Myanmar Faces Dual Blow from U.S. Proposed Ban.'' In this account, a ranking officer of the Myanmar Garment Manufacturing Association reports that orders for Burmese apparel have already begun to decline in the country's largest quasi-private sector industry. Not surprisingly, Burmese government officials and textile industry executives are denouncing our legislation, claiming that it will hurt tens of thousands of Burmese textile and apparel workers and their families. But, in fact, S. 926 enjoys the solid support of the Free Trade Union Movement of Burma, FTUB, and it was developed in close consultation with Burmese workers at the village and farm level inside that besieged nation. Small wonder given that the per capita GDP in Burma has now fallen to less than $300 a year and the U.S. Embassy in Rangoon last summer cabled home that wages in the textile and apparel factories typically start at 8 cents an hour for a 48-hour work week.

Second, the Burmese military junta for the first time has recently announced that it will allow a team of investigators from the International Labor Organization (ILO) to visit Burma for three weeks in September to follow up the mountain of evidence compiled about the widespread use of forced labor. I hope this is not a cynical ploy on the part of the Burmese generals whereby ILO officials are carefully steered to sanitized work sites, after which the ILO mission issues a report stating that they saw little first-hand evidence of forced labor or that it is in decline due to the government's efforts to stop it.

To forestall this possibility, the following important precautions need to be taken now to prevent the Burmese generals from ''whitewashing'' their longstanding use of forced labor:

There should be regular ILO fact-finding teams sent to Burma every six months for the foreseeable future, not a onetime visit.

Every ILO fact-finding team sent into Burma should include at least one of the members of the ILO Commission of Inquiry which compiled the body of evidence of widespread use of forced labor in Burma. It was that Commission's report which led to the ILO invoking Article 33 procedures for the first time in history in 1999 and twice, since then, calling for the 175 member nations of the ILO to adopt stronger sanctions against this outlaw regime.

Before any ILO inspection team is dispatched, the Burmese generals must rescind their decree which prohibits any gathering of more than 5 Burmese civilians at one time. This will enable Burmese forced laborers or witnesses on their behalf to feel more secure in coming forward.

The ILO must also insist in advance that other UN agencies help monitor the whereabouts and safety of any Burmese forced laborers or witnesses thereto, once the ILO fact-finding teams leave the country.

Finally, the embassies of Japan and other ASEAN countries who lobbied hard for the dispatch of such ILO fact-finding teams must take on special, added responsibilities and function as conscientious monitors against forced labor and other egregious worker rights violations inside Burma whenever ILO fact-finding teams are not on the ground.

Third, now that more and more American consumers are learning for the first time that U.S. trade with Burma is actually growing, they are bringing their own pressure to bear on this sordid business. Last May 23rd, for example, Wal-Mart executives issued a statement that ''Wal-Mart Stores, Inc. does not source products from Burma and we do not accept merchandise from our suppliers sourced in Burma and Wal-Mart -Canada will also not accept any merchandise sourced from Burma moving forward.'' I hope this claim can be verified soon and that other companies that have been doing business in Burma will follow suit.

Fourth, I am also hopeful that the U.S. Customs Service will move promptly to enforce its recent rulings and make certain that no products enter the U.S. labeled only ''Made in Myanmar''. Until such time that my trade ban legislation is enacted, it is very important that all American consumers be able to clearly identify whether a garment or other imported product is made in Burma.

In conclusion, Mr. President, it is unconscionable that apparel and textile imports from Burma, for example, have increased by 372 percent since supposedly ''tough'' sanctions were enacted in the U.S. in 1997. They increased by 118 percent last year alone, providing more than $454 million in hard currency that flows mostly into coffers of the Burmese military dictatorship. By what reasoning, do we currently have quotas on textile and apparel imports from virtually every other country in the world, but not Burma?

We need to promptly cut off the hard currency that is helping sustain the Burmese gulag.

We need to demonstrate anew our solidarity with the pro-democracy in Burma and its leaders.

We need to curb the flow of illegal drugs pouring into our country from Burma. We need to answer the call of the ILO to disassociate our country from the Burmese military junta which routinely uses forced labor and the worst forms of child labor, while defying the community of civilized nations to do anything about it.

We can accomplish all of these worthy policy objectives, the sooner we enact S. 926.

PREPARING FOR BIOTERRORISM . . . WHAT TO DO NEXT

Mr. AKAKA. Mr. President, I rise to address a subject on which I recently chaired a hearing in the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services concerning what the Federal Government is doing to better prepare our communities for an act of bioterrorism.

Mr. Bruce Baughman, the Director of Readiness and Planning for the Federal

Emergency Management Agency, FEMA, testified on terrorism programs, the newly established Office of National Preparedness, and FEMA's plans to enact a nationally coordinated plan for terrorism preparedness. Dr. Scott Lillibridge, the first Special Assistant to the Secretary of Health and Human Services, HHS, for National Security and Emergency Management, discussed the current and future bioterrorism preparedness and response programs within HHS.

They were followed by two expert witnesses, whose testimony and experience were very helpful in laying out what the country should be doing, on a national, State, and local level, to respond to bioterrorism.

Dr. Tara O'Toole, of the Johns Hopkins University Center for Civilian Biodefense Studies, discussed the nature of the threat and the challenges facing response efforts. As she aptly noted, ''nothing in the realm of natural catastrophes or man-made disasters rivals the complex response problems that would follow a bioweapon attack against civilian populations.''

Dr. Dan Hanfling, a physician in the Emergency Department at Inova Fairfax Hospital, and an active member in regional disaster response planning, shared his views on the ability of local emergency rooms to respond to biological agents. He explained how, with emergency room overcrowding and ambulance diversions, emergency departments and hospitals are operating in a 'disaster mode' from day to day.

Throughout the hearing, I heard three recurring concerns that must be addressed to prepare properly for bioterrorism. First, the medical and hospital community is not engaged fully in bioterrorism planning. Second, the partnerships between medical and public health professionals are not as strong as they need to be. And, third, hospitals must have the resources to develop surge capabilities.

All three will require long-term efforts to correct these problems. However, I believe that we can make considerable progress with some simple measures that can be implemented quickly.

First, we need to improve awareness of the threat among the medical community, thereby increasing engagement with physicians and hospitals. Dr. O'Toole suggested Congressional support for curriculum development for medical and nursing schools. Such support would require funding for the development of biological weapon and emerging infectious disease curricula, which could be shared to educate, train, and retrain medical professionals.

Second, FEMA must ensure that our medical and hospital communities have a place at the table in the planning and implementing of bioterrorism programs. Both Dr. Hanfling and Dr. O'Toole emphasized the necessity of involving the public health and medical communities in response planning for all acts of terrorism. The medical community is always called upon for assistance in disasters by traditional first responders. For acts of bioterrorism, they become the first responders. This will require funding to provide physicians, nurses, and hospital administrators the resources and time to attend meetings, training sessions, and planning activities.

Third, we can also enhance the surveillance and monitoring capabilities of the local and state public health departments. This is crucial in order to detect outbreaks as early as possible. One step in accomplishing this would be to include veterinarians in current monitoring and surveillance networks. Dr. Lillibridge and Dr. O'Toole agreed that the veterinary community can offer many things to the bioterrorism effort.

For example, most physicians do not have clinical experience with likely bioterrorist agents, such as plague, anthrax, and small pox. However, many veterinarians have field experience with anthrax and plague. Veterinarians could also help in detecting unusual biological events because many emerging diseases, such as West Nile Virus, appear in animals long before humans.

Dr. Lillibridge said HHS is considering some options to actively engage the animal health community. I would suggest creating a senior level position within the Centers for Disease Control and Prevention responsible for communicating and coordinating with the veterinary associations, local and State animal health officials, and practicing and research veterinarians on a routine basis. I hope that HHS will act quickly in determining the best course of action.

These three actions can help move bioterrorism response forward. Will they solve all the problems we face? No. But with Congressional leadership, FEMA's coordination, and HHS's implementation, we should be able to improve awareness and engagement by the medical and hospital community. We can also expand partnerships between the medical, public health, and veterinary communities. These are small steps to tackling a problem which, at times, may seem daunting and overwhelming.

Our bioterrorism preparedness effort will be helped by developing new activities and communicating with other interested parties. I look forward to working with the different stakeholders in their efforts to prepare our communities for a possible act of bioterrorism.

IN MEMORY OF CARROLL O'CONNOR

Mr. HATCH. Mr. President, I rise today to pay my respects to a great American, Carroll O'Connor, who died June 21, 2001 of a heart attack. Mr. O'Connor was a talented actor who is fondly remembered for his role as Archie Bunker in the television show ''All in the Family,'' which ran successfully from 1971–1979 and for which he won four Emmys. Everyone will agree that Mr. O'Connor's portrayal of Archie Bunker helped start a dialogue in this country about serious issues that had until then been avoided. Issues such as racism, bigotry, and religious and gender discrimination were tackled by the cast of ''All in the Family,'' and Mr. O'Connor led the discussion. His loyal fans will always remember the contributions he made to changing attitudes in America.

As much as I admired Mr. O'Connor for his role in bringing social issues to the forefront of American thought, today I would like to talk about another important issue that Mr. O'Connor helped bring to the attention of the American public. Mr. O'Connor was a tireless advocate for preventing kids from using drugs. He spoke publicly about the importance of keeping illegal drugs away from our kids. He passionately pleaded for parents to get between drugs and their kids so as to avoid the heartache that he himself suffered while witnessing his son Hugh struggle with his own addiction to cocaine and ultimately, as a result of his addiction, commit suicide. At a time when many would retreat in their own sorrow and grief, Carroll O'Connor mustered the strength to speak out about the dangers of drug abuse. He was a true public servant who undoubtedly touched the hearts of millions through his public service announcements that intimately described how he lost his son to drug addiction. I truly believe that his moving announcements prompted many parents to talk to their children about drugs.

I was fortunate to meet several times with Mr. O'Connor to discuss our country's drug control strategy. He had many interesting and innovative ideas as how to best solve the problem. In fact, just a few months ago he appeared via satellite at a Judiciary Committee hearing I held to testify in favor of S. 304, the Drug Abuse Education, Prevention, and Treatment Act of 2001, which I introduced along with Senators LEAHY, BIDEN, DEWINE, THURMOND, and FEINSTEIN. I want to quote a passage from his opening statement, which I believe exemplifies his dedication to the issue of drug abuse.

> We only know that there is hardly a family in America, on any level of life, that has not been wounded lightly or severely or fatally by the assault of the drug empire upon our country. The loved ones of insensate addicts, like my own poor son, write to me every day imploring my help, as if I, being well-known, might persuade our leaders to protect and defend them in this war, or at the very least help them care for their wounded and dying. This Committee, by this legislation, is now directing serious attention to the care for the wounded and dying.

I deeply regret that Mr. O'Connor will not be here when the Senate passes S. 304, but importantly, his legacy is secure in the form of the contribution he has made to publicizing this issue

and the tireless work toward the passage of this legislation. I ask unanimous consent that Mr. O'Connor's March 14, 2001 opening statement before the Judiciary Committee be printed in the RECORD.

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

STATEMENT BY CARROLL O'CONNOR TO THE SENATE JUDICIARY COMMITTEE, MARCH 14, 2001

Good morning. My dear Senators, I'm honored by your invitation to be here. I'm deeply involved in our war on drugs but only as a wounded victim of it, without expertise in the conduct of it. I am presuming here simply to speak for five million other victims. Or should I say ten million? Is there a true number? We only know that there is hardly a family in America, on any level of life, that has not been wounded lightly or severely or fatally by the assault of the drug empire upon our country.

The loved ones of insensate addicts, like my own poor son, write to me every day imploring my help, as if I, being well-known, might persuade our leaders to protect and defend them in this war, or at the very least help them care for their wounded and dying. This committee, by this legislation, is now directing serious attention to the care of the wounded and dying. This is a good bill. This war against the drug empire is a good war, and except for some who call it a lost war, who would legalize drugs and turn the country over to the invader, the American people are not clamoring to withdraw from this war.

This war is raging in the streets around them. They tell me in their letters that they don't understand why we are not fighting this war and winning it. They understand that they are spending billions to raise blockades and sanctions against so-called enemy countries like Libya and Cuba, and to fly bomber patrols over Iraq to prevent the Iraqis from making chemical weapons to use against us, but they know that the only country in the world attacking us daily with the poisons it makes is Colombia, the key country in the drug empire; Colombia which says to us ''Control your own deadly habits; we don't create them, we merely supply them. Meanwhile can you let us have two billion dollars and some American troops to deal with our rebels down here?''

If this is an unsophisticated picture of our foreign relations, it is nevertheless starkly real to our despairing people. The picture might better be presented to some other committee of the congress, but it is impossible to leave it out of any consideration of the drug war. I cannot guess how our people will receive the proposals advanced by this good legislation, and I am afraid that the expenditures here proposed for treatment and rehabilitation are not going to be enough by half. I would have said that we needed new, free rehabilitation centers in all of the major counties of our fifty states. How many? Two hundred, three hundred? At what cost? Perhaps a billion? a low guess? just to start the program.

Addicts cannot help themselves; they have to learn control, to re-regulate brain cells in expert medical facilities, places with living facilities closely available that will receive them without delay when they are ready to offer themselves. Our people are not ungenerous but they are not well informed. Care and rehabilitation of thousands and thousands of junkies is not something they are ready to pay for on a grand scale. But that must be done, and now when we are at the flood tide of our national wealth is the only possible time to do it.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 30, 2001, the Federal debt stood at $5,733,200,036,425.98, five trillion, seven hundred thirty-three billion, two hundred million, thirty-six thousand, four hundred twenty-five dollars and ninety-eight cents.

Five years ago, July 30, 1996, the Federal debt stood at $5,183,983,000,000, five trillion, one hundred eighty-three billion, nine hundred eighty-three million.

Ten years ago, July 30, 1991, the Federal debt stood at $3,560,957,000,000, three trillion, five hundred sixty billion, nine hundred fifty-seven million.

Fifteen years ago, July 30, 1986, the Federal debt stood at $2,071,424,000,000, two trillion, seventy-one billion, four hundred twenty-four million.

Twenty-five years ago, July 30, 1976, the Federal debt stood at $624,547,000,000, six hundred twenty-four billion, five hundred forty-seven million, which reflects a debt increase of more than $5 trillion, $5,108,653,036,425.98, five trillion, one hundred eight billion, six hundred fifty-three million, thirty-six thousand, four hundred twenty-five dollars and ninety-eight cents during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO BRIGADIER GENERAL THOMAS F. GIOCONDA

• Mr. DOMENICI. Mr. President, I rise today to pay tribute to a truly great American, Brigadier General Thomas F. Gioconda, USAF. General Gioconda has served this Nation with distinction for 31 years.

A native of Philadelphia, PA, General Gioconda is a graduate of St. Joseph's University, Philadelphia, PA, class of 1970. He has earned two masters degrees, one in School Administration from Seton Hall University, and another in Business Administration from the University of Montana. His military career began in 1970 with an assignment to Malstrom AFB, MT, where he served as a missile launch officer. After 4 years as a wing missile operations crew instructor, he served as an AFROTC instructor at his alma mater for two years, followed by another two years at New Jersey Institute of Technology. He then served as a missile operations instructor and section chief at the 4315th Combat Crew Training Squadron, Vandenberg AFB, CA.

General Gioconda has also served as the principal liaison officer to Congress for both General Colin Powell (Ret) and General John Shalikashvili (Ret) during momentous times in our Nation's history—the end of the Cold War, Operations Desert Storm, Provide Promise, Provide Hope, Provide Comfort, Southern Watch, Deny Flight, and Restore Democracy, and Joint Endeavor, as well as countless other military operations and deployments.

General Gioconda came to Department of Energy Defense Programs in August 1997 to serve as the Principal Deputy Assistant Secretary for Military Application (DP–2). During his 4-year tenure, General Gioconda served as the Acting Assistant Secretary for Defense Programs and later as the Acting Deputy Administrator for Defense Programs, for almost as long as he has served in the DP–2 position. Under this leadership, the Stockpile Stewardship Program, one of the country's most challenging scientific and engineering programs is delivering results of the American people, results that make this a safer country for us all. His steady hand, clear vision, decency, candor, and sense of humor has also helped the program overcome profound challenges over the last several years.

At the conclusion of his first tour as Acting Deputy Administrator, his accomplishments were justly rewarded with the presentation of the Department of Energy's highest honor, the Secretary's Gold Medal. General Gioconda has made great personal professional sacrifices to ensure the success of the Stockpile Stewardship Program and the Nation owes him a depth of gratitude for this service. I know that the men and women of the National Nuclear Security Administration will sorely miss his leadership, commitment to excellence, and untiring efforts to look out for their welfare.

In addition to his Department of Energy award, General Gioconda has been awarded the Distinguished Service Medal, the Defense Superior Service Medal (with Oak Leaf Cluster), the Defense Meritorious Service Medal, the Meritorious Service Medal (four Oak Leaf Clusters), three Air Force Commendation Medals, the Air Force Achievement Medal, the Combat Readiness Medal, the Outstanding Voluntary Service Medal, and the Command Missile Badge. We wish Tom, his wife Anita, and their three sons, Tom, Jr., Anthony, and Timothy, the very best.

It is a great honor and personal privilege for me to present his credentials and this tribute to General Thomas F. Gioconda before the Congress today. I have enjoyed working with the General over the years and I will miss his wise counsel. General Gioconda's extraordinary commitment has helped sustain our Nation's security during his tenure and beyond and reflects great credit upon himself, the Departments of the Air Force and Energy, and the United States of America. His actions reflect the highest professional standards of the Air Force. He is an officer of the highest honor, integrity, and purpose. Please join me in wishing this patriotic American every success in the years ahead.•

DR. FRED CRAWFORD

• Mr. HOLLINGS. Mr. President, it is a pleasure for me to recognize the accomplishments of Dr. Fred Crawford,

chief heart surgeon at the Medical University of South Carolina. Dr. Crawford grew up in rural South Carolina and still enjoys the simple life, but his sophisticated approach to work is on par with any big-city surgeon. He has done a tremendous job of bolstering the medical community's perception of MUSC during his more than 20 years on staff, by building a world-class team of physicians and nurses and by fostering excellence in his students. I ask that Clay Barbour's profile of Dr. Crawford, which appeared in The Post and Courier newspaper follows:

SURGEON STRIVES TOWARD GOAL FOR PROGRAM

(By Clay Barbour)

In August 1995, former New York City Mayor David Dinkins experienced severe chest pains and dizziness while on vacation in Hilton Head.

When it was confirmed that the 68-year-old Dinkins needed triple bypass surgery, there were discussions over where he should receive treatment.

New York, after all, offered a plethora of world-class physicians.

But after consulting physicians back home, Dinkins' wife decided to place her husband's heart in the very capable hands of Dr. Fred Crawford, MUSC's chief heart surgeon.

Crawford says despite Dinkins' high-profile status, his care was the same as the other 800 heart procedures performed at the Medical University of South Carolina that year.

But in truth, Dinkins' decision to trust MUSC in such an important matter differed from the others in one key aspect.

It was tangible proof of MUSC's standing in the medical community and validation for Crawford and his heart surgery program.

When Crawford took over as MUSC's chief cardiothoracic surgeon in 1979, he had one goal—to turn the oft-overlooked program into a major force in medicine.

''We were losing too many people to hospitals out of state, and I wanted that to stop,'' he says. ''I wanted this program to carry the weight of other high-profile programs in the country.

But changing perceptions was easier said than done. And even Crawford admits his goal was the naive dream of a young, idealistic surgeon.

But as the Dinkins' choice to stay instate proves, with persistence, high standards and skilled personnel, even perceptions can change.

COUNTRY BOY

As Crawford climbs atop the tractor, garbed in flannel and denim, the 58-year-old doctor looks out of place.

Yet it is here, on his farm amid the corn and sorghum that MUSC's head of surgery is most at home.

Crawford was raised here, in the community of Providence, not far from where his 400-acre farm now sits. He met his wife of 35 years, Mary Jane, here. And his mother still lives nearby.

He bought the land 12 years ago, right after Hurricane Hugo battered the state. And though he lives in Mount Pleasant, this rustic getaway serves as a weekend retreat, where he can leave the stress of surgery behind and return to a simpler time.

Crawford was born in 1942 to a pair of educators. His father was the principal at the local high school. His mother was the principal at the local elementary.

So he knows where he developed a fondness for academics and teaching. But he's not exactly sure what originally led him to medicine.

He remembers being impressed by an uncle who practiced medicine. And he always admired the family doctor.

In 1960, Crawford applied to, and was accepted at, Duke University in Durham, N.C.

''And for a country boy in South Carolina, Duke was about as far out as you could get,'' he says. ''I doubt I'd even heard of any Ivy League schools at the time.''

What started in 1960 was Crawford's 16-year relationship with Duke.

During his freshman year, Crawford met the man who would become his lifelong mentor, Dr. Will Sealy, a respected heart surgeon and educator at Duke, had a profound influence on Crawford.

''One week after I met him, I knew I wanted to be a surgeon,'' Crawford says. ''After two weeks, I knew I wanted to be a heart surgeon. And after three weeks, I knew I wanted to be an academic heart surgeon.''

Crawford finished three years undergraduate work at Duke and was then accepted to the university's prestigious medical school. After finishing medical school, he began a seven-year surgical residency at the university.

But the world would intrude on his education.

VIETNAM

''I think all surgeons, if they're honest with themselves, wonder at some point if they have the hands to do the job,'' Crawford says.

Any questions Crawford harbored about his ability were answered between 1969 and 1971—the years he spent in Vietnam.

After finishing two years of his residency, Crawford was called to duty in the Army. He arrived at the 24th Evacuation Hospital in Long Binh in 1970. Day in and day out, the young, inexperienced Crawford operated on wounded soldiers. Immersed in work, Crawford soon forgot his doubts and concentrated on his patients.

''I knew after that experience that I had what it took to do the job,'' he says.

In 1971, Crawford returned to Duke and completed the last five years of his residency. Finishing in 1976, he accepted a position as chief of cardiac surgery at the University of Mississippi.

''Which tells you more about the state of that program at the time than it does about how good I was,'' he says.

Crawford stayed in Mississippi for three years. Then on a fishing trip to South Carolina in 1978, he met former South Carolina Gov. James Edwards and fate stepped in.

''I was impressed with him,'' Edwards says. ''He was an extremely well-trained South Carolina boy. A very together and prepared person.''

Edwards asked Crawford when he was coming home. It wasn't the first time Crawford had considered returning to the Palmetto State, but this time something clicked.

And as luck would have it, the position for MUSC's head of cardiothoracic surgery opened up soon after the fishing trip. Crawford decided he'd make a run at it.

Edwards, an oral surgeon by training, heard that Crawford was not receiving the consideration due his reputation in the industry. So he stepped in.

''I checked up on him before going to bat for him,'' Edwards says.

''I was told he had two of the finest hands a surgeon could have, and his decision-making skills were second to none.''

It wasn't long before Edwards reaped the benefits of his decision to back Crawford. In 1983, the former governor accepted a position as MUSC's president.

HOME AGAIN, HOME AGAIN

In 1979, Crawford accepted the MUSC job and moved home to South Carolina with the dream of turning MUSC into a world-class heart surgery program.

He knew he had to fight public perception to make his dream come true. But to do that, he needed a plan. He started by recruiting world-class physicians and building a team of talented professionals around them.

''You can't have a world-class heart surgery program without world-class nurses, and world-class anesthesiologists,'' he says. ''It takes everybody to make it work.''

He then had to lobby for upgraded facilities, a part of the plan he's still working on.

''We're operating in a building that's 55 years old,'' he says. ''In the very near future we're going to have to do something about that.''

Crawford says that while he has worked hard on making a name for MUSC's heart surgery program, he has never forgotten that he is also an educator. And that's the part of the job he loves best.

''There is just something about knowing that you've played a part in turning a young student into a great surgeon,'' he says. ''And as they go out and succeed in the profession, they take a little of you with them.''

But just because he loves working with students doesn't mean he's easy on them. ''Fred has very high expectations for residents and faculty, and he lets us know when we don't live up to them,'' says Dr. Robert Sade, MUSC's director of Human Values and Healthcare, a medical ethics and health policy think tank.

Sade has worked with Crawford for close to 22 years, and says the diminutive surgeon can be gruff in a professional environment.

''But he's a great guy, with a sharp sense of humor,'' he says. ''It's just that surgery is serious work, and Fred takes it very seriously. But without a doubt, he is probably one of the most intelligent and well-organized physicians I've ever worked with.''

It's an opinion shared by many in the surgical community. Crawford is the chairman of the American Board of Thoracic Surgery and is the president-elect of the American Association of Thoracic Surgeons, the most prestigious group of its kind in the world.

''That was an honor that really blew me away,'' Crawford says.

At 58, Crawford has years left in his hands, and a job that's not quite finished. He intends to continue toward his goal with the same drive that led him to where he is now.

''A year ago I was diagnosed with colon cancer,'' he says. ''I'm better now, but that scare made me aware of how short our time here is. I didn't waste a lot of time before. I don't waste any now.''●

TRIBUTE TO JOHN CLEMSON DUCKWORTH, SR.

● Mr. SHELBY. Mr. President, I rise today to pay tribute to a dear friend, John Clemson Duckworth, of Tuscaloosa, AL. Clemson Duckworth died this past Tuesday, July 24th, at the age of 94.

Clemson was born in Tuscaloosa in 1907 and attended the University of Alabama. He joined the National Guard at the age of 18 and served as his unit's commander when they were activated in 1940 for World War II. Clemson served in several areas of the Pacific. He rose to the rank of full colonel, earned a Bronze Star and the Legion of Merit.

He returned to Tuscaloosa after World War II to his job as a loan officer at First Federal Savings and Loan. He eventually became President and

Chairman of the bank, as well as Chief Executive Officer before he retired in 1979 after 50 years of service. During his years of leadership at First Federal Savings and Loan, he encouraged home ownership among the city's residents and guided Tuscaloosa in the city's long-term planning. He served as the first head of the city planning commission.

In his church, First United Methodist, Clemson served as Chairman of the Administrative Board and President of the Board of Trustees. He served on several committees of the North Alabama Conference of the United Methodist Church.

At the University of Alabama, he served as an adjunct professor, teaching economics and insurance. He was active in a number of philanthropic and social organizations on campus.

Clemson Duckworth definitely left a mark on the Tuscaloosa community. In addition to his service to the City Planning Commission, he was also active in the city's Rotary Club. He was a member of the Druid City Hospital Foundation Board and played an active role in many of its fund raising projects. He served as Chairman and President of the Community Chest Drive, President of the Chamber of Commerce of West Alabama and the Junior Chamber of Commerce, and Director and Treasurer of the Building Fund of YMCA. For his lifetime of service to his country and community, Clemson Duckworth was honored as Tuscaloosa's Citizen of the Year.

Clemson also found time to raise a family. He and his wife Susie raised a daughter, Virginia Duckworth Cade; and two sons, John Clemson Duckworth, Jr. and Joe Brown Duckworth. They were also blessed with seven grandchildren and 14 great grandchildren.

Clemson Duckworth was a good friend, a patriarch of the Tuscaloosa community, a decorated veteran of World War II, and a much-beloved family man. He will be greatly missed by many.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT—PM 38

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, 2001, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of the 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 foreign policy 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.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 31, 2001*.

REPORT ON THE CONTINUATION OF THE IRAQI EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 39

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:

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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 foreign policy 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.

GEORGE BUSH.

THE WHITE HOUSE, *July 31, 2001*.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1954. An act to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

At 3:34 p.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. 100. An act to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes.

H.R. 1499. An act to amend the District of Columbia College Access Act of 1999 to permit individuals who graduated from a secondary school prior to 1998 and individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school to participate in the tuition assistance programs under such Act, and for other purposes.

H.R. 1858. An act to make improvements in mathematics and science education, and for other purposes.

H.R. 2456. An act to provide that Federal employees may retain for personal use promotional items received as a result of travel taken in the course of employment.

H.R. 2540. An act to amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 2603. An act to implement the agreement establishing a United States-Jordan free trade area.

H.R. 2620. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

H.R. 2647. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 190. Concurrent resolution supporting the goals and ideals of National

Alcohol and Drug Addiction Recovery Month.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 100. An act to establish and expand programs relating to science, mathematics, engineering, and technology education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 1858. An act to make improvements in mathematics and science education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 2456. An act to provide that Federal employees may retain for personal use promotional items received as a result of travel taken in the course of employment; to the Committee on Governmental Affairs.

H.R. 2540. An act to amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 2603. An act to implement the agreement establishing a United States-Jordan free trade area; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 190. Concurrent resolution supporting the goals and ideals of National Alcohol and Drug Addiction Recovery Month; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2620. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3206. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Montgomery GI Bill—Active Duty'' (RIN2900–AK06) received on July 30, 2001; to the Committee on Veterans' Affairs.

EC–3207. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''VISAS: Nonimmigrant Classes; Irish Peace Process Cultural and Training Program'' (22 CFR Part 41) received on July 30, 2001; to the Committee on Foreign Relations.

EC–3208. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Annual Report on Retail Fees and Service of Depository Institutions for 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–3209. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 1504(d)—Subsidiary Formed to Comply with Foreign Law'' (Rev. Rul. 2001–39) received on July 27, 2001; to the Committee on Finance.

EC–3210. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Disclosures of Return Information to Officers and Employees of the Department of Agriculture for Certain Statistical Purposes and Related Activities'' (RIN1545–AX69) received on July 30, 2001; to the Committee on Finance.

EC–3211. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of the Office of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–3212. A communication from the District of Columbia Auditor, transmitting, a report entitled ''Certification Review of the Sufficiency of the Washington Convention Center Authority's Projected Revenues to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2002''; to the Committee on Governmental Affairs.

EC–3213. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans: Oregon'' (FRL7017–9A) received on July 30, 2001; to the Committee on Environment and Public Works.

EC–3214. A communication from the Regulations Officer of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''National Standards for Traffic Control Devices; Manual on Uniform Traffic Control Devices for Streets and Highways; Corrections'' (RIN2125–AE87) received on July 30, 2001; to the Committee on Environment and Public Works.

EC–3215. A communication from the Acting Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Policy on Audits of RUS Borrowers; GAGAS Amendments'' (RIN0572–AB62) received on July 27, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3216. A communication from the Acting Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Policy on Audits of RUS Borrowers; Management Letter'' (RIN0572–AB66) received on July 27, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3217. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Isoxadifen-ethyl; Pesticide Tolerance Technical Correction'' (FRL6794–3) received on July 30, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3218. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tepraloxydim; Pesticide Tolerance'' (FRL6781–7) received on July 30, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3219. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757 Series Airplanes; Modified by Supplemental Certificate SA1727GL'' ((RIN2120–AA64)(2001–0347)) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3220. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 736–600, –700, –700C, and –800 Series Airplanes'' ((RIN2120–AA64)(2001–0345)) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3221. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–200, –200C, –300, and –400 Series Airplanes'' ((RIN2120–AA64)(2001–0344)) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3222. A communication from the Trial Attorney for Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Brake System Safety Standards for Freight and Other Non-Passenger Train and Equipment; End-of-Train Devices'' (RIN2130–AB49) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3223. A communication from the Senior Transportation Analyst, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Disability in Air Travel'' (RIN2105–AC81) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3224. A communication from the Senior Transportation Analyst, Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Transportation for Individuals With Disabilities (Over the Road Buses)'' ((RIN2105–AC00)(2001–0001)) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3225. A communication from the Attorney of the Office of the General Counsel, Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Maintenance of and Access to Information About Individuals'' (RIN2105–AC99) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3226. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pelagic Shelf Rockfish Fishery in the West Yakutat District, Gulf of Alaska'' received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3227. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States in the Western Pacific; Western Pacific Pelagic Longline Restrictions and Seasonal Area Closure, and Sea Turtle and Sea Bird Mitigation Measures; Emergency Interim Rule'' (RIN0648–AP24) received on July 27, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3228. A communication from the Assistant Chief, Consumer Information Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule

entitled ''Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996; Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities'' (Doc. No. 96–198) received on July 27, 2001; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–165. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to jurors' compensation; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION 104

Whereas, While jury service is a civic duty for many Americans, extended jury service can create significant financial hardship on jurors, and for many citizens the honor and privilege of serving on a jury becomes instead a burden that not only tends to limit participation in jury service but ultimately reduces the representativeness of juries in an increasingly diverse society; and

Whereas, Under current Texas law, jurors are entitled to reimbursement of expenses in an amount not less than $6 nor more than $50 for each day of jury service, with the actual amount being determined by the county commissioners court; the law also allows a presiding judge, under certain circumstances, to increase the daily reimbursement above the amount set by the commissioners court provided that reimbursement does not exceed the maximum allowable amount of $50 per day, with the additional costs in these cases being shared equally by the parties involved; and

Whereas, Because jurors' compensation often falls at the lower end of this reimbursement schedule, jury duty participation may cause undue financial hardships on citizens who incur substantial traveling and other daily expenses when responding to a jury summons; and

Whereas, Furthermore, because Texas law does not require employers to pay employees for the time they take off work to perform jury service, the financial hardship falls most heavily on hourly wage earners who cannot afford the different between the $6 per day compensation and the amount of wages lost; and

Whereas, Consequently, minorities, young adults, and other lower-income individuals are significantly underrepresented on many Texas juries, which may potentially violate a constitutional requirement that juries represent a cross-section of the community; and

Whereas, While county commissioners courts may provide for juror compensation above the state minimum, courts in poorer communities may be hard pressed to do so, and even in those communities that do pay above the minimum, the higher compensation still does not offset the amount of wages a juror may forgo during an extended jury trial; additional incentives are needed to lessen or remove jurors' financial burdens and thus ensure greater public participation in jury service and safeguard constitutional guarantees; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully request the Congress of the United States to pass legislation amending the Internal Revenue Code to give each person who serves on a jury under certain circumstances or in certain localities a $40 tax credit per day of service and to give each person who is summoned and appears, but does not serve, a one-time $40 tax credit for that day; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–166. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to Canadian lumber, to the Committee on Finance.

House Concurrent Resolution 98

Whereas, Lumber is an important natural resource and a vital industry for both the United States and Texas; the U.S. and Texas timber industries' ability to compete in a global economy, however, is hampered by the continuing influx of Canadian lumber, which is heavily subsidized by the provincial governments; and

Whereas, Canadian softwood lumber producers obtain most of their timber supply from government-owned forests, and the provinces subsidize lumber production by selling timber to Canadian lumber companies at noncompetitive prices for a fraction of the timber's market value; and

Whereas, Artificially low provincial timber prices, minimum harvesting restrictions, and other practices that encourage overharvesting and overproduction have helped Canadian imports gain a 36 percent share of the U.S. softwood lumber market; and

Whereas, Highly subsidized Canadian lumber imports unfairly compete with U.S. lumber companies, jeopardizing thousands of jobs and driving down the market value of U.S. forestlands; and

Whereas, U.S. industry and labor groups, U.S. and Canadian environmental organizations, and Native American groups have called for an end to these subsidies in order to establish fair trade practices; and

Whereas, The United States must fully enforce trade laws to offset the subsidies and mitigate injury to the U.S. softwood lumber industry if the Canadian subsidies are not discontinued; and

Whereas, The only protection for U.S. timber growers against these unfair market conditions is the current United States-Canada Softwood Lumber Agreement, which is scheduled to expire on the last day of March 2001; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to:

(1) make the problem of subsidized Canadian lumber imports a top trade priority to be addressed immediately;

(2) take every possible action to end Canadian lumber subsidy practices through open and competitive sales of timber and logs in Canada for fair market value or, if Canada will not agree to end the subsidies immediately, provide that the subsidies be offset in the United States;

(3) encourage open and competitive timber sales at fair market prices; and

(4) if Canada does not agree to end subsidies for lumber:

(A) enforce vigorously, promptly, and fully the trade laws with regard to subsidized and dumped imports;

(B) explore all options to stop unfairly traded imports; and

(C) limit injury to the U.S. lumber industry; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–167. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to enacting the Railroad Retirement and Survivors' Improvement Act of 2001; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION 210

Whereas, The Railroad Retirement and Survivors' Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives in the 106th Congress, including 20 members from the Texas delegation to the congress; and

Whereas, Even though more than 80 United States senators signed letters of support for this legislation in 2000, the bill never came up for a vote in the full senate; and

Whereas, An identical bill addressing railroad retirement reform is now before the 107th Congress to modernize the financing of the railroad retirement system for its 748,000 beneficiaries nationwide, including more than 38,000 in Texas; and

Whereas, The act provides tax relief to freight railroads, Amtrak, and commuter lines; it also provides benefit improvements for surviving spouses of rail workers, who currently suffer deep cuts in income when the rail retiree dies; and

Whereas, Railroad management and labor and retiree organizations have agreed to support this legislation; and

Whereas, No outside contributions from taxpayers are needed to implement the changes called for in this legislation as all costs relating to the reforms will come from within the railroad industry, including a full share by active employees; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to enact the Railroad Retirement and Survivors' Improvement Act of 2001; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–168. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to the development of an agreement or treaty with Mexico to address health issues; to the Committee on Foreign Relations.

SENATE CONCURRENT RESOLUTION 21

Whereas, Border health conditions not only pose an immediate risk to those who live along either side of the United States-Mexico border, but also are a health concern for all of the United States, and unaddressed health concerns in this region will only continue to worsen as the border population and its mobility increase, thereby escalating the risks to other areas of exposure and transmission of disease; and

Whereas, While the State of Texas has attempted to address many of the health issues facing the border population in Texas, binational cooperation at the federal level is essential to addressing these health concerns; and

Whereas, In 1999, the Texas Legislature called for an in-depth study of the public health infrastructure and barriers to a cooperative effort between Texas and Mexico; results of the study indicate that differences in technology and limitations on the exchange of technology, disparities in methods of collecting data and confidentiality provisions that restrict information sharing, and cultural differences that affect interaction between local and state health departments all combine to inhibit collaboration on health issues of mutual concern; and

Whereas, An example of the consequences of such barriers to cooperation occurred in 1999, when an outbreak of dengue fever in South Texas was traced back to Mexican cities and was thought to have been brought from Nuevo Laredo, Mexico, to Laredo, Texas; and

Whereas, Despite the implications for an outbreak across the border, Mexican health officials were limited in their ability to confirm cases of the mosquito-borne illness, and provisions in the Mexican Constitution restricted them from sharing the results of tests performed on Mexican citizens with Texas' health officials; and

Whereas, Similar instances have occurred where incidences of tuberculosis, salmonella, and malaria around the United States were found to have started in the Texas-Mexico border region; and

Whereas, It is in the interest of the United States to control the spread of diseases, beginning in the places where they originate, and poverty and poor health conditions along the United States-Mexico border region provide a large incubation ground for diseases; however, the efforts of one state or country alone will not address conditions that are present on both sides of the border, or legal issues that create incompatibilities between approaches, making a cooperative binational effort vitally important; and

Whereas, The United States and Mexico have worked in concert in forming NAFTA and related side agreements that address environmental infrastructure issues, creating the Border Environment Cooperation Commission and establishing the North American Development Bank; the success of these joint ventures suggests that forming similar international agreements to improve the public health infrastructure and finding ways to address the exchange of technology and information will improve the quality of life for residents of the border region as well as reduce the public health risks in the spread of disease; and

Whereas, Establishing an agreement between the United States and Mexico will show a commitment to the issue of public health and acknowledge that the spread of disease is an international problem without boundaries; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby urge the Congress of the United States to initiate the development of an agreement or treaty with Mexico to address health issues of mutual concern; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself and Mrs. FEINSTEIN):

S. 1272. A bill to assist United States veterans who were treated as slave laborers while held as prisoners of war by Japan during World War II, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARKIN:

S. 1273. A bill to amend the Public Health Service Act to provide for rural health services outreach, rural health network planning and implementation, and small health care provider quality improvement grant programs, and telehomecare demonstration projects; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. FRIST, Mr. DODD, Mr. HUTCHINSON, Mr. JEFFORDS, Ms. COLLINS, Mr. BINGAMAN, Mr. EDWARDS, Mrs. MURRAY, and Mr. SESSIONS):

S. 1274. A bill to amend the Public Health Service Act to provide programs for the prevention, treatment, and rehabilitation of stroke; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. HUTCHINSON, Mr. DODD, Ms. COLLINS, Mr. BINGAMAN, Mr. FEINGOLD, Mrs. MURRAY, Mr. EDWARDS, and Mr. CORZINE):

S. 1275. A bill to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1276. A bill to provide for the establishment of a new counterintelligence polygraph program for the Department of Energy, and for other purposes; to the Committee on Armed Services.

By Mr. DOMENICI (for himself and Mr. LUGAR):

S. 1277. A bill to authorize the Secretary of Energy to guarantee loans to facilitate nuclear nonproliferation programs and activities of the Government of the Russian Federation, and for other purposes; to the Committee on Foreign Relations.

By Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. DURBIN, Mr. BREAUX, and Ms. LANDRIEU):

S. 1278. A bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit; to the Committee on Finance.

By Mr. BREAUX:

S. 1279. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition under section 355; to the Committee on Finance.

By Mr. CLELAND:

S. 1280. A bill to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers; to the Committee on Veterans' Affairs.

By Mr. KENNEDY (for himself and Mr. FRIST):

S. 1281. A bill to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH:

S. 1282. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations; to the Committee on Finance.

By Mr. JOHNSON:

S. 1283. A bill to establish a program for the delivery of mental health services by telehealth; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. DASCHLE, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs . BOXER, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REED, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. STABENOW, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. 1284. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORZINE:

S. 1285. A bill to provide the President with flexibility to set strategic nuclear delivery system levels to meet United States national security goals; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD:

S. Res. 142. A resolution expressing the sense of the Senate that the United States should be an active participant in the United Nations World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself, Mr. CONRAD, Mr. GRAHAM, Mr. LEVIN, Mr. SANTORUM, Mr. AKAKA, Mr. BREAUX, Mr. KENNEDY, Mr. COCHRAN, Mr. DODD, Mr. NELSON of Florida, Mr. BAUCUS, Mr. BAYH, Mr. BUNNING, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DASCHLE, Mr. KERRY , Mr. INOUYE, Ms. LANDRIEU, Mr. LEAHY, Mr. MILLER, Mr. MURKOWSKI, Mr. REID, Mr. SARBANES, Mr. BINGAMAN, Mr. BYRD, Mr. DAYTON, Mr. DURBIN , Mr. KOHL, Mr. LIEBERMAN, Mr. MCCAIN, Mr. ROCKEFELLER, Mr. BROWNBACK, Mrs. LINCOLN, Mr. WARNER, Ms. STABENOW, Mr. DOMENICI, Mr. VOINOVICH, Mrs. BOXER, Mr. CHAFEE, Mr. DEWINE, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Ms. SNOWE , Mr. THURMOND, Ms. COLLINS, Mr. CARPER, Mr. STEVENS, Mr. ENSIGN, Mr. ROBERTS, Mr. SMITH of New Hampshire, and Mr. BOND):

S. Res. 143. A resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week of November 11 through November 17, 2001, as ''National Veterans Awareness Week''; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 144. A resolution commending James W. Ziglar for his service to the United States Senate; considered and agreed to.

By Mr. HELMS (for himself, Mr. BIDEN, and Mr. LEVIN):

S. Con. Res. 62. A concurrent resolution congratulating Ukraine on the 10th anniversary of the restoration of its independence and supporting its full integration into the Euro-Atlantic community of democracies; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself, Mr. FRIST, Mr. ALLEN, and Mr. KENNEDY):

S. Con. Res. 63. A concurrent resolution recognizing the important contributions of the Youth For Life: Remembering Walter Payton initiative and encouraging participation in this nationwide effort to educate young people about organ and tissue donation; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. GRAMM, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 28, a bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

S. 38

At the request of Mr. INOUYE, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 38, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 128

At the request of Mr. JOHNSON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 128, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 145

At the request of Mr. THURMOND, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 170

At the request of Mr. REID, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 234

At the request of Mr. GRASSLEY, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 234, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 267

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 267, a bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 275

At the request of Mr. KYL, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 275, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to preserve a step up in basis of certain property acquired from a decedent, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 370

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 370, a bill to amend the Internal Revenue Code of 1986 to exempt agricultural bonds from State volume caps.

S. 452

At the request of Mr. MURKOWSKI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 540

At the request of Mr. DEWINE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 554

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 621

At the request of Mr. HAGEL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 621, a bill to authorize the American Friends of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia.

S. 677

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 825

At the request of Mr. REID, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 825, a bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totaling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes.

S. 972

At the request of Mr. MURKOWSKI, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 972, a bill to amend the Internal Revenue Code of 1986 to improve electric reliability, enhance transmission infrastructure, and to facilitate access to the electric transmission grid.

S. 989

At the request of Mr. FEINGOLD, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 989, a bill to prohibit racial profiling.

S. 1000

At the request of Mr. REED, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1000, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care.

S. 1074

At the request of Mr. SCHUMER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1074, a bill to establish a commission to review the Federal Bureau of Investigation.

S. 1104

At the request of Mr. GRAHAM, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 1104, a bill to establish objectives for negotiating, and procedures for, implementing certain trade agreements.

S. 1111

At the request of Mr. CRAIG, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1111, a bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes.

S. 1119

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1119, a bill to require the Secretary of Defense to carry out a study of the extent to the coverage of members of the Selected Reserve of the Ready Reserve of the Armed Forces under health benefits plans and to submit a report on the study of Congress, and for other purposes.

S. 1209

At the request of Mr. BINGAMAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1226

At the request of Mr. CAMPBELL, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Kentucky (Mr. BUNNING), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1265

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 1265, a bill to amend the Immigration and Nationality Act to require the Attorney General to cancel the removal and adjust the status of certain aliens who were brought to the United States as children.

S. RES. 109

At the request of Mr. REID, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 109, a resolution designating the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day.''

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 4

At the request of Mr. NICKLES, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress regarding housing affordability and ensuring a competitive North American market for softwood lumber.

S. CON. RES. 31

At the request of Mr. THOMPSON, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. Con. Res. 31, concurrent resolution commending Clear Channel Communications and the American Football Coaches Association for their dedication and efforts for protecting children by providing a vital means for locating the Nation's missing, kidnapped, and runaway children.

S. CON. RES. 59

At the request of Mr. HUTCHINSON, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Con. Res. 59, a concurrent resolution expressing the sense of Congress that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mrs. FEINSTEIN):

S. 1272. A bill to assist United States veterans who were treated as slave laborers while held as prisoners of war by Japan during World War II, and for other purposes; to the Committee on Veterans' Affairs.

Mr. HATCH. Mr. President, I rise today with my co-sponsor, Senator FEINSTEIN, to introduce legislation that will help a very special cadre of Americans, a group of Americans that, over 50 years ago, paid a very dear price on behalf of our country. The incredible sacrifice made by these Americans has never properly been acknowledged, and it is high time that they receive some measure of compensation for that sacrifice.

On April 9, 1942, Allied forces in the Philippines surrendered the Bataan Peninsula to the Japanese. Ten to twelve thousand American soldiers were forced to march some 60 miles in broiling heat in a deadly trek known as the Bataan Death March. Following a lengthy internment under horrific conditions, thousands of POWs were shipped to Japan in the holds of freighters known as ''Hell Ships.'' Once in Japan, the survivors of the Bataan Death March were joined by hundreds of other American POWs, POWs who had been captured by the Japanese in actions throughout the Pacific theater of war, at Corregidor, at Guam, at Wake Islands, and at countless other battlegrounds.

After arriving in Japan, many of the American POWs were forced into slave labor for private Japanese steel mills and other private companies until the end of the war. During their internment, the American POWs were subjected to torture, and to the withholding of food and medical treatment, in violation of international conventions relating to the protection of prisoners of war.

More than 50 years have passed since the atrocities occurred, yet our veterans are still waiting for accountability and justice. Unfortunately, global political and security needs of the time often overshadowed their legitimate claims for justice, and these former POWs were once again asked to sacrifice for their country. Following the end of the war, for example, our government instructed many of the POWs held by Japan not to discuss their experiences and treatment. Some were even asked to sign non-disclosure agreements. Consequently, many Americans remain unaware of the atrocities that took place and the suffering our POWs endured.

Finally, after more than 50 years, a new effort is underway to seek compensation for the POWs from the private Japanese companies which profited from their labor.

Let me say at the outset, that this is not a dispute with the Japanese people and these are not claims against the Japanese government. Rather, these are private claims against the private Japanese companies that profited from the slave labor of our American soldiers who they held as prisoners. These are the same types of claims raised by survivors of the Holocaust against the private German corporations who forced them into labor.

Here in the Senate, we have been doing what we can to help these former prisoners of war. In June of last year, the Senate Judiciary Committee held a hearing on the claims being made by the former American POWs against the private Japanese companies, to determine whether the executive branch had been doing everything in its power to secure justice for these valiant men.

In the fall of last year, with the invaluable assistance of Senator FEINSTEIN, we were able to pass legislation declassifying thousands of Japanese Imperial Army records held by the U.S. government, to assist the POW's in the pursuit of their claims.

We can do even more. Recently, the State of California passed legislation extending the statute of limitations, under state law, to allow the POWs to bring monetary claims against the Japanese corporations that unlawfully employed them. Other States are contemplating such legislation.

The bill we are introducing today makes clear that any claims brought in state court, and subsequently removed to Federal court, will still have the benefit of the extended statute of limitations enacted by the state legislatures.

The legislators in California, and other States, have recognized the fairness of the allowing these claims to proceed for a decision on the merits. In light of the tangled history of this issue, including the role played by the U.S. government in discouraging these valiant men from pursuing their just claims, it is simply unfair to deny these men their day in court because their claims have supposedly grown stale.

These claims are not stale in their ability to inspire admiration for the men who survived this ordeal. These claims are not stale in their ability to inspire indignation against the corporations who flouted international standards of decency.

The statute of limitations should not be permitted to cut off these claims before they can be heard on the merits. Today's bill does nothing more than ensure that these valiant men receive their fair day in court.

I hope my fellow Senators will join with me, and with Senator FEINSTEIN, on this important legislation. These heroes of World War II have waited too long for a just resolution of their claims.

Mrs. FEINSTEIN. Mr. President, I rise alongside my colleague from Utah, Senator HATCH, to introduce the ''POW Assistance Act of 2001''.

This legislation makes an important statement in support of the many members of the U.S. Armed Forces who were used as slave labor by Japanese companies during the Second World War or subject to chemical and biological warfare experiments in Japanese POW camps.

The core of this bill is a clarification that in any pending lawsuit brought by former POWs against Japanese corporations, or any lawsuits which might be filed in the future, the Federal court shall apply the applicable statute of limitations of the State in which the action was brought.

This legislation is important because a recently enacted California law enables victims of WWII slave labor to seek damages up to the year 2010 against responsible Japanese companies, just as any citizen can sue a private company. Seventeen lawsuits have been filed on behalf of former POWs who survived forced labor, beatings, and starvation at the hands of Japanese companies. By asking Federal judges to look to the State statute of limitation, this legislation sends a clear message to the courts that we believe that suits with merit should not be precluded.

Today, too many Americans and Japanese do not know that American POWs performed forced labor for Japanese companies during the war.

American POWs, including those who had been forced through the Bataan Death March, were starved and denied adequate medical care and were forced to perform slave labor for private Japanese companies. American POWs toiled in mines, factories, shipyards, and steel mills. Many POWs worked virtually every day for 10 hours or more, often under extremely dangerous working conditions. They were starved and denied adequate medical care. Even today, many survivors still suffer from health problems directly tied to their slave labor.

It is critical that we do not forget the heroism and sacrifice of the POWs, and that the United States government does not stand in the way of their pursuit of recognition and compensation. They have never received an apology or payment from the companies that enslaved them, many of which are still in existence today.

The bill that Senator HATCH and I have introduced today does not prejudice the outcome of the lawsuits which are pending one way or another. The legislation we have introduced today simply holds that the lawsuits filed in California, or any which may still be filed under the California statute of limitations, should be allowed to go forward so that this issue can be settled definitively, without impeding the right of the POWs to pursue justice.

One of my most important goals in the Senate has been to see the development of a Pacific Rim community that is peaceful and stable. And I am pleased that the Government of Japan today is a close ally and good friend of the United States, and a responsible member of the international community.

And I want to clarify that this legislation is not directed at the people or government of Japan. The POWs and veterans are only seeking justice from the private companies that enslaved them, and this legislation has been designed in the interest of allowing these claims to move forward.

But I also believe that if Japan is to play a greater role in the international community it is important for Japan, the United States, and other countries in the Asia-Pacific region to be able to reconcile interpretations of memory and history, especially of the Second World War. If, as Gerrit Gong has written, Japan aspires to be a normal country, this question of ''remembering and forgetting'' is critical if Japan hopes to forge an environment in which its neighbors ''do not object to that country's engaging in a full range of international activities and capabilities.''

The goal of this legislation is to remove this outstanding issue in U.S.-Japan relations, and to try to heal wounds that still remain. I hope that the Senate will see fit to support this bill.

By Mr. HARKIN:

S. 1273. A bill to amend the Public Health Service Act to provide for rural health services outreach, rural health network planning and implementation, and small health care provider quality improvement grant programs, and telehomecare demonstration projects; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I have introduced the ''Improving Health Care in Rural America Act'' that continues a rural health outreach program that I worked to establish as a part of the fiscal year 1991 Labor, Health and Human Services appropriations bill. We began this innovative program to demonstrate the effectiveness of outreach programs to populations in rural areas that have trouble obtaining health and mental health services. Too often, these people are not able to obtain health care until they are acutely ill and need extensive and expensive hospital care.

Indeed, rural Americans are at triple jeopardy, they are more often poor, more often uninsured, and more often without access to health care. Rural America is home to a disproportionately large segment of older citizens who more often require long-term care for their illnesses and disabilities. And rural America is not immune from the social stresses of modern society. This is manifest by escalating needs for mental health services to deal with necessary alcohol- and drug-related treatment, and by the significantly higher rate of suicide in rural areas. Yet, rural Americans are increasingly becoming commuters for their health care. Rural Americans deserve to be treated equitably and the legislation that I rise to describe today helps bring high quality health care to rural communities to meet their specific needs.

This grant program has proven itself highly successful because it responds to local community needs and is directed by the people in the community. These innovative grants bring needed primary and preventive care to those people who have few other options. These grants also help link health and social services, thereby reaching the people that most need these services.

This program has received overwhelmingly positive response from all fifty States because it has had a tremendous impact on improving coordination between health care providers and expanding access to needed health care.

In Iowa, the Ida County Community Hospital receives funds to improve the quality of life for older people who are chronically ill by making home visits, providing pain management, and telmonitoring, and other needed services.

In Maquoketa, IA, every school-age child is being given timely, high quality care because the local school district used their grant to team up with almost every health care provider in the county to provide services.

In Mason City, IA, the North Iowa Mercy Health Center is collaborating

with the Easter Seals Society of Northern Iowa, Rockwell Community Nursing, and the Pony Express Riders of Iowa to make sure seniors have access to physician, therapy, and dental services. This program also recycles and repairs assistive technology equipment to help seniors that are unable to afford new equipment.

The ''Improving Health Care in Rural America Act'' also establishes a telehomecare demonstration program for five separate projects to allow home health care professionals to provide some services through telehealth technologies. This program will allow rural residents to have better access to daily health care services and will reduce health care costs. This program is designed to improve patient access to care, quality of care, patient satisfaction with care while reducing the costs of providing care. Nurses and other health care professionals will be trained in how to use this advanced technology to provide better, more effective care. This programs applies the highly effective telehealth technology to an area of health care that will benefit greatly.

As ranking member and as chairman of the Labor-HHS Appropriations Subcommittee, I have been pleased to be able to provide funding for this program during the previous decade. This bill will extend this highly successful program for 5 more years and I look forward to provide its funding. Programs that work this well deserve the support of Congress.

I urge my colleagues to join me in supporting this important legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Improving Health Care in Rural America Act''.

SEC. 2. GRANT PROGRAMS.

Section 330A of the Public Health Service Act (42 U.S.C. 254c) is amended to read as follows:

''SEC. 330A. RURAL HEALTH SERVICES OUTREACH, RURAL HEALTH NETWORK DEVELOPMENT, AND SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANT PROGRAMS.

''(a) PURPOSE.—The purpose of this section is to provide grants for expanded delivery of health services in rural areas, for the planning and implementation of integrated health care networks in rural areas, and for the planning and implementation of small health care provider quality improvement activities.

''(b) DEFINITIONS.—

''(1) DIRECTOR.—The term 'Director' means the Director specified in subsection (d).

''(2) FEDERALLY QUALIFIED HEALTH CENTER; RURAL HEALTH CLINIC.—The terms 'Federally qualified health center' and 'rural health clinic' have the meanings given the terms in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)).

''(3) HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'health professional shortage area' means a health professional shortage area designated under section 332.

''(4) HEALTH SERVICES.—The term 'health services' includes mental and behavioral health services and substance abuse services.

''(5) MEDICALLY UNDERSERVED AREA.—The term 'medically underserved area' has the meaning given the term in section 799B.

''(6) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given the term in section 330(b)(3).

''(c) PROGRAM.—The Secretary shall establish, under section 301, a small health care provider quality improvement grant program.

''(d) ADMINISTRATION.—

''(1) PROGRAMS.—The rural health services outreach, rural health network development, and small health care provider quality improvement grant programs established under section 301 shall be administered by the Director of the Office of Rural Health Policy of the Health Resources and Services Administration, in consultation with State offices of rural health or other appropriate State government entities.

''(2) GRANTS.—

''(A) IN GENERAL.—In carrying out the programs described in paragraph (1), the Director may award grants under subsections (e), (f), and (g) to expand access to, coordinate, and improve the quality of essential health services, and enhance the delivery of health care, in rural areas.

''(B) TYPES OF GRANTS.—The Director may award the grants—

''(i) to promote expanded delivery of health services in rural areas under subsection (e);

''(ii) to provide for the planning and implementation of integrated health care networks in rural areas under subsection (f); and

''(iii) to provide for the planning and implementation of small health care provider quality improvement activities under subsection (g).

''(e) RURAL HEALTH SERVICES OUTREACH GRANTS.—

''(1) GRANTS.—The Director may award grants to eligible entities to promote rural health services outreach by expanding the delivery of health services to include new and enhanced services in rural areas. The Director may award the grants for periods of not more than 3 years.

''(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection for a project, an entity—

''(A) shall be a rural public or nonprofit private entity;

''(B) shall represent a consortium composed of members—

''(i) that include 3 or more health care providers or providers of services; and

''(ii) that may be nonprofit or for-profit entities; and

''(C) shall not previously have received a grant under this subsection or section 330A for the project.

''(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the project that the applicant will carry out using the funds provided under the grant;

''(B) a description of the manner in which the project funded under the grant will meet the health care needs of rural underserved populations in the local community or region to be served;

''(C) a description of how the local community or region to be served will be involved in the development and ongoing operations of the project;

''(D) a plan for sustainability of the project after Federal support for the project has ended; and

''(E) a description of how the project will be evaluated.

''(f) RURAL HEALTH NETWORK DEVELOPMENT GRANTS.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Director may award rural health network development grants to eligible entities to promote, through planning and implementation, the development of integrated health care networks that have integrated the functions of the entities participating in the networks in order to—

''(i) achieve efficiencies;

''(ii) expand access to, coordinate, and improve the quality of essential health services; and

''(iii) strengthen the rural health care system as a whole.

''(B) GRANT PERIODS.—The Director may award such a rural health network development grant for implementation activities for a period of 3 years. The Director may also award such a rural health network development grant for planning activities for a period of 1 year, to assist in the development of an integrated health care networks, if the proposed participants in the network have a history of collaborative efforts and a 3-year implementation grant would be inappropriate.

''(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, an entity—

''(A) shall be a rural public or nonprofit private entity;

''(B) shall represent a network composed of members—

''(i) that include 3 or more health care providers or providers of services; and

''(ii) that may be nonprofit or for-profit entities; and

''(C) shall not previously have received a grant (other than a 1-year grant for planning activities) under this subsection or section 330A for the project.

''(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the project that the applicant will carry out using the funds provided under the grant;

''(B) an explanation of the reasons why Federal assistance is required to carry out the project;

''(C) a description of—

''(i) the history of collaborative activities carried out by the participants in the network;

''(ii) the degree to which the participants are ready to integrate their functions; and

''(iii) how the local community or region to be served will benefit from and be involved in the activities carried out by the network;

''(D) a description of how the local community or region to be served will experience increased access to quality health services across the continuum of care as a result of the integration activities carried out by the network;

''(E) a plan for sustainability of the project after Federal support for the project has ended; and

''(F) a description of how the project will be evaluated.

''(g) SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANTS.—

''(1) GRANTS.—The Director may award grants to provide for the planning and implementation of small health care provider quality improvement activities. The Director may award the grants for periods of 1 to 3 years.

''(2) ELIGIBILITY.—In order to be eligible for a grant under this subsection, an entity—

''(A) shall be a rural public or nonprofit private health care provider, such as a critical access hospital or a rural health clinic;

''(B) shall be another rural provider or network of small rural providers identified by the Secretary as a key source of local care; or

''(C) shall not previously have received a grant under this subsection for the project.

''(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the project that the applicant will carry out using the funds provided under the grant;

''(B) an explanation of the reasons why Federal assistance is required to carry out the project;

''(C) a description of the manner in which the project funded under the grant will assure continuous quality improvement in the provision of services by the entity;

''(D) a description of how the local community or region to be served will experience increased access to quality health services across the continuum of care as a result of the activities carried out by the entity;

''(E) a plan for sustainability of the project after Federal support for the project has ended; and

''(F) a description of how the project will be evaluated.

''(4) PREFERENCE.—In awarding grants under this subsection, the Secretary shall give preference to entities that—

''(A) are located in health professional shortage areas or medically underserved areas, or serve medically underserved populations; or

''(B) propose to develop projects with a focus on primary care, and wellness and prevention strategies.

''(h) COORDINATION WITH OTHER AGENCIES.—The Secretary shall coordinate activities carried out under grant programs described in this section, to the extent practicable, with Federal and State agencies and nonprofit organizations that are operating similar grant programs, to maximize the effect of public dollars in funding meritorious proposals.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2006.''.

SEC. 3. CONSOLIDATION AND REAUTHORIZATION OF PROVISIONS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq) is amended by adding at the end the following:

''SEC. 330I. TELEHOMECARE DEMONSTRATION PROJECT.

''(a) DEFINITIONS.—In this section:

''(1) DISTANT SITE.—The term 'distant site' means a site at which a certified home care provider is located at the time at which a health service (including a health care item) is provided through a telecommunications system.

''(2) TELEHOMECARE.—The term 'telehomecare' means the provision of health services through technology relating to the use of electronic information, or through telemedicine or telecommunication technology, to support and promote, at a distant site, the monitoring and management of home health services for a resident of a rural area.

''(b) ESTABLISHMENT.—Not later than 9 months after the date of enactment of the Health Care Safety Net Amendments of 2001, the Secretary may establish and carry out a telehomecare demonstration project.

''(c) GRANTS.—In carrying out the demonstration project referred to in subsection (b), the Secretary shall make not more than 5 grants to eligible certified home care providers, individually or as part of a network of home health agencies, for the provision of telehomecare to improve patient care, prevent health care complications, improve patient outcomes, and achieve efficiencies in the delivery of care to patients who reside in rural areas.

''(d) PERIODS.—The Secretary shall make the grants for periods of not more than 3 years.

''(e) APPLICATIONS.—To be eligible to receive a grant under this section, a certified home care provider shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) USE OF FUNDS.—A provider that receives a grant under this section shall use the funds made available through the grant to carry out objectives that include—

''(1) improving access to care for home care patients served by home health care agencies, improving the quality of that care, increasing patient satisfaction with that care, and reducing the cost of that care through direct telecommunications links that connect the provider with information networks;

''(2) developing effective care management practices and educational curricula to train home care registered nurses and increase their general level of competency through that training; and

''(3) developing curricula to train health care professionals, particularly registered nurses, serving home care agencies in the use of telecommunications.

''(g) COVERAGE.—Nothing in this section shall be construed to supercede or modify the provisions relating to exclusion of coverage under section 1862(a) of the Social Security Act (42 U.S.C 1395y(a)), or the provisions relating to the amount payable to a home health agency under section 1895 of that Act (42 U.S.C. 1395fff).

''(h) REPORT.—

''(1) INTERIM REPORT.—The Secretary shall submit to Congress an interim report describing the results of the demonstration project.

''(2) FINAL REPORT.—Not later than 6 months after the end of the last grant period for a grant made under this section, the Secretary shall submit to Congress a final report—

''(A) describing the results of the demonstration project; and

''(B) including an evaluation of the impact of the use of telehomecare, including telemedicine and telecommunications, on—

''(i) access to care for home care patients; and

''(ii) the quality of, patient satisfaction with, and the cost of, that care.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2006.''.

By Mr. KENNEDY (for himself, Mr. FRIST Mr. DODD, Mr. HUTCHINSON, Mr. JEFFORDS, Ms. COLLINS, Mr. BINGAMAN, Mr. EDWARDS, Mrs. MURRAY, and Mr. SESSIONS):

S. 1274. A bill to amend the Public Health Service Act to provide programs for the prevention, treatment, and rehabilitation of stroke; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. JEFFORDS, Mr. HUTCHINSON, Mr. DODD, Ms. COLLINS, Mr. BINGAMAN, Mr. FEINGOLD, Mrs. MURRAY, Mr. EDWARDS, and Mr. CORZINE):

S. 1275. A bill to amend the Public Health Service Act to provide grants for public access defibrillation programs and public access defibrillation demonstration projects, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today with Senator KENNEDY to introduce two pieces of legislation, the STOP Stroke Act and the Community Access to Emergency Defibrillation Act. These bills represent our next step in the battle against cardiac arrest and stroke and are critical to increasing access to timely, quality health care.

The first bill we are introducing today focuses attention on stroke, the third leading cause of death and the leading cause of serious, long-term disability in the United States, through the implementation of a prevention and education campaign, the development of the Paul Coverdell Stroke Registry and Clearinghouse, and the provision of grants for statewide stroke care systems and for medical professional development. The untimely death of Senator Paul Coverdell points to the need to provide more comprehensive stroke care and to learn more about providing better quality care to the more than 700,000 Americans who experience a stroke each year. Our first step in doing so is the introduction of the Stroke Treatment and Ongoing Prevention Act (STOP Stroke Act).

One of the most significant factors that affects stroke survival rates is the speed with which one obtains access to health care services. About 47 percent of stroke deaths occur out of the hospital. Many patients do not recognize the signs of a stroke and attribute the common symptoms, such as dizziness, loss of balance, confusion, severe headache or numbness, to other less severe ailments. To increase awareness of this public health problem, the Secretary of Health and Human Services will implement a national, multimedia campaign to promote stroke prevention and encourage those with the symptoms of stroke to seek immediate treatment. This crucial legislation also provides for special programs to target high risk populations. For the professional community, continuing education grants are included to train physicians in

newly-developed diagnostic approaches, technologies, and therapies for prevention and treatment of stroke. With a more informed public and up-to-date physicians, our ability to combat the devastating effects of a stroke will be enhanced.

The Paul Coverdell National Acute Stroke Registry and Clearinghouse, authorized in the STOP Stroke Act, establish mechanisms for the collection, analysis, and dissemination of valuable information about best practices relating to stroke care and the development of stroke care systems. In order to facilitate the process of implementing statewide stroke prevention, treatment, and rehabilitation systems that reflect the research gathered by the Registry and Clearinghouse, grants will be made available to States that will ensure that stroke patients have access to quality care.

These legislative efforts have already proved successful. Lives are being saved. We can do more.

Therefore, we are moving today to expand on these successes by introducing the Community Access to Emergency Defibrillation Act. This important legislation will provide $50 million for communities to establish public access defibrillation programs that will train emergency medical personnel, purchase AEDs for placement in public areas, ensure proper maintenance of defibrillators, and evaluate the effectiveness of the program.

Each year, over 250,000 Americans suffer sudden cardiac arrest. Sudden cardiac arrest is a common cause of death during which the heart suddenly stops functioning. Most frequently, cardiac arrest occurs when the electrical impulses that regulate the heart become rapid, ventricular tachycardia, or chaotic, ventricular fibrillation, causing the heart to stop beating altogether. As a result, the individual collapses, stops breathing and has no pulse. Often, the heart can be shocked back into a normal rhythm with the aid of a defibrillator. This is exactly what happened when I resuscitated a patient using cardiopulmonary resuscitation, CPR, and electrical cardioversion in the Dirksen Senate Office Building in 1995.

When a person goes into cardiac arrest, time is of the essence. Without defibrillation, his or her chances of survival decrease by about 10 percent with every minute that passes. Thus, having an automated external defibrillator, AED, accessible is not only important, but also could save lives. AEDs are portable, lightweight, easy to use, and are becoming an essential part of administering first aid to victims of sudden cardiac arrest.

We have seen that in places where AEDs are readily available, survival rates can increase by 20–30 percent. In some settings, survival rates have even reached 70 percent. Therefore, Congress has taken several important steps to increase access to AEDs over the past two Congresses.

In the 105th Congress, I authored the Aviation Medical Assistance Act. This bill directed the Federal Aviation Administration to decide whether to require AEDs on aircraft and in airports. As a result of this law, many airlines now carry AEDs on board, and some airports have placed AEDs in their terminals. At Chicago O'Hare, just four months after AEDs were placed in that airport, four victims were resuscitated using the publicly available AEDs.

In the last Congress, we passed two important bills expanding the availability of AEDs: the Cardiac Arrest Survival Act and the Rural Access to Emergency Devices Act. Respectively, these bills address the placement of automated external defibrillators, AEDs, in Federal buildings and provide liability protection to persons or organizations who use AEDs, as well as grants to community partnerships to enable them to purchase AEDs. The bills also provide defibrillator and basic life support training.

I am pleased to introduce these important pieces of legislation and I look forward to their ultimate enactment into law. I want to thank my colleague, Senator KENNEDY, for his work on these life saving proposals.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleague, Senator FRIST, to introduce the Stroke Treatment and Ongoing Prevention Act. Stroke is a cruel affliction that takes the lives and blights the health of millions of Americans. Senator FRIST and I have worked closely on legislation to establish new initiatives to reduce the grim toll taken by stroke, and I commend him for his leadership. We are joined in proposing this important legislation by our colleagues on the Health Committee, Senators DODD, HUTCHINSON, JEFFORDS, COLLINS, BINGAMAN, EDWARDS, and MURRAY. The STOP Stroke Act is also supported by a broad coalition of organizations representing patients and the health care community.

Stroke is a national tragedy that leaves no American community unscarred.

Stroke is the third leading cause of death in the United States. Every minute of every day, somewhere in America, a person suffers a stroke. Every three minutes, a person dies from one. Strokes take the lives of nearly 160,000 Americans each year. Even for those who survive an attack, stroke can have devastating consequences. Over half of all stroke survivors are left with a disability.

Since few Americans recognize the symptoms of stroke, crucial hours are often lost before patients receive medical care. The average time between the onset of symptoms and medical treatment is a shocking 13 hours. Emergency medical technicians are often not taught how to recognize and manage the symptoms of stroke. Rapid administration of clot-dissolving drugs can dramatically improve the outcome of stroke, yet fewer than 3 percent of stroke patients now receive such medication. If this lifesaving medication were delivered promptly to all stroke patients, as many as 90,000 Americans could be spared the disabling aftermath of stroke.

Even in hospitals, stroke patients often do not receive the care that could save their lives. Treatment of patients by specially trained health care providers increases survival and reduces disability due to stroke, but a neurologist is the attending physician for only about one in ten stroke patients. To save lives, reduce disabilities and improve the quality of stroke care, the Stroke Treatment and Ongoing Prevention, STOP Stroke, Act authorizes important public health initiatives to help patients with symptoms of stroke receive timely and effective care.

The Act establishes a grant program for States to implement systems of stroke care that will give health professionals the equipment and training they need to treat this disorder. The initial point of contact between a stroke patient and medical care is usually an emergency medical technician. Grants authorized by the Act may be used to train emergency medical personnel to provide more effective care to stroke patients in the crucial first few moments after an attack.

The Act provides important new resources for States to improve the standard of care given to stroke patients in hospitals. The legislation will assist States in increasing the quality of stroke care available in rural hospitals through improvements in telemedicine.

The Act directs the Secretary of Health and Human Services to conduct a national media campaign to inform the public about the symptoms of stroke, so that patients receive prompt medical care. The bill also creates the Paul Coverdell Stroke Registry and Clearinghouse, which will collect data about the care of stroke patients and assist in the development of more effective treatments.

Finally, the STOP Stroke Act establishes continuing education programs for medical professionals in the use of new techniques for the prevention and treatment of stroke.

These important new initiatives can make a difference in the lives of the thousands of American who suffer a stroke every year. For patients experiencing a stroke, even a few minutes' delay in receiving treatment can make the difference between healthy survival and disability or death. The Act will help make certain that those precious minutes are not wasted.

Increased public information on the symptoms of stroke will help stroke patients and their families know to seek medical care promptly. Better training of emergency medical personnel will help ensure that stroke patients receive lifesaving medications when they are most effective. Improved systems of stroke care will help patients receive the quality treatment

needed to save lives and reduce disability.

This legislation can make a real difference to every community in America, and I urge my colleagues to join Senator FRIST and myself in supporting the STOP Stroke Act.

I ask unanimous consent that additional material and letters of support relating to this bill be printed in the RECORD.

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

THE STROKE TREATMENT AND ONGOING PREVENTION ACT OF 2001

BACKGROUND AND NEED FOR LEGISLATION

Stoke is the third leading cause of death in the United States, claiming the life of one American every three and a half minutes. Those who survive stroke are often disabled and have extensive health care needs. The economic cost of stroke is staggering. The United States spends over $30 billion each year on caring for persons who have experienced stroke.

Prompt treatment of patients experiencing stroke can save lives and reduce disability, yet thousands of stroke patients do not receive proper therapy during the crucial window of time when it is most effective. Rapid administration of clot-dissolving drugs can dramatically improve the outcome of stroke, yet fewer than 3 percent of stroke patients now receive such medication. Treatment of patients by specially trained health care providers increases survival and reduces disability due to stroke, but a neurologist is the attending physician for only about one in ten stroke patients. Most Americans cannot identify the signs of stroke and even emergency medical technicians are often not taught how to recognize and manage its symptoms. Even in hospitals, stroke patients often do not receive the care that could save their lives. To saves lives, reduce disability and improve the quality of stroke care, the Stroke Treatment and Ongoing Prevention, STOP Stroke, Act authorizes the following important public health initiatives.

Stroke prevention and education campaign

The STOP Stroke Act provides $40 million, fiscal year 2002, for the Secretary to carry out a national, multi-media awareness campaign to promote stroke prevention and encourage stroke patients to seek immediate treatment. The campaign will be tested for effectiveness in targeting populations at high risk for stroke, including women, senior citizens, and African-Americans. Alternative campaigns will be designed for unique communities, including those in the nation's ''Stoke belt,'' a region with a particularly high rate of stroke incidence and mortality.

Paul Coverdell Stroke Registry and Clearinghouse

The STOP Stroke Act authorizes the Paul Coverdell Stroke Registry and Clearinghouse to collect data about the care of acute stroke patients and foster the development of effective stroke care systems. The clearinghouse will serve as a resource for States seeking to design and implement their own stroke care systems by collecting, analyzing and disseminating information on the efforts of other communities to establish similar systems. Special consideration will be given to the unique needs of rural facilities and those facilities with inadequate resources for providing quality services for stroke patients. The Secretary is also authorized to conduct and support research on stroke care. Where suitable research has already been conducted, the Secretary is charged with disseminating this research to increase its effectiveness in improving stroke care.

Grants for statewide stroke care systems

The Secretary will award grants to States to develop and implement statewide stroke prevention, treatment, and rehabilitation systems. These systems must ensure that stroke patients in the State have access to quality care. The Secretary is also authorized to award planning grants to States to assist them in developing statewide stroke care systems. Each State that receives a grant will: implement curricula for training emergency medical services personnel to provide pre-hospital care to stroke patients; curricula may be modeled after a curriculum developed by the Secretary; have the option of identifying acute stroke centers, comprehensive stroke treatment centers, and/or stroke rehabilitation centers; set standards of care and other requirements for facilities providing services to stroke patients; specify procedures to evaluate the statewide stroke care system; and collect and analyze data from each facility providing care to stroke patients in the State to improve the quality of stroke care provided in that State.

The Act authorizes this grant program at $50 million for fiscal year 2002, $75 million for fiscal years 2003 and 2004, $100 million for fiscal year 2005, and $125 million for fiscal year 2006.

Medical professional development

The STOP Stroke Act provides grant authority to the Secretary for public and nonprofit entities to develop and implement continuing education programs in the use of new diagnostic approaches, technologies, and therapies for the prevention and treatment of stroke. Grant recipients must have a plan for evaluation of activities carried out with the funding. The Secretary must ensure that any grants awarded are distributed equitably among the regions of the United States and between urban and rural populations.

Secretary's role

In addition to carrying out the national education campaign, operating the clearinghouse and registry, and awarding grants to States, the Secretary will: develop standards of care for stroke patients that may be taken into consideration by States applying for grants; develop a model curriculum that States may adopt for emergency medical personnel; develop a model plan for designing and implementing stroke care systems, taking into consideration the unique needs of varying communities; report to Congress on the implementation of the Act in participating States.

In carrying out the STOP Stroke Act, the Secretary will consult widely with those having expert knowledge of the needs of patients with stroke.

KEY STROKE FACTS

The devastating effects of stroke

There are roughly 700,000–750,000 strokes in the U.S. each year.

Stroke is the 3rd leading cause of death in the U.S.

Almost 160,000 Americans die each year from stroke.

Every minute in the U.S., an individual experiences a stroke. Every 3.3 minutes an individual dies from one.

Over the course of a lifetime, four out of every five families in the U.S. will be touched by stroke.

Roughly 1/3 of stroke survivors have another one within five years.

Currently, there are four million Americans living with the effects of stroke.

15 percent to 30 percent of stroke survivors are permanently disabled. 55 percent of stroke survivors have some level of disability.

40 percent of these patients feel they can no longer visit people; almost 70 percent report that they cannot read; 50 percent need day-hospital services; 40 percent need home help; 40 percent have a visiting nurse; and 14 percent need Meals on Wheels.

22 percent of men and 25 percent of women who have an initial stroke die within one year.

The staggering costs of stroke

Stroke costs the U.S. $30 billion each year.

The average cost per patient for the first 90 days following a stroke is $15,000.

The lifetime costs of stroke exceed $90,000 per patient for ischemic stroke and over $225,000 per patient for subarachnoid hemorrhage.

Improvements can be made

When a stroke unit was first established at Mercy General Hospital in Sacramento, CA in December of 1990, the average length of stay for a Medicare stroke patient in the immediate care setting was 7 days and total hospital charges per patient were $14,076. By June of 1994, the average length of stay was 4.6 days and the charges per patient were $10,740. Overall, in the three and a half years during which the stroke unit was in operation, Mercy General's charges to Medicare for stroke patients declined $1,621,296.

In a national survey of acute stroke teams ASTs, Duke University researchers found that the majority of ASTs cost only $0–$5,000, far less than the average cost for hospitalization of stroke patients.

STROKE PATIENTS OFTEN DO NOT RECEIVE EFFECTIVE TREATMENTS

Nationally, only 2 percent to 3 percent of patients with stroke are being treated with the clot-busting drug, tPA.

In the year following FDA approval of tPA, it was determined that only 1.5 percent of patients who might have been candidates for tPA therapy actually received it.

In a study of North Carolina's stroke treatment facilities, 66 percent of hospitals did not have stroke protocols and 82 percent did not have rapid identification for patients experiencing acute stroke.

A recent study of Cleveland, OH found that only 1.8 percent of area patients with ischemic stroke received tPA.

In a 1995 study of the Reading, Ohio Emergency Medical Services System EMS, almost half of all stroke patients who went through the MES system were dispatched as having something other than stroke and a quarter of all patients identified as having stroke by paramedics were later discovered to have another cause for their illness.

Out of 1000 hours of training for paramedics in Cincinnati, only 1 percent is devoted to recognition and management of acute stroke.

A 1993 study of patients who had a stroke while they were inpatient found a median delay between stroke recognition and neurological evaluation of 2.5 hours.

Neurologists are the attending physicians for only 11 percent of acute stroke patients.

PUBLIC AWARENESS OF STROKE SYMPTOMS IS POOR

In a 1989 survey by the American Heart Association of 500 San Francisco residents, 65 percent of those surveyed were unable to correctly identify any of the early stroke warning signs when given a list of symptoms.

In a national survey conducted by the American Heart Association, 29 percent of respondents could not name the brain as the site of a stroke and only 44 percent identified weakness or loss of feeling in an arm or leg as a symptom of stroke.

The International Stroke Trial found that only 4 percent of the 19,000 patients studied presented within 3 hours of symptom onset only 16 percent presented within 6 hours.

TPA FACTS

A seminal NIH study found an 11 to 13 percent increase in the number of tPA-treated patients exhibiting minimal or no neurological deficits or disabilities compared with placebo treated patients.

That same study reported a 30 to 55 percent relative improvement in clinical outcome for tPA-treated patients compared with placebo-treated patients.

NATIONAL ORGANIZATIONS SUPPORTING THE STOP STROKE ACT OF 2001

American Academy of Neurology
American Academy of Physical Medicine and Rehabilitation
American Association of Neurological Surgeons
American College of Chest Physicians
American College of Emergency Physicians
American College of Preventive Medicine
American Heart Association/American Stroke Association
American Physical Therapy Association
American Society of Interventional and Therapeutic Neuroradiology
American Society of Neuroradiology
Association of American Medical Colleges
Association of State and Territorial Chronic Disease Program Directors
Association of State and Territorial Directors of Health Promotion and Public Health Education
Boston Scientific
Brain Injury Association
Congress of Neurological Surgeons
Emergency Nurses Association
Genentech, Inc.
National Association of Public Hospitals and Health Systems
National Stroke Association
North American Society of Pacing and Electrophysiology
Partnership for Prevention
Society of Cardiovascular and Interventional Radiology
Stroke Belt Consortium
The Brain Attack Coalition which is made up of the following advocacy organizations:
American Academy of Neurology
American Association of Neurological Surgeons
American Association of Neuroscience Nurses
American College of Emergency Physicians
American Heart Association/American Stroke Association
American Society of Neuroradiology
National Stroke Association
Stroke Belt Consortium

AMERICAN HEART ASSOCIATION,
Dallas, TX, July 20, 2001.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN KENNEDY: On behalf of the American Heart Association, our American Stroke Association division and our more than 22.5 million volunteers and supporters, thank you for leading the fight against stroke—the nation's third leading cause of death.

It has been our privilege to work with you and your staff to draft the Stroke Treatment and Ongoing Prevention Act (STOP Stroke Act). This vital legislation will help raise public awareness about stroke and dramatically improve our nation's stroke care. More specifically, the legislation will conduct a national stroke education campaign; provide critical resources for states to implement statewide stroke care systems; establish a clearinghouse to support communities aiming to improve stroke care; offer medical professional development programs in new stroke therapies; and conduct valuable stroke care research.

Stroke touches the lives of almost all Americans. Today, 4.5 million Americans are stroke survivors, and as many as 30 percent of them are permanently disabled, requiring extensive and costly care. In Massachusetts alone, stroke kills more than 3,300 people every year. Unfortunately, most Americans know very little about this disease. On average, stroke patients wait 22 hours after the one set of symptoms before receiving medical care. In addition, many health are facilities are not equipped to treat stroke aggressively like other medical emergencies.

Your legislation helps build upon our successful stroke programs. In 1998, the American Hearth Association launched a bold initiative—Operation Stroke—to improve stroke care in targeted communities across the country by strengthening the stroke ''Chain of Survival.'' The Chain is a series of events that must occur to improve stroke care and includes rapid public recognition and reaction to stroke warning signs; rapid assessment and pre-hospital care; rapid hospital transport; and rapid diagnosis and treatment.

The STOP Stroke Act will help ensure that the stroke Chain of Survival is strong in every community across the nation and that every stroke patient has access to quality care. We strongly support this legislation and look forward to continuing to work with you and Senator Frist to fight this devastating disease. Thank you again for your leadership and vision!

Sincerely,

LAWRENCE B. SADWIN,
Chairman of the Board.
DAVID P. FAXON, M.D.,
President.

NATIONAL STROKE ASSOCIATION,
Englewood, CO, March 8, 2001.

Hon. EDWARD KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing on behalf of the national Stroke Association (NSA) to express our strong commitment to helping you bring attention to, and secure passage of, the ''Stroke Treatment and Ongoing Prevention Act of 2001'' (the ''STOP Stroke Act'').

NSA is a leading independent, national nonprofit organization which dedicates 100 percent of its resources to stroke including prevention, treatment, rehabilitation, research, advocacy and support for stroke survivors and their families. Our mission is to reduce the incidence and impact of stroke—the number one cause of adult disability and 3rd leading cause of death in America.

NSA believes that your proposed legislation is historic—never before has comprehensive legislation been introduced to address this misunderstood public health problem. In fact, stroke has not been given the level of attention, focus or resources commensurate with the terrible toll it takes on Americans in both human and economic terms. We are grateful for your leadership in bringing this issue to the top of the public health agenda.

The STOP Stroke Act clearly recognizes an urgent need to build more effective systems of patient care and to increase public awareness about stroke. We are hopeful that the Stroke Prevention and Education Campaign which it authorizes will go a long way toward disseminating the most accurate and timely information regarding stroke prevention and the importance of prompt treatment. NSA is encouraged that the state grant program will facilitate the establishment of a comprehensive network of stroke centers to reduce the overwhelming disparity in personnel, technology, and other resources and target assistance to some of the smaller, less advanced facilities. We also believe that the research program is a necessary component of the STOP Stroke Act in order to assess and monitor barriers to access to stroke prevention, treatment, and rehabilitation services, and to ultimately raise the standard of care for those at risk, suffering or recovering from stroke.

Over the past few months NSA has convened leaders in medicine, nursing, rehabilitation, healthcare, business, and advocacy to work with your staff on developing this important legislation. NSA is pleased to have contributed its ideas and expertise on this critical health issue. We look forward to working in partnership with you and your colleagues on getting the legislation passed by Congress.

Please count on us to work with you in any way possible to ensure we STOP stroke.

Sincerely,

PATTI SHWAYDER,
Executive Director/CEO.

AMERICAN ASSOCIATION OF NEUROLOGICAL SURGEONS; CONGRESS OF NEUROLOGICAL SURGEONS,
Washington, DC, March 5, 2001.

Hon. TED KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: The American Association of Neurological Surgeons (AANS) and the Congress of Neurological Surgeons (CNS), representing over 4,500 neurosurgeons in the United States, thank you for your leadership and vision in crafting the ''STOP Stroke Act (Stroke Treatment and Ongoing Prevention Act) of 2001.'' We strongly endorse this bill and pledge to work with you to ensure its passage. Your legislation would not only educate the public about the burden of stroke and stroke-related disability, but would encourage states to develop stroke planning systems through the matching grant concept.

Stroke is the nation's third leading cause of death and is the leading cause of disability in our country creating a huge human and financial burden associated with this disease. The advances in research and treatment related to stroke over the last decade have been truly remarkable. For example, surgical techniques such as carotid endarterectomy have been proven effective and saved lives. Also, the discovery of therapeutic drugs that can be administered within three hours of the onset of a stroke have allowed many survivors to recover in a way that was impossible to imagine in even recent years.

What was once viewed as an untreatable and devastating disease has the potential to become as commonly treatable as heart attacks if appropriate resources are directed to the problem. Senator Kennedy, your legislation will allow all Americans to take advantage of these rapid advances in stroke treatment and prevention.

Once again, we strongly endorse this legislation. On behalf of all neurosurgeons and the patients we serve, thank you for your leadership on this issue. Please feel free to contact us should you need further assistance.

Sincerely,

STEWART B. DUNSKER, MD,
President, American Association of Neurological Surgeons.
ISSAM A. AWAD, MD,
President, Congress of Neurological Surgeons.

NATIONAL ASSOCIATION OF PUBLIC HOSPITALS AND HEALTH SYSTEMS,
Washington, DC, March 22, 2001.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing on behalf of the National Association of Public Hospitals & Health Systems (NAPH) to express our support for the ''STOP Stroke Act of 2001,'' legislation to help states improve the level of stroke care that is offered to patients and to improve public education about the importance of seeking early emergency care to combat the effects of stroke.

NAPH represents more than 100 of America's metropolitan area safety net hospitals and health systems. The mission of NAPH members is to provide health care services to all individuals, regardless of insurance status or ability to pay. More than 54 percent of the patients served by NAPH systems are either Medicaid recipients or Medicare beneficiaries; another 28 percent are uninsured.

We applaud your efforts to raise public awareness about the signs and symptoms of this pernicious disease and to assure that all Americans—including our nation's poorest and most vulnerable—have access to state-of-the-art stroke treatment. In particular, we are pleased that your legislation would:

Establish a grant program to provide funding to states—with a particular focus on raising the level of stroke treatment in underserved areas—to assure that all patients have access to high-quality stroke care;

Ensure that all appropriate medical personnel are provided access to training in newly developed approaches for preventing and treating stroke;

Authorize a national public awareness campaign to educate Americans about the signs and symptoms of stroke and the importance of seeking emergency treatment as soon as symptoms occur; and,

Create a comprehensive research program to identify best practices, barriers to care, health disparities, and to measure the effectiveness of public awareness efforts.

NAPH has long supported efforts to assure that all Americans are afforded access to the highest quality health care services and most current technology that is available. Indeed, it is critical that facilities that provide acute care services to stroke patients have the resources necessary to assure patients access to a minimum standard of stroke care. Unfortunately, uncompensated care costs and high rates of uninsured patients often make it difficult for safety net providers to dedicate sufficient resources to meet these goals.

We are pleased that your legislation, through its state grants program, attempts to direct additional resources toward the providers that are most in need of updating their stroke care systems. We urge you to consider amending your legislation to allow local government and safety net providers to participate directly in this grants program. Allowing public hospitals and other safety net providers who seek to improve their stroke care infrastructure to apply for these grants will go a long way toward assuring that the providers most in need of these resources get access to them.

As the American population ages and promising discoveries are being made to improve the early detection and treatment of stroke, it is becoming increasingly important that additional resources be directed at stroke awareness, prevention and treatment programs. And, as federal funds are provided, it is critical that all of our citizens, in particular those who frequently slip through the cracks, are given access to the best available stroke-related specialists, diagnostic equipment and life-saving treatments and therapies.

We thank you for your ongoing leadership in developing legislation to preserve and improve our nation's public health systems and the healthy care safety net. We look forward to working with you further to develop solutions to the problems of our nation's poor and uninsured.

Sincerely,

LARRY S. GAGE,
President.

PARTNERSHIP FOR PREVENTION,
Washington, DC, March 16, 2001.

Re Stroke Treatment and Ongoing Prevention Act of 2001.

Hon. EDWARD KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: We commend the introduction of the Stroke Treatment and Ongoing Prevention Act of 2001 (STOP Stroke Act). As you well know, stroke is the third leading cause of death in the United States, a principal cause of cardiovascular disease death, and a major cause of disability for Americans.

The STOP Stroke Act creates a framework for the nation to begin systematically addressing some important tertiary stroke prevention issues, namely timely diagnosis and treatment. We concur that much more can and should be done to ensure stroke patients are treated according to clinical guidelines based on up-to-date scientific evidence.

Investing in primary and secondary prevention is the best strategy for stopping stroke. Hypertension is the top contributor to stroke, followed by heart disease, diabetes, and cigarette smoking. According to the National Institutes of Health and the Centers for Disease Control and Prevention (CDC), prevention of stroke requires addressing the critical risk factors.

To prevent or delay hypertension, experts at both agencies recommend community-based interventions that promote healthy diets, regular physical activity, tobacco cessation, and limited alcohol intake. The Public Health Service's clinical guidelines on treating tobacco use and dependence is another resource to help Americans kick the habit. Lifestyle modifications for hypertension prevention not only contribute to overall cardiovascular health, but also reduce risk factors associated with other chronic diseases (e.g., obesity, diabetes, and cancer).

A second essential step is to improve management of hypertension once it develops. Recent studies indicate effective hypertension treatment can cut stroke incidence and fatality rates by at least a third. To advance hypertension treatment, we must invest in disease management systems that enable health care providers to prescribe the most effective therapies and assist patients with pharmacological regimens and healthy lifestyles.

The main prevention components in the STOP Stroke Act (i.e., the proposed research program and national stroke awareness campaign) should be coordinated with—and even integrated into—the CDc comprehensive cardiovascular disease program. Involving nearly every state, this program offers an integrated network that is addressing the underlying causes of stroke and other cardiovascular diseases.

Partnership welcomes the STOP Stroke Act and its intent to address stroke, a serious health problem. We also encourage strengthened primary and secondary prevention policies to protect health before strokes happen.

Sincerely yours,

ASHLEY B. COFFIELD,
President.

BRAIN ATTACK COALITION,
Bethesda, MD, May 7, 2001.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KENNEDY: The Brain Attack Coalition is a group of professional, voluntary and governmental organizations dedicated to reducing the occurrence, disabilities and death associated with stroke.

Stroke is our nations third leading cause of death and the leading cause of adult long-term disability. Recent advances in stroke treatment can lead to improved outcomes if stroke patients are treated shortly after symptom onset. Currently only two to three percent of stroke patients who are candidates for thrombolytic therapy receive it. This must be remedied.

We urgently need to educate the public about stroke symptoms and the importance of seeking medical attention immediately. We also need to provide training to medical personnel in the new approaches for treating and preventing stroke. The Stroke Treatment and Ongoing Prevention Act of 2001 (STOP Stroke Act) is designed to address these issues and to establish a grant program to provide funding to states to help ensure that stroke patients in each state have access to high-quality stroke care.

The members of the Brain Attack Coalition strongly support the STOP Stroke Act and hope for prompt enactment of this legislation. Please not that the National Institute of Neurological Disorders and Stroke and the Centers for Disease Control and Prevention are not included in this endorsement because the Administration has not taken a position on the legislation.

Sincerely,

MICHAEL D. WALKER, M.D.,
Chair, Brain Attack Coalition.

AMERICAN PHYSICAL THERAPY ASSOCIATION,
Alexandria, VA, June 13, 2001.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I am writing to express the strong support of the American Physical Therapy Association (APTA) for the ''Stroke Treatment and Ongoing Prevention Act of 2001,'' which you plan to introduce soon.

As you know, stroke is the third leading cause of death in the United States, and is one of the leading causes of adult disability. APTA believes your legislation is critical to establishing a comprehensive system for stroke prevention, treatment and rehabilitation in the United States. We appreciate your modification to the legislation to highlight the important role physical therapists play in stroke prevention and rehabilitation.

Every day, physical therapists across the nation help approximately 1 million people alleviate pain, prevent the onset and progression of impairment, functional limitation, disability, or changes in physical function and health status resulting from injury, disease, or other causes. Essential participants in the health care delivery system, physical therapists assume leadership roles in rehabilitation services, prevention and health maintenance programs. They also play important roles in developing health care policy and appropriate standards for the various elements of physical therapists practice to ensure availability, accessibility, and excellence in the delivery of physical therapy services.

Again, thank you for your leadership on this issue. Please call upon APTA to assist in the passage of this important legislation.

Sincerely,

BEN F. MASSEY, PT,
President.

Mr. KENNEDY. Mr. President, today Senator FRIST and I are introducing the ''Community Access to Emergency Defibrillation Act of 2001.''

Every 2 minutes, sudden cardiac arrest strikes down another person. Cardiac arrest can strike at any time without any warning. Without rapid intervention, is unavoidable.

One thousand people will die today from cardiac arrest, and 200,000 people will lose their lives this year to this devastating disease. The good news is that we know that 90 percent of cardiac arrest victims can be saved, if immediate access is available to an automated external defibrillator, an AED.

We could save thousands of lives every year if AEDs are available in every public building. Yet few communities have programs to make this technology widely accessible.

That is why Senator FRIST and I today are introducing the ''Community AED Act''. Its goal is to provide funding for programs to increase access to emergency defibrillation. It will place AEDs in public areas like schools, workplaces, community centers, and other locations where people gather. It will provide training to use and maintain the devices, and funding for coordination with emergency medical personnel.

Furthermore, it also funds the development of community-based projects to enhance AED access and place them in unique settings where access is more difficult to achieve. Our bill also emphasizes monitoring cardiac arrest in children and putting AEDs in schools—so that we can also deal with cardiac arrest when it affects our youth.

Sudden cardiac arrest is a tragedy for families all across America. Communities that have already implemented programs to increase public access to AEDs—like the extremely successful ''First Responder Defibrillator Program'' in Boston—have been able to achieve survival rates of up to 50 percent. That's 100,000 lives that we can save each year if every community implements a program like this one. This bill will enable communities to save lives in public buildings, in workplaces, and in schools all across the nation, and I urge you to stand with Senator FRIST and I in support of this legislation—legislation that will have a lifesaving impact on us all.

I ask unanimous consent that a bill summary for the ''Community Access to Emergency Defibrillation Act of 2001'' be printed in the RECORD.

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

THE COMMUNITY ACCESS TO EMERGENCY DEFIBRILLATION ACT OF 2001

BACKGROUND AND NEED FOR LEGISLATION

Cardiac arrest is not a heart attack—it is instant heart paralysis for which defibrillation is the only effective treatment. Every minute that passes after a cardiac arrest, a person's chance of surviving decreases by 10 percent. Cardiac arrest takes a tremendous toll on the American public; each year, it kills over 220,000 people.

The good news is that 90 percent of cardiac arrest victims who are treated with a defibrillator within one minute of arrest can be saved. In addition, cardiac arrest victims who are treated with CPR within four minutes and defibrillation within ten minutes have up to a 40 percent chance of survival. However, few communities have programs to make emergency defibrillation widely accessible to cardiac arrest victims. Communities that have implemented public access programs have achieved average survival rates for out-of-hospital cardiac arrest as high as 50 percent.

Automated external defibrillators, AEDs, have a 95 percent success rate in terminating ventricular fibrillation. Wide use of defibrillators could save as many as 50,000 lives nationally each year, yet fewer than half of the nation's ambulance services, 10–15 percent of emergency service fire units, and less than 1 percent of police vehicles are equipped with AEDs.

The Community Access to Emergency Defibrillation, Community AED Act, provides for the following public health initiatives to increase public awareness of emergency defibrillation and to expand public access to lifesaving AEDs:

Community Grants Program to establish comprehensive initiatives to increase public access to AEDs

The Community AED Act provides $50 million for communities to establish public access defibrillation programs. Communities receiving these grants will: train local emergency medical services personnel to administer immediate care, including CPR and automated external defibrillation, to cardiac arrest victims; purchase and place automated external defibrillators in public places where cardiac arrests are likely to occur; train personnel in places with defibrillators to use them properly and administer CPR to cardiac arrest victims; inform local emergency medical services personnel, including dispatchers, about the location of defibrillators in their community; train members of the public in CPR and automated external defibrillation; ensure proper maintenance and testing of defibrillators in the community; encourage private companies in the community to purchase automated external defibrillators and train employees in CPR and emergency defibrillation; and collect data to evaluate the effectiveness of the program in decreasing the out-of-hospital cardiac arrest survival rate in the community.

Community demonstration projects to develop innovative AED access programs

The Community AED Act provides $5 million for community-based demonstration projects. Grantees will develop innovative approaches to maximize community access to automated external defibrillation and provide emergency defibrillation to cardiac arrest victims in unique settings. Communities receiving these grants must meet many of the same requirements for equipment maintenance, public information, and data collection included in the larger grants program.

National Clearinghouse to promote AED access in schools

The Community AED Act provides for a national information clearinghouse to provide information to increase public awareness and promote access to defibrillators in schools. This center will also establish a database for information on sudden cardiac arrest in youth and will provide assistance to communities wishing to develop screening programs for at risk youth.

The Community AED Act is supported by these and other leading health care organizations:

American Heart Association; American Red Cross; Agilent Technologies; American College of Emergency Physicians'; Cardiac Science; Citizen CPR Foundation; Congressional Fire Services Institute; Medical Device Manufacturers Association; Medical Research Laboratories, Inc.; Medtronic; MeetingMed: National Center for Early Defibrillation; National Emergency Medical Services Academy; National Fire Protection Association; National SAFE KIDS Compaign; National Volunteer Fire Council; and Survivalink.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1276. A bill to provide for the establishment of a new counterintelligence polygraph program for the Department of Energy, and for other purposes; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise today to introduce a bill that modifies the requirements for polygraphs at facilities operated by the Department of Energy. I appreciate that Senator BINGAMAN joins me as a co-sponsor.

Polygraph requirements were added by Congress in response to concerns about security at the national laboratories. A set of mandates was first created in the Senate Armed Services Authorization Bill for Fiscal Year 2000, and they were expanded with broader mandates in Fiscal Year 2001.

Security at the our national security facilities is critically important, and General Gordon is working diligently as Administrator of the National Nuclear Security Administration to improve security through many initiatives. But frankly, I fear that Congress has given the General a little too much help in this particular area.

The effect of our past legislation was to require polygraphs for very broad categories of workers in DOE and in our DOE weapons labs and plants. But the categories specified are really much too broad, some don't even refer to security-related issues. They include many workers who have no relevant knowledge or others who may be authorized to enter nuclear facilities but have no unsupervised access to actual material. Many of the positions within these categories already require a two-person rule, precluding actions by any one person to compromise protected items.

This bill provides flexibility to allow the Secretary of Energy and General Gordon to set up a new polygraph program. Through careful examination of the positions with enough sensitivity to warrant polygraphs, I fully anticipate that the number of employees subject to polygraphs will be dramatically reduced while actually improving overall security.

My bill seeks to address other concerns. Polygraphs are simply not viewed as scientifically credible by Laboratory staff. Those tests have been the major contributor to substantial degradation in worker morale at the labs. This is especially serious when the labs and plants are struggling to cope with the new challenges imposed

by the absence of nuclear testing and with the need to recruit new scientific experts to replace an aging workforce.

I should note that these staff concerns are not expressed about drug testing, which many already must take. They simply are concerned with entrusting their career to a procedure with questionable, in their minds, scientific validity.

A study is in progress by the National Academy of Sciences that will go a long ways toward addressing this question about scientific credibility of polygraphs when they are used as a tool for screening large populations. By way of contrast, this use of polygraphs is in sharp contrast to their use in a targeted criminal investigation. That Academy's study will be completed in June 2002. Therefore, this bill sets up an interim program before the Academy's study is done and requires that a final program be established within 6 months after the study's completion.

This bill addresses several concerns with the way in which polygraphs may be administered by the Department. For example, some employees are concerned that individual privacies, like medical conditions, are not being protected using the careful procedures developed for drug testing. And facility managers are concerned that polygraphs are sometimes administered without enough warning to ensure that work can continue in a safe manner in the sudden absence of an employee. And of greatest importance, the bill ensures that the results of a polygraph will not be the sole factor determining an employee's fitness for duty.

With this bill, we can improve worker morale at our national security facilities by stopping unnecessarily broad application of polygraphs, while still providing the Secretary and General Gordon with enough flexibility to utilize polygraphs where reasonable. In addition, we set in motion a process, which will be based on the scientific evaluation of the National Academy, to implement an optimized plan to protect our national security.

Mr. BINGAMAN. Mr. President, I am pleased to cosponsor legislation being introduced by Senator DOMENICI that will help correct what I consider to be overzealous action on the part of the Congress to address security problems at our Department of Energy national laboratories. We're all aware of the security concerns that grew out of the Wen Ho Lee case. That case, and other incidents that have occurred since then, quite rightly prompted the Department of Energy and the Congress to assess security problems at the laboratories and seek remedies. Last year, during the conference between House and Senate on the Defense Authorization bill, a provision was added, Section 3135, that significantly expanded requirements for administering polygraphs to Department of Energy and contractor employees at the laboratories. That legislative action presumed that polygraph testing is an effective, reliable tool to reveal spies or otherwise identify security risks to our country.

The problem is that the Congress does not have the full story about polygraph testing. I objected when Section 3135 was included in the conference mark of the Defense bill last year, but it was too late in the process to effectively protest its worthiness. It has since become clear that the provision has had a chilling effect on current and potential employees at the laboratories in a way that could risk the future health of the workforce at the laboratories. The laboratory directors have expressed to me their deep concerns about recruitment and retention, and I'm certain that the polygraph issue is a contributing factor. Indeed, I've heard directly from many laboratory employees who question the viability of polygraphs and who have raised legitimate questions about its accuracy, reliability, and usefulness.

In response to those questions and concerns, I requested that the National Academy of Sciences undertake an effort to review the scientific evidence regarding polygraph testing. Needless to say, there are many difficult scientific issues to be examined, so the study will require considerable effort and time. We are expecting results next June. Once the Congress receives that report, I am hopeful that the Department of Energy, the National Nuclear Security Administration, and the national laboratories will be better able to consider the worthiness of polygraph testing to its intended purposes and determine whether and how to proceed with a program.

Until that time, however, the Congress has levied a burdensome requirement on the national laboratories to use polygraph testing broadly at the laboratories with the negative consequences to which I have alluded. I believe the legislation that Senator DOMENICI and I are introducing today will provide a more balanced, reasoned approach in the interim until the scientific experts report to the Congress with their findings on this very complex matter. The bill being introduced will provide on an interim basis the security protection that many believe is afforded by polygraphs, but will limit its application to those Department of Energy and contractor employees at the laboratories who have access to Restricted Data or Sensitive Compartmented Information containing the nation's most sensitive nuclear secrets. It specifically excludes employees who may operate in a classified environment, but who do not have actual access to the critical security information we are seeking to protect.

Other provisions in the bill would protect individual rights by extending guaranteed protections included under part 40 of Title 49 of the Code of Federal Regulations and by requiring procedures to preclude adverse personnel action related to ''false positives'' or individual physiological reactions that may occur during testing. The bill also seeks to ensure the safe operations of DOE facilities by requiring advance notice for polygraph exams to enable management to undertake adjustments necessary to maintain operational safety.

Let me emphasize once again, that this legislation is intended as an interim measure that will meet three critical objectives until we have heard from the scientific community. This bill will ensure that critical secret information will be protected, that the rights of individual employees will be observed, and that the ability of the laboratories to do their job will be maintained. I thank Senator DOMENICI for his work on this bill, and urge my colleagues to support its passage. I yield the floor.

By Mr. DOMENICI (for himself and Mr. LUGAR):

S. 1277. A bill to authorize the Secretary of Energy to guarantee loans to facilitate nuclear nonproliferation programs and activities of the Government of the Russian Federation, and for other purposes; to the Committee on Foreign Relations.

Mr. DOMENICI. Mr. President, I rise to introduce the Fissile Material Loan Guarantee Act of 2001. This Act is intended to increase the suite of programs that reduce proliferation threats from the Russian nuclear weapons complex. I'm pleased that Senator LUGAR joins me as a co-sponsor of this Act.

This Act presents an unusual option, which I've discussed with the leadership of some of the world's largest private banks and lending institutions. I also am aware that discussions between Western lending institutions and the Russian Federation are in progress and that discussions with the International Atomic Energy Agency or IAEA have helped to clarify their responsibilities.

This Act would enable the imposition of international protective safeguards on new, large stocks of Russian weapons-ready materials in a way that enables the Russian Federation to gain near-term financial resources from the materials. These materials would be used as collateral to secure a loan, for which the U.S. Government would provide a loan guarantee. The Act requires that loan proceeds be used in either debt retirement for the Russian Federation or in support of Russian nonproliferation or energy programs. It also requires that the weapons-grade materials used to collateralize these loans must remain under international IAEA safeguards forevermore and thus should serve to remove them from concern as future weapons materials.

This Act does not replace programs that currently are in place to ensure that weapons-grade materials can never be used in weapons in the future. Specifically, it does not displace materials already committed under earlier

agreements. The Highly Enriched Uranium or HEU Agreement is moving toward elimination of 500 tons of Russian weapons-grade uranium. The Plutonium Disposition Agreement is similarly working on elimination of 34 tons of Russian weapons-grade plutonium, primarily by its use in MOX fuel.

The HEU agreement removes material usable in 20,000 nuclear weapons, while the plutonium disposition agreement similarly removes material for more than 4,000 nuclear weapons. Both of these agreements enable the transition of Russian materials into commercial reactor fuel, which, after use in a reactor, destroys its ''weapons-grade'' attributes. There should be no question that both these agreements remain of vital importance to both nations.

But estimates are that the Russian Federation has vast stocks of weapons-grade materials in addition to the amounts they've already declared as surplus to their weapons needs in these earlier agreements.

If we can provide additional incentives to Russia to encourage transition of more of these materials into configurations where it is not available for diversion or re-use in weapons, we've made another significant step toward global stability. And furthermore, this proposed mechanism provides a relatively low cost approach to reduction of threats from these materials.

Senator LUGAR and I introduced a similar bill near the end of the 106th Congress, to provide time for discussion of its features. Those discussions have progressed, and this bill has some slight refinements that grew out of those discussions. Since then, we have received additional assurances that this bill provides a useful route to reduce proliferation threats, and thus we are reintroducing this bill in the 107th Congress.

Within the last few months, former Senator Howard Baker and former White House Counsel Lloyd Cutler completed an important report outlining the importance of the non-proliferation programs accomplished jointly with Russia. They noted, as their top recommendation, that:

> The most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops or citizens at home. This threat is a clear and present danger to the international community as well as to American lives and liberties.

This new Act provides another tool toward reducing these threats to national, as well as global, security.

By Mrs. LINCOLN (for herself, Ms. SNOWE, Mr. DURBIN, Mr. BREAUX, and Ms. LANDRIEU):

S. 1278. A bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I rise today to introduce the U.S. Independent Film and Television Production Incentive Act of 2001, a bill designed to address the problem of ''runaway'' film and television production. I am joined by Senators SNOWE, DURBIN, BREAUX, and LANDRIEU.

Over the past decade, production of American film projects has fled our borders for foreign locations, migration that results in a massive loss for the U.S. economy. My legislation will encourage producers to bring feature film and television production projects to cities and towns across the United States, thereby stemming that loss.

In recent years, a number of foreign governments have offered tax and other incentives designed to entice production of U.S. motion pictures and television programs to their countries. Certain countries, such as Australia, Canada, New Zealand, and several European countries, have been particularly successful in luring film projects to their towns and cities through offers of large tax subsidies.

These governments understand that the benefits of hosting such productions do not flow only to the film and television industry. These productions create ripple effects, with revenues and jobs generated in a variety of other local businesses. Hotels, restaurants, catering companies, equipment rental facilities, transportation vendors, and many others benefit from these ripple effects.

What began as a trickle has become a flood, a significant trend affecting both the film and television industry as well as the smaller businesses that they support.

Many specialized trades involved in film production and many of the secondary industries that depend on film production, such as equipment rental companies, require consistent demand in order to operate profitably. This production migration has forced many small- and medium-sized companies out of business during the last ten years.

Earlier this year, a report by the U.S. Department of Commerce estimated that runaway production drains as much as $10 billion per year from the U.S. economy.

These losses have been most pronounced in made-for-television movies and miniseries productions. According to the report, out of the 308 U.S.-developed television movies produced in 1998, 139 were produced abroad. That's a significant increase from the 30 produced abroad in 1990.

The report makes a compelling case that runaway film and television production has eroded important segments of a vital American industry. According to official labor statistics, more than 270,000 jobs in the U.S. are directly involved in film production. By industry estimates, 70 to 80 percent of these workers are hired at the location where the production is filmed.

And while people may associate the problem of runaway production with California, the problem has seriously affected the economies of cities and States across the country, given that film production and distribution have been among the highest growth industries in the last decade. It's an industry with a reach far beyond Hollywood and the west coast.

For example, my home State of Arkansas has been proud to host the production of a number of feature and television films, with benefits both economic and cultural. Our cinematic history includes the opening scenes of ''Gone With the Wind,'' and civil war epics like ''the Blue and the Gray'' and ''North and South.'' It also includes ''A Soldier's Story,'' ''Biloxi Blues,'' ''the Legend of Boggy Creek,'' and, most recently, ''Sling Blade,'' an independent production written by, directed by, and starring Arkansas' own Billy Bob Thornton. So even in our rural State, there is a great deal of local interest and support for the film industry. My bill will make it possible for us to continue this tradition, and we hope to encourage more of these projects to come to Arkansas.

But to do this, we need to level the playing field. This bill will assist in that effort. It will provide a two-tiered wage tax credit, equal to 25 percent of the first $25,000 of qualified wages and salaries and 35 percent of such costs if incurred in a ''low-income community'', for productions of films, television or cable programming, mini-series, episodic television, pilots or movies of the week that are substantially produced in the United States.

This credit is targeted to the segment of the market most vulnerable to the impact of runaway film and television production. It is, therefore, only available if total wage costs are more than $20,000 and less than $10 million (indexed for inflation). The credit is not available to any production subject to reporting requirements of 18 USC 2257 pertaining to films and certain other media with sexually explicit conduct.

My legislation enjoys the support of a broad alliance of groups affected by the loss of U.S. production, including the following: national, State and local film commissions, under the umbrella organization Film US as well as the Entertainment Industry Development Corporation; film and television producers, Academy of Television Arts and Sciences, the Association of Independent Commercial Producers, the American Film Marketing Association, the Producers Guild; organizations representing small businesses such as the post-production facilities, The Southern California Chapter of the Association of Imaging Technology and Sound, and equipment rental companies (Production Equipment Rental Association); and organizations representing the creative participants in the entertainment industry, Directors Guild of America, the Screen Actors Guild and Recording Musicians Association. In addition, the United States Conference

of Mayors formally adopted the ''Runaway Film Production Resolution'' at their annual conference in June.

Leveling the playing field through targeted tax incentives will keep film production, and the jobs and revenues it generates, in the United States. I urge my colleagues to join me in supporting this bill in order to prevent the further deterioration of one of our most American of industries and the thousands of jobs and businesses that depend on it.

By Mr. BREAUX:

S. 1279. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition under section 355; to the Committee on Finance.

Mr. BREAUX. Mr. President, I rise today to introduce tax legislation which proposes only a small technical modification of current law, but, if enacted, would provide significant simplification of routine corporate reorganizations. The legation is identical to S. 773 which I introduced on April 13 of last year.

This proposed change is small but very important. It would not alter the substance of current law in any way. It would, however, greatly simplify a common corporate transaction. This small technical change will alone save corporations millions of dollars in unnecessary expenses and economic costs that are incurred when they divide their businesses.

Past Treasury Departments have agreed, and I have no reason to believe the current Treasury Department will feel any differently, that this change would bring welcome simplification to section 355 of the Internal Revenue Code. Indeed, the Clinton Administration in its last budget submission to the Congress had proposed this change. The last scoring of this proposal showed no loss of revenue to the U.S. Government, and I am aware of no opposition to its enactment.

Corporations, and affiliated groups of corporations, often find it advantageous, or even necessary, to separate two or more businesses. The division of AT&T from its local telephone companies is an example of such a transaction. The reasons for these corporate divisions are many, but probably chief among them is the ability of management to focus on one core business.

At the end of the day, when a corporation divides, the stockholders simply have the stock of two corporations, instead of one. The Tax Code recognizes this is not an event that should trigger tax, as it includes corporate divisions among the tax-free reorganization provisions.

One requirement the Tax Code imposes on corporate divisions is very awkwardly drafted, however. As a result, an affiliated group of corporations that wishes to divide must often engage in complex and burdensome preliminary reorganizations in order to accomplish what, for a single corporate entity, would be a rather simple and straightforward spinoff of a business to its shareholders. The small technical change I propose today would eliminate the need for these unnecessary transactions, while keeping the statue true to Congress's original purpose.

More specifically, section 355, and related provision of the Code, permits a corporation or an affiliated group of corporations to divide on a tax-free basis into two or more separate entities with separate businesses. There are numerous requirements for tax-free treatment of a corporate division, or ''spinoff,'' including continuity of historical shareholder interest, continuity of the business enterprises, business purpose, and absence of any device to distribute earning and profits. In addition, section 355 requires that each of the divided corporate entities be engaged in the active conduct of a trade or business. The proposed change would alter none of these substantive requirements of the Code.

Section 355 (b)(2)(A) currently provides an attribution or ''look through'' rule for groups of corporations that operate active businesses under a holding company, which is necessary because a holding company, by definition, is not itself engaged in an active business.

This lookthrough rule inexplicably requires, however, that ''substantially all'' of the assets of the holding company consist of stock of active controlled subsidiaries. The practical effect of this language is to prevent holding companies from engaging in spinoffs if they own almost any other assets. This is in sharp contrast to corporations that operate businesses directly, which can own substantial assets unrelated to the business and still engage in tax-free spinoff transactions.

In the real world, of course, holding companies may, for many sound business reasons, hold other assets, such as non-controlling, less than 80 percent, interests in subsidiaries, controlled subsidiaries that have been owned for less than five years, which are not considered ''active businesses'' under section 355, or a host of non-business assets. Such holding companies routinely undertake spinoff transactions, but because of the awkward language used in section 355 (b)(2)(A), they must first undertake one or more, often a series of, preliminary reorganizations solely for the purpose of complying with this inexplicable language of the Code.

Such preliminary reorganizations are at best costly, burdensome, and without any business purpose, and at worst, they seriously interfere with business operations. In a few cases, they may be so costly as to be prohibitive, and cause the company to abandon an otherwise sound business transaction that is clearly in the best interest of the corporation and the businesses it operates.

There is no tax policy reasons, tax advisors agree, to require the reorganization of a consolidated group that is clearly engaged in the active conduct of a trade or business, as a condition to a spinoff. Nor is there any reason to treat affiliated groups differently than single operating companies. Indeed, no one had ever suggested one. The legislative history indicates Congress was concerned about non-controlled subsidiaries, which is elsewhere adequately addressed, no consolidated groups.

For many purposes, the Tax Code treats affiliated groups as a single corporation. Therefore, the simple remedy I am proposing today for the problem created by the awkward language of section 355 (b)(2)(A) is to apply the active business test to an affiliated group as if it were a single entity.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.

(a) IN GENERAL.—Section 355(b) of the Internal Revenue Code of 1986 (defining active conduct of a trade or business) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES RELATING TO ACTIVE BUSINESS REQUIREMENT.—

''(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirement of paragraph (2)(A), all members of such corporation's separate affiliated group shall be treated as one corporation. For purposes of the preceding sentence, a corporation's separate affiliated group is the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

''(B) CONTROL.—For purposes of paragraph (2)(D), all distributee corporations which are members of the same affiliated group (as defined in section 1504(a) without regard to section 1504(b)) shall be treated as one distributee corporation.''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 355(b)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(A) it is engaged in the active conduct of a trade or business,''.

(2) Section 355(b)(2) of such Code is amended by striking the last sentence.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any distribution pursuant to a transaction which is—

(A) made pursuant to an agreement which was binding on such date and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(3) ELECTION TO HAVE AMENDMENTS APPLY.—Paragraph (2) shall not apply if the distributing corporation elects not to have such paragraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

By Mr. CLELAND:

S. 1280. A bill to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers; to the Committee on Veterans' Affairs.

Mr. CLELAND. Mr. President. I am very proud to be a Vietnam veteran and to have served as director of the Department of Veterans Affairs, VA, from 1977 to 1980. The VA has continued to provide high quality health care to our Nation's veterans and is a health care system leader on patient safety tracking, long-term care, Post-Traumatic Stress disorder treatment and dozens of other innovative health care programs. The VA Health Care System has also enhanced its access to veterans with the development of approximately 600 community-based outpatient clinics, CBOC's, across the Nation.

But as I visit the VA medical centers in Georgia and across the Nation, I am very alarmed to see patient care areas which look as if they have not been renovated or upgraded in decades. These VA medical centers serve as the hub for all major health care activities and can not be compromised without affecting veterans' care. The president's annual budget for the VA has not requested crucial funding for major medical facility construction. The VA is currently reevaluating their present VA facility infrastructure needs through a process known as CARES or the ''Capital Assets Realignment for Enhanced Services.'' Veteran health care and safety may pay the price as this process may take years to complete. With the increasing numbers of female veterans, many inpatient rooms and bathrooms continue to be inadequate to provide needed space and privacy. Many VA facilities, like the VA Spinal Cord Injury Center in Augusta, Georgia, which serves veterans from Alabama, Georgia, South Carolina, North Carolina, and Tennessee have long waits for care. At least 25 VA construction projects across the Nation would be appropriate for consideration. A Price Waterhouse report recommended that VA spend from 2 to 4 percent of its plant replacement value, PRV, on upkeep and replacement of current medical centers. Based on a PRV of $35 billion, for fiscal year 2001, VA would need approximately $170 million to meet these basic safety and upkeep needs. The VA health care system is the largest health care provider in the nation, yet we are not maintaining these essential medical centers. I urge my colleagues to support the Veterans Hospitals Emergency Repair Act and to provide the crucial assistance needed now for our veterans. This proposal would give the VA Secretary limited authority to complete identified medical facility projects thus helping to preserve the VA health care system until the CARES process can be completed.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Hospital Emergency Repair Act''.

SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS FOR PATIENT CARE IMPROVEMENTS.

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs is authorized to carry out major medical facility projects in accordance with this section, using funds appropriated for fiscal year 2002 or fiscal year 2003 pursuant to section 3. The cost of any such project may not exceed $25,000,000.

(2) Projects carried out under this section are not subject to section 8104(a)(2) of title 38, United States Code.

(b) PURPOSE OF PROJECTS.—A project carried out pursuant to subsection (a) may be carried out only at a Department of Veterans Affairs medical center and only for the purpose of improving, renovating, and updating to contemporary standards patient care facilities. In selecting medical centers for projects under subsection (a), the Secretary shall select projects to improve, renovate, or update facilities to achieve one or more of the following:

(1) Seismic protection improvements related to patient safety.

(2) Fire safety improvements.

(3) Improvements to utility systems and ancillary patient care facilities.

(4) Improved accommodation for persons with disabilities, including barrier-free access.

(5) Improvements to facilities carrying out specialized programs of the Department, including the following:

(A) Blind rehabilitation centers.

(B) Facilities carrying out inpatient and residential programs for seriously mentally ill veterans, including mental illness research, education, and clinical centers.

(C) Facilities carrying out residential and rehabilitation programs for veterans with substance-use disorders.

(D) Facilities carrying out physical medicine and rehabilitation activities.

(E) Facilities providing long-term care, including geriatric research, education, and clinical centers, adult day care centers, and nursing home care facilities.

(F) Facilities providing amputation care, including facilities for prosthetics, orthotics programs, and sensory aids.

(G) Spinal cord injury centers.

(H) Facilities carrying out traumatic brain injury programs.

(I) Facilities carrying out women veterans' health programs (including particularly programs involving privacy and accommodation for female patients).

(J) Facilities for hospice and palliative care programs.

(c) REVIEW PROCESS.—(1) Before a project is submitted to the Secretary with a recommendation that it be approved as a project to be carried out under the authority of this section, the project shall be reviewed by an independent board within the Department of Veterans Affairs constituted by the Secretary to evaluate capital investment projects. The board shall review each such project to determine the project's relevance to the medical care mission of the Department and whether the project improves, renovates, and updates patient care facilities of the Department in accordance with this section.

(2) In selecting projects to be carried out under the authority of this section, the Secretary shall consider the recommendations of the board under paragraph (1). In any case in which the Secretary selects a project to be carried out under this section that was not recommended for approval by the board under paragraph (1), the Secretary shall include in the report of the Secretary under section 4(b) notice of such selection and the Secretary's reasons for not following the recommendation of the board with respect to the project.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for the Construction, Major Projects, account for projects under section 2—

(1) $250,000,000 for fiscal year 2002; and

(2) $300,000,000 for fiscal year 2003.

(b) LIMITATION.—Projects may be carried out under section 2 only using funds appropriated pursuant to the authorization of appropriations in subsection (a).

SEC. 4. REPORTS.

(a) GAO REPORT.—Not later than April 1, 2003, the Comptroller General shall submit to the Committees on Veterans' Affairs and on Appropriations of the Senate and House of Representatives a report evaluating the advantages and disadvantages of congressional authorization for projects of the type described in section 2(b) through general authorization as provided by section 2(a), rather than through specific authorization as would otherwise be applicable under section 8104(a)(2) of title 38, United States Code. Such report shall include a description of the actions of the Secretary of Veterans Affairs during fiscal year 2002 to select and carry out projects under section 2.

(b) SECRETARY REPORT.—Not later than 120 days after the date on which the site for the final project under section 2 is selected, the Secretary shall submit to the committees referred to in subsection (a) a report on the authorization process under section 2. The Secretary shall include in the report the following:

(1) A listing by project of each project selected by the Secretary under that section, together with a prospectus description of the purposes of the project, the estimated cost of the project, and a statement attesting to the review of the project under section 2(c), and, if that project was not recommended by the board, the Secretary's justification under section 2(d) for not following the recommendation of the board.

(2) An assessment of the utility to the Department of Veterans Affairs of the authorization process.

(3) Such recommendations as the Secretary considers appropriate for future congressional policy for authorizations of major and minor medical facility construction projects for the Department.

(4) Any other matter that the Secretary considers to be appropriate with respect to oversight by Congress of capital facilities projects of the Department.

By Mr. HATCH:

S. 1282. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgages obligations; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the Mortgage Cancellation Act of 2001. This bill would fix

a flaw in the tax code that unfairly harms homeowners who sell their home at a loss.

Today, our Nation has achieved an amazing 67.5 percent rate of homeownership, the highest rate in our history. It is notable that in recent years, the largest category of first-time homebuyers has been comprised of immigrants and minorities. This is a great success story. Homeownership is still the most important form of wealth accumulation in our society.

From time to time, however, the value of housing in a whole market goes down through no fault of the homeowner. A plant closes, environmental degradations are found nearby, a regional economic slump hits hard. This happened during the 1980s in the oil patch and in Southern California and New England at the beginning of the 1990s. A general housing market downturn can be devastating to what is very often a family's largest asset. Unfortunately, a loss in value to the family home may not be the worst of it. Sometimes when people must sell their homes during a downturn, they get a nasty surprise from the tax law.

For example, suppose Keith and Mary Turner purchased a home for $120,000 with a five percent down payment and a mortgage of $114,000. Four years later, the local housing market experiences a downturn. While the market is down, the Turners must sell the home because Keith was laid off and has accepted a job in another city. The house sells for $105,000. However, the Turners still owe $112,000 on their mortgage. They are $7,000 short on what they owe on the mortgage, but have no equity and received no cash.

Often, homeowners who must sell their home at a loss are able to negotiate with their mortgage holder to forgive all or part of the mortgage balance that exceeds the selling price. However, under current tax law, the amount forgiven is taxable income to the seller, taxed at ordinary rates.

In the case of the Turner family, the mortgage holder agreed to forgive the $7,000 excess of the mortgage balance over the sales price. However, under current law, this means the Turners will have to recognize this $7,000 as taxable income at a time when they can least afford it. This is true even though the family suffered a $15,000 loss on the sale of the home.

I find this predicament both ironic and unfair. If this same family, under better circumstances, had been able to sell their house for $150,000 instead of $105,000, then they would owe nothing in tax on the gain under current tax law because gains on a principal residence are tax-exempt up to $500,000. I believe that this discrepancy creates a tax inequity that begs for relief.

It is simply unfair to tax people right at the time they have had a serious loss and have no cash with which to pay the tax. The bill I introduce today, the Mortgage Cancellation Relief Act, will relieve this unfair tax burden so that in the case where the lender forgives part of the mortgage, there will be no taxable event.

Who are the people that are most vulnerable to this mortgage forgiveness tax dilemma? Unfortunately, people who have a very small amount of equity in their homes are most likely to experience this problem. Today, about 4.6 million households have low equity in their homes. Of those, about 2 million have no equity in their homes, which is defined as less than 10 percent of the value of the home. In a housing value downturn, these people would be wiped out first if they had to sell.

Sixty-seven percent of these low-equity owners are first-time homebuyers, and 26 percent of them have less than $30,000 of annual family income. The median value of their homes is $70,000, while the median value of all homes nationally is $108,000. More than half of these low equity owners live in the South or in the West.

I want to emphasize that now is the time to correct this inequity. Today, the National Association of Realtors reports that there are no markets that are in the woeful condition of having homes lose value. Still, in our slowing economy, families are vulnerable. Because today's real estate market is strong, now is the optimal time to correct this fundamental unfairness. The bill applies only to the circumstance in which a lender actually forgives some portion of a mortgage debt and is not intended to be an insurance policy against economic loss. My bill provides safeguards against abuse and will help families at a time when they are most in need of relief.

The estimated revenue effect of this bill is not large. The Joint Committee on Taxation last year estimated that this correction would result in a loss to the Treasury of only about $27 million over five years and $64 million over ten years. Again, it is important to note that if we wait to correct this problem until it becomes more widespread, and thus more expensive, it will be much more difficult to find the necessary offset.

I hope my colleagues will take a close look at this small, but important, bill, and join me in sponsoring it and pushing for its inclusion in the next appropriate tax cut bill the Senate considers.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mortgage Cancellation Relief Act of 2001''.

SEC. 2. EXCLUSION FROM GROSS INCOME FOR CERTAIN FORGIVEN MORTGAGE OBLIGATIONS.

(a) IN GENERAL.—Paragraph (1) of section 108(a) of the Internal Revenue Code of 1986 (relating to exclusion from gross income) is amended by striking ''or'' at the end of both subparagraphs (A) and (C), by striking the period at the end of subparagraph (D) and inserting '', or'', and by inserting after subparagraph (D) the following new subparagraph:

''(E) in the case of an individual, the indebtedness discharged is qualified residential indebtedness.''.

(b) QUALIFIED RESIDENTIAL INDEBTEDNESS SHORTFALL.—Section 108 of the Internal Revenue Code of 1986 (relating to discharge of indebtedness) is amended by adding at the end the following new subsection:

''(h) QUALIFIED RESIDENTIAL INDEBTEDNESS.—

''(1) LIMITATIONS.—The amount excluded under subparagraph (E) of subsection (a)(1) with respect to any qualified residential indebtedness shall not exceed the excess (if any) of—

''(A) the outstanding principal amount of such indebtedness (immediately before the discharge), over

''(B) the sum of—

''(i) the amount realized from the sale of the real property securing such indebtedness reduced by the cost of such sale, and

''(ii) the outstanding principal amount of any other indebtedness secured by such property.

''(2) QUALIFIED RESIDENTIAL INDEBTEDNESS.—

''(A) IN GENERAL.—The term 'qualified residential indebtedness' means indebtedness which—

''(i) was incurred or assumed by the taxpayer in connection with real property used as the principal residence of the taxpayer (within the meaning of section 121) and is secured by such real property,

''(ii) is incurred or assumed to acquire, construct, reconstruct, or substantially improve such real property, and

''(iii) with respect to which such taxpayer makes an election to have this paragraph apply.

''(B) REFINANCED INDEBTEDNESS.—Such term shall include indebtedness resulting from the refinancing of indebtedness under subparagraph (A)(ii), but only to the extent the refinanced indebtedness does not exceed the amount of the indebtedness being refinanced.

''(C) EXCEPTIONS.—Such term shall not include qualified farm indebtedness or qualified real property business indebtedness.''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 108(a) of the Internal Revenue Code of 1986 is amended—

(A) in subparagraph (A) by striking ''and (D)'' and inserting ''(D), and (E)'', and

(B) by amending subparagraph (B) to read as follows:

''(B) INSOLVENCY EXCLUSION TAKES PRECEDENCE OVER QUALIFIED FARM EXCLUSION, QUALIFIED REAL PROPERTY BUSINESS EXCLUSION, AND QUALIFIED RESIDENTIAL SHORTFALL EXCLUSION.—Subparagraphs (C), (D), and (E) of paragraph (1) shall not apply to a discharge to the extent the taxpayer is insolvent.''.

(2) Paragraph (1) of section 108(b) of such Code is amended by striking ''or (C)'' and inserting ''(C), or (E)''.

(3) Subsection (c) of section 121 of such Code is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE RELATING TO DISCHARGE OF INDEBTEDNESS.—The amount of gain which (but for this paragraph) would be excluded from gross income under subsection (a) with respect to a principal residence shall be reduced by the amount excluded from gross income under section 108(a)(1)(E) with respect to such residence.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges after the date of the enactment of this Act.

By Mr. KENNEDY (for himself, Mr. SPECTER, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. DASCHLE, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUYE, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REED, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH of Oregon, Ms. STABENOW, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. 1284. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it's a privilege to introduce the Employment Non-Discrimination Act.

Civil rights is the unfinished business of the Nation. The Civil Rights Act of 1964 has long prohibited job discrimination based on race, ethnic background, gender, or religion. It is long past time to prohibit such discrimination based on sexual orientation, and that is what the Employment Non-Discrimination Act will do.

Its provisions are straight-forward and limited. It prohibits employers from discriminating against individuals because of their sexual orientation when making decisions about hiring, firing, promotion and compensation. It does not require employers to provide domestic partnership benefits, and it does not apply to the armed forces or to religious organizations. It also prohibits the use of quotas and preferential treatment.

Too many hard-working Americans are being judged today on their sexual orientation, rather than their ability and qualifications. For example, after working at Red Lobster for several years and receiving excellent reviews, Kendall Hamilton applied for a promotion at the urging of the general manager who knew he was gay. The application was rejected after a co-worker disclosed Kendall's sexual orientation to the management team, and the promotion went instead to an employee of nine months whom Kendall had trained. Kendall was told that his sexual orientation ''was not compatible with Red Lobster's belief in family values,'' and that being gay had destroyed his chances of becoming a manager. Feeling he had no choice, Kendall left the company.

Fireman Steve Morrison suffered similar discrimination. His co-workers saw him on the local news protesting an anti-gay initiative, and incorrectly assumed he was gay. He soon lost workplace responsibilities and was the victim of harassment, including hate mail. After lengthy administrative proceedings, he was finally able to have the false charges removed from his record, but he was transferred to another station.

The overwhelming majority of Americans oppose this kind of flagrant discrimination. Businesses of all sizes, labor unions, and a broad religious coalition all strongly support the Employment Non-Discrimination Act. America will not achieve its promise of true justice and equal opportunity for all until we end all forms of discrimination.

Mr. LIEBERMAN. Mr. President, I am delighted to join with Senators KENNEDY, SPECTER, JEFFORDS and many other colleagues as an original cosponsor of this important legislation, the Employment Non-Discrimination Act of 2001. By guaranteeing that American workers cannot lose their jobs simply because of their sexual orientation, this bill would extend the bedrock American values of fairness and equality to a group of our fellow citizens who too often have been denied the benefit of those most basic values.

Two hundred and twenty-five years ago this month, Thomas Jefferson laid out a vision of America as dedicated to the simple idea that all of us are created equal, endowed by our Creator with the inalienable rights to life, liberty and the pursuit of happiness. As Jefferson knew, our society did not in his time live up to that ideal, but since his time, we have been trying to. In succeeding generations, we have worked ever harder to ensure that our society removes unjustified barriers to individual achievement and that we judge each other solely on our merits and not on characteristics that are irrelevant to the task at hand. We are still far from perfect, but we have made much progress, especially over the past few decades, guaranteeing equality and fairness to an increasing number of groups that traditionally have not had the benefits of those values and of those protections. To African- Americans, to women, to disabled Americans, to religious minorities and to others we have extended a legally enforceable guarantee that, with respect to their ability to earn a living at least, they will be treated on their merits and not on characteristics unrelated to their ability to do their jobs.

It is time to extend that guarantee to gay men and lesbians, who too often have been denied the most basic of rights: the right to obtain and maintain a job. A collection of one national survey and twenty city and State surveys found that as many as 44 percent of gay, lesbian and bisexual workers faced job discrimination in the workplace at some time in their careers. Other studies have reported even greater discrimination, as much as 68 percent of gay men and lesbians reporting employment discrimination. The fear in which these workers live was clear from a survey of gay men and lesbians in Philadelphia. Over three-quarters told those conducting the survey that they sometimes or always hide their orientation at work out of fear of discrimination.

The toll this discrimination takes extends far beyond its effect on the individuals who live without full employment opportunities. It also takes an unacceptable toll on America's definition of itself as a land of equality and opportunity, as a place where we judge each other on our merits, and as a country that teaches its children that anyone can succeed here as long as they are willing to do their job and work hard.

This bill provides for equality and fairness, that and no more. It says only what we already have said for women, for people of color and for others: that you are entitled to have your ability to earn a living depend only on your ability to do the job and nothing else.

This bill would bring our Nation one large step closer to realizing the vision that Thomas Jefferson so eloquently expressed 225 years ago when he wrote that all of us have a right to life, liberty and the pursuit of happiness. I urge my colleagues to join me in supporting this important legislation.

Mr. SMITH of Oregon. Mr. President, I rise today to give my support for the Employment Non Discrimination Act of 2001 or ENDA. I believe that every American should have the opportunity to work and should not be denied that opportunity for jobs they are qualified to fill. In both my private and public life I have hired without regard to sexual orientation and have found both areas to be enriched by this decision.

ENDA would provide basic protection against job discrimination based on sexual orientation. Civil Rights progress over the years has slowly extended protection against discrimination in the workplace based on race, gender, national origin, age, religion and disability. It is time now to extend these protections to cover sexual orientation, the next logical step to achieve equality of opportunity in the workplace.

As a Republican, I do not believe that this discrimination in the workplace can be categorized as a conservative/liberal issue. Barry Goldwater once wrote:

> I am proud that the Republican Party has always stood for individual rights and liberties. The positive role of limited government has always been the defense of these fundamental principles. Our Party has led the way in the fight for freedom and a free market economy, a society where competition and the Constitution matter, and sexual orientation should not . . .

Indeed my Republican predecessor in this seat, Mark Hatfield was also a strong supporter of ENDA and viewed discrimination as a serious societal injustice, in both human and economic terms:

> As this Nation turns the corner toward the 21st century, the global nature of our economy is becoming more and more apparent. If

we are to compete in this marketplace, we must break down the barriers to hiring the most qualified and talented person for the job. Prejudice is such a barrier. It is intolerable and irrational for it to color decisions in the workplace.

I believe that ENDA is a well thought-out approach to rectifying discrimination in the workplace. ENDA contains broad exemptions for religious organizations, the military and small businesses. It specifically rules out preferential treatment or ''quotas'' and does not affect our nation's armed services. I am confident that this bill will pass this Senate by a bipartisan majority.

ENDA is a simple, narrowly-crafted solution to a significant omission in our civil rights law. I strongly believe that no one should be denied employment on the basis of sexual orientation or any other factor not related to ability to do a particular job. I look forward to working with my colleagues to pass ENDA and strengthen fundamental fairness in our society.

By Mr. CORZINE:

S. 1285. A bill to provide the President with flexibility to set strategic nuclear delivery system levels to meet United States national security goals; to the Committee on Armed Services.

Mr. CORZINE. Mr. President, today I am introducing legislation, the Strategic Arms Flexibility Act of 2001, that would restore the President's authority to manage the size of our Nation's nuclear stockpile by repealing an obsolete law that now prevents him from reducing the number of nuclear weapons. The Strategic Arms Flexibility Act of 2001 would reduce the risk of a catastrophic accident or terrorist incident, reduce tensions throughout the world, and save substantial taxpayer dollars.

We have far more nuclear weapons than would ever be necessary to win a war. Based on START counting rules, we have 7,300 strategic nuclear weapons. Yet, as Secretary of State Colin Powell has said, we could eliminate more than half of these weapons and still, ''have the capability to deter any actor.'' Furthermore, the U.S. nuclear arsenal is equipped with sophisticated guidance and information systems that make our nuclear weapons much more accurate and effective than those of our adversaries. This is one reason why we should not be overly influenced by calls for maintaining strict numerical parity.

While the huge number of nuclear arms in our arsenal is not necessary to fight a war, maintaining these weapons actually presents significant risks to national security.

First, it increases the risk of a catastrophic accident. The more weapons that exist, the greater chance that a sensor failure or other mechanical problem, or an error in judgment, will lead to the detonation of a nuclear weapon. In fact, there have been many times when inaccurate sensor readings or other technical problems have forced national leaders to decide within minutes whether to launch nuclear weapons. In one incident, a Russian commander deviated from standard procedures by refusing to launch, even though an early detection system was reporting an incoming nuclear attack, a report that was inaccurate.

The second reason why maintaining excessive numbers of nuclear weapons poses national security risks is that it encourages other nations to maintain large stockpiles, as well. The more weapons held by other countries, the greater the risk that a rogue faction in one such country could gain access to nuclear weapons and either threaten to use them, actually use them, or transfer them to others. Such a faction could obtain weapons through force. For example, there are many poorly guarded intercontinental ballistic missiles that are easy targets for terrorists. Senator BOB KERREY, who introduced this legislation in the last Congress, speculated that a relatively small, well-trained group could overtake the few personnel who guard some of the smaller installations in Russia.

Alternatively, a hostile group might be able simply to purchase ballistic missiles on the black market. This risk may be especially relevant in Russia, where many military personnel are poorly paid and a few may feel financial pressure to collaborate with those hostile to the United States. In addition, some have speculated that the high cost of maintaining a large nuclear stockpile could encourage some nuclear powers themselves to sell weapon technologies as a mean of financing their nuclear infrastructure.

By reducing our own stockpile, we can encourage Russia to reduce its stockpile and discourage other nuclear states from expanding theirs. In particular, Russia is faced with the exorbitant annual cost of maintaining thousands of unnecessary ICBMs. The present state of Russia's economy leaves it ill-equipped to handle these costs, a fact readily admitted by Russian Defense Minister Igor Sergeyev. Russia has expressed an interest in reducing its stockpile dramatically, from about 6,000 weapons to fewer than 1,000. However, Russia is unlikely to make such reductions without a commensurate reduction by the United States. If the United States takes the first step, it would provide Russia with a face-saving way to do the same, without waiting for START II, which now appears unlikely to be ratified in the short term.

Beyond the benefits to national security of reducing our nuclear stockpile, such a reduction also would save taxpayers significant amounts of money. According to the Center for Defense Information, in FY 01, the United States spent $26.7 billion on operations, maintenance, and development related the United States' nuclear program. Of that $26.7 billion, $12.4 billion, just under half, goes to build, maintain, and operate our arsenal of tactical and strategic nuclear weapons. Although a precise cost estimate is not available, it seems clear that reducing the stockpile of nuclear weapons would provide major cost savings.

While a reduction in the nuclear stockpile would improve national security and reduce costs, the 1998 defense authorization act now prevents the President from reducing such weapons until the Russian Duma approves the START II treaty. The Bush Administration has made it clear that it wants this law repealed, and would like the authority to unilaterally reduce the nuclear stockpile. In hearings before various Senate Committees, Secretary of Defense Donald Rumsfeld and Deputy Secretary of Defense Paul Wolfowitz, have expressed the Administration's desire to retire immediately 50 unnecessary MX peacekeeper missiles with some 500 warheads. The Administration is still conducting a more comprehensive review and may well propose additional reductions. However, as Secretary Wolfowitz has testified, ''we will need the support of the Congress to remove the current restrictions that prohibit us from getting rid of a nuclear system that we no longer need.''

Some might question whether it is appropriate to reduce the United States stockpile without a direct assurance that other nations would reduce theirs by the same amount. However, this is flawed Cold War thinking. As Secretary Powell has stated, we have far more weapons than necessary to devastate any opponent, real or imagined, many times over. Clearly, we can reduce our stockpile without in any way reducing our nuclear deterrent, or our national security.

Having said this, reducing the stockpile is not enough. We also need to encourage and assist others in doing so. In particular, it is important that we help Russia by providing aid for dismantling weapons and by offering other economic assistance. We also need to continue to negotiate arms reductions and non-proliferation agreements with other countries, including, but not limited to Russia. Unilateral action can provide many benefits, but we need multilateral agreements to more fully reduce the nuclear threat, and prevent the spread of nuclear technology. Ultimately, the nuclear threat is a threat to all of humanity, and all nations need to be part of a coordinated effort to reduce that threat.

In recent months, we have renewed a long-standing debate about whether to deploy a national missile defense. Proponents of such a system argue that it would reduce the threat posed by nuclear weapons by giving us the capacity to deflect incoming nuclear weapons. However, many have raised serious concerns about this approach, and the risk that it actually could reduce our national security by creating a new arms race and heightening international tensions.

The bill I am introducing today offers a proven way to reduce the nuclear

threat that can be accomplished quickly and without the controversy associated with a national missile defense system.

There are few issues more important than reducing the risks posed by nuclear weapons. For the past half century, the world has lived with these weapons, and it is easy to underestimate the huge threat they represent. Yet it is critical that we remain vigilant and do everything in our power to reduce that threat. The fate of the world, quite literally, is at stake.

I urge my colleagues to support this simple but powerful measure.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 142—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD BE AN ACTIVE PARTICIPANT IN THE UNITED NATIONS WORLD CONFERENCE ON RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Mr. DODD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 142

Whereas racial discrimination, ethnic conflict, and xenophobia persist in various parts of the world despite continuing efforts by the international community;

Whereas in recent years the world has witnessed campaigns of ethnic cleansing;

Whereas racial minorities, migrants, asylum seekers, and indigenous peoples are persistent targets of intolerance and violence;

Whereas millions of human beings continue to encounter discrimination solely due to their race, skin color, or ethnicity;

Whereas early action is required to prevent the growth of ethnic hatred and to diffuse potential violent conflicts;

Whereas the problems associated with racism will be thoroughly explored at the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in Durban, South Africa from August 31 to September 7, 2001;

Whereas this conference will review progress made in the fight against racism and consider ways to better ensure the application of existing standards to combat racism;

Whereas the conference will increase the level of awareness about the scourge of racism and formulate concrete recommendations on ways to increase the effectiveness of the United Nations in dealing with racial issues;

Whereas the conference will review the political, historical, economic, social, cultural, and other factors leading to racism and racial discrimination and formulate concrete recommendations to further action-oriented national, regional, and international measures to combat racism;

Whereas the conference will draw up concrete recommendations to ensure that the United Nations has the resources to actively combat racism and racial discrimination; and

Whereas the United States is a member of the United Nations: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should attend and participate fully in the United Nations World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance;

(2) the delegation sent to the conference by the United States should reflect the racial and geographic diversity of the United States; and

(3) the President should support the conference and should act in such a way as to facilitate substantial United States involvement in the conference.

Mr. DODD. Mr. President, I rise today to discuss the possibility that the United States will not send a full delegation to the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance. I believe this is both a worthwhile and important endeavor, and I am greatly troubled by the prospect that the United States may not attend.

According to a Washington Post article last week, the Bush Administration's reservations about attending the conference stem from concerns regarding certain proposed items on the agenda. The Administration's concerns are legitimate ones, but it is my belief that the Conference organizers are so anxious to have high level U.S. participation in Durban that contentious issues can be resolved prior to the August event, provided the United States signals its genuine interest in participating. Clearly the overarching objectives of the conference are of great importance to the American people and to peoples throughout the planet. As members of the global community, and as a global leader and vocal advocate for human rights, it would be tragic if the United States could not find a way to support the conference's honorable ambitions.

I do not need to list for my colleagues all the many injustices that occur each day, worldwide, that can be attributed to racism and ignorance, racism's frequent collaborator. As we all know, despite the best efforts of the international community, the effects of racial discrimination, ethnic conflict, and xenophobia continue to threaten and victimize people the world over. We have seen the violent devastations of racism in the former Yugoslavia, in Indonesia, and sadly, at home in America as well. The hateful term ''ethnic cleansing'' is now all too often used to describe violent international conflicts, and, increasingly, international humanitarian relief efforts focus on the tides of refugees fleeing persecution based on skin color, religion, and ethnic heritage. The task that lays before all nations therefore, is to peer deeply into the corners of our societies that we find most distasteful and hurtful, and to shine some light honestly onto the devastation that racism has inflicted.

In my view, the United Nations World Conference on Racism is the place to begin this difficult, but crucial process of racial introspection. It is not enough for the United States to pay lip service to the ideals of racial equality. We should attend this conference, and lend our full support to this worthy cause. I believe that in the conference we have a unique opportunity to work with other nations, our neighbors and partners, to begin the process of addressing the many crimes caused by racism, and the underlying societal causes of racism itself. This conference has the power to raise awareness about these issues, to form international consensus on best to combat racism, and to educate the international community on the ravages of racially motivated persecution and conflict.

It is my hope, that the Bush Administration will conclude that our presence at the United Nations Conference on Racism, Racial Discrimination, Xenophobia, and Related Intolerance is vital and appropriate, and will work to ensure that problems related to U.S. participation are resolved before the conference convenes next month. I would also hope that the President would designate Secretary of State Colin Powell to lead a racially and geographically diverse delegation from the United States to the conference in South Africa. Toward that end, I am submitting a resolution which urges the active participation of the United States in the conference, and it is my hope that my colleagues will support this resolution.

SENATE RESOLUTION 143—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DEVELOPMENT OF EDUCATIONAL PROGRAMS ON VETERANS' CONTRIBUTIONS TO THE COUNTRY AND THE DESIGNATION OF THE WEEK OF NOVEMBER 11 THROUGH NOVEMBER 17, 2001, AS ''NATIONAL VETERANS AWARENESS WEEK''

Mr. BIDEN (for himself, Mr. CONRAD, Mr. GRAHAM, Mr. LEVIN, Mr. SANTORUM, Mr. AKAKA, Mr. BREAUX, Mr. KENNEDY, Mr. COCHRAN, Mr. DODD, Mr. NELSON of Florida, Mr. BAUCUS, Mr. BAYH, Mr. BUNNING, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DASCHLE, Mr. KERRY, Mr. INOUYE, Ms. LANDRIEU, Mr. LEAHY, Mr. MILLER, Mr. MURKOWSKI, Mr. REID, Mr. SARBANES, Mr. BINGAMAN, Mr. BYRD, Mr. DAYTON, Mr. DURBIN, Mr. KOHL, Mr. LIEBERMAN, Mr. MCCAIN, Mr. ROCKEFELLER, Mr. BROWNBACK, Mrs. LINCOLN, Mr. WARNER, Ms. STABENOW, Mr. DOMENICI, Mr. VOINOVICH, Mrs. BOXER, Mr. CHAFEE, Mr. DEWINE, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Ms. SNOWE, Mr. THURMOND, Ms. COLLINS, Mr. CARPER, Mr. STEVENS, Mr. ENSIGN, Mr. ROBERTS, Mr. SMITH of New Hampshire, and Mr. BOND) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 143

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining our freedoms and way of life;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in our Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas our system of civilian control of the Armed Forces makes it essential that the Nation's future leaders understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas on June 14, 2001, the Senate adopted an amendment to the Better Education for Students and Teachers Act expressing the sense of the Senate that the Secretary of Education should work with the Secretary of Veterans Affairs, the Veterans Day National Committee, and the veterans service organizations to encourage, prepare, and disseminate educational materials and activities for elementary and secondary school students aimed at increasing awareness of the contributions of veterans to the prosperity and freedoms enjoyed by United States citizens: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the week of November 11 through November 17, 2001, be designated as ''National Veterans Awareness Week'' for the purpose of emphasizing educational efforts directed at elementary and secondary school students concerning the contributions and sacrifices of veterans; and

(2) the President should issue a proclamation calling on the people of the United States to observe such week with appropriate educational activities.

Mr. BIDEN. Mr. President, today I have the honor of joining with 51 of my colleagues in submitting a resolution expressing the sense of the Senate that the week that includes Veterans' Day this year be designated as ''National Veterans Awareness Week.'' The purpose of National Veterans Awareness Week is to serve as a focus for educational programs designed to make students in elementary and secondary schools aware of the contributions of veterans and their importance in preserving American peace and prosperity.

Why do we need such an educational effort? In a sense, this action has become necessary because we are victims of our own success with regard to the superior performance of our armed forces. The plain fact is that there are just fewer people around now who have had any connection with military service. For example, as a result of tremendous advances in military technology and the resultant productivity increases, our current armed forces now operate effectively with a personnel roster that is one-third less in size than just 10 years ago. In addition, the success of the all-volunteer career-oriented force has led to much lower turnover of personnel in today's military than in previous eras when conscription was in place. Finally, the number of veterans who served during previous conflicts, such as World War II, when our military was many times larger than today, is inevitably declining.

The net result of these changes is that the percentage of the entire population that has served in the Armed Forces is dropping rapidly, a change that can be seen in all segments of society. Whereas during World War II it was extremely uncommon to find a family in America that did not have one of its members on active duty, now there are numerous families that include no military veterans at all. As a consequence of this lack of opportunity for contacts with veterans, many of our young people have little or no connection with or knowledge about the important historical and ongoing role of men and women who have served in the military. This omission seems to have persisted despite ongoing educational efforts by the Department of Veterans Affairs and the veterans service organizations.

This lack of understanding about military veterans' important role in our society can have potentially serious repercussions. In our country, civilian control of the armed forces is the key tenet of military governance. A citizenry that is oblivious to the capabilities and limitations of the armed forces, and to its critical role throughout our history, can make decisions that have unexpected and unwanted consequences. Even more important, general recognition of the importance of those individual character traits that are essential for military success, such as patriotism, selflessness, sacrifice, and heroism, is vital to maintaining these key aspects of citizenship in the armed forces and even throughout the population at large.

Among today's young people, a generation that has grown up largely during times of peace and extraordinary prosperity and has embraced a ''me first'' attitude, it is perhaps even more important to make sure that there is solid understanding of what it has taken to attain this level of comfort and freedom. The failure of our children to understand why a military is important, why our society continues to depend on it for ultimate survival, and why a successful military requires integrity and sacrifice, will have predictable consequences as these youngsters become of voting age. Even though military service is a responsibility that is no longer shared by a large segment of the population, as it has been in the past, knowledge of the contributions of those who have served in the Armed Forces is as important as it has ever been. To the extent that many of us will not have the opportunity to serve our country in uniform, we must still remain cognizant of our responsibility as citizens to fulfill the obligations we owe, both tangible and intangible, to those who do serve and who do sacrifice on our behalf.

The importance of this issue was brought home to me last year by Samuel I. Cashdollar, who was then a 13-year-old seventh grader at Lewes Middle School in Lewes, Delaware. Samuel won the Delaware VFW's Youth Essay Contest that year with a powerful presentation titled ''How Should We Honor America's Veterans''? Samuel's essay pointed out that we have Nurses' Week, Secretaries' Week, and Teachers' Week, to rightly emphasize the importance of these occupations, but the contributions of those in uniform tend to be overlooked. We don't want our children growing up to think that Veterans Day has simply become a synonym for department store sale, and we don't want to become a Nation where more high school seniors recognize the name Britney Spears than the name Dwight Eisenhower.

Now, it is appropriate to ask, ''We already have Veterans Day, why do we need National Veterans Awareness Week?''. Historically, Veterans Day was established to honor those who served in uniform during wartime. Although we now customarily honor all veterans on Veterans Day, I see it as a holiday that is focused on honoring individuals, the courageous and selfless men and women without whose actions our country would not exist as it does. National Veterans Awareness Week would complement Veterans Day by focusing on education as well as commemoration, on the contributions of the many in addition to the heroism and service of the individual. National Veterans Awareness Week would also present an opportunity to remind ourselves of the contributions and sacrifices of those who have served in peacetime as well as in conflict; both groups work unending hours and spend long periods away from their families under conditions of great discomfort so that we all can live in a land of freedom and plenty.

Earlier this year, the Senate adopted my amendment to the education bill calling on the Department of Education to assist in the development of educational programs to enlighten our country's students about the contributions of veterans. Last year, my Resolution designating National Veterans Awareness Week had 60 cosponsors and was approved in the Senate by unanimous consent. I ask my colleagues to continue this trend of support for our veterans by endorsing this resolution again this year. Our children and our childrens' children will need to be well informed about what veterans have accomplished in order to make appropriate decisions as they confront the numerous worldwide challenges that they are sure to face in the future.

SENATE RESOLUTION 144—COMMENDING JAMES W. ZIGLAR FOR HIS SERVICE TO THE UNITED STATES SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 144

Whereas James W. Ziglar was elected the 35th Sergeant at Arms and Doorkeeper of the United States Senate on October 15, 1998

Whereas ''Jim'' served the United States Senate with great dedication, integrity and professionalism;

Whereas Jim Ziglar always performed his duties with unfailing good humor and bipartisanship;

Whereas as Sergeant at Arms and Doorkeeper of the Senate Jim Ziglar has utilized his previous 23 years in the public financial industry to the benefit of the entire Senate in implementing new and innovative programs in an efficient and effective manner.

Whereas James W. Ziglar will leave the Senate in August for the position of the Commissioner of Immigration and Naturalization: Now, therefore, be it

Resolved, That the United States Senate commends James W. Ziglar for his service to the United States Senate, and wishes to express its deep appreciation and gratitude.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to James W. Ziglar.

SENATE CONCURRENT RESOLUTION 62—CONGRATULATING UKRAINE ON THE 10TH ANNIVERSARY OF THE RESTORATION OF ITS INDEPENDENCE AND SUPPORTING ITS FULL INTEGRATION INTO THE EURO-ATLANTIC COMMUNITY OF DEMOCRACIES

Mr. HELMS (for himself, Mr. BIDEN, and Mr. LEVIN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 62

Whereas August 24, 2001, marks the tenth anniversary of the restoration of independence in Ukraine;

Whereas the United States, having recognized Ukraine as an independent state on December 25, 1991, and having established diplomatic relations with Ukraine on January 2, 1992, recognizes that fulfillment of the vision of a Europe whole, free, and secure requires a strong, stable, democratic Ukraine fully integrated in the Euro-Atlantic community of democracies;

Whereas, during the fifth anniversary commemorating Ukraine's independence, the United States established a strategic partnership with Ukraine to promote the national security interests of the United States in a free, sovereign, and independent Ukrainian state;

Whereas Ukraine is an important European nation, having the second largest territory and sixth largest population in Europe;

Whereas Ukraine is a member of international organizations such as the Council of Europe and the Organization on Security and Cooperation in Europe (OSCE), as well as international financial institutions such as the International Monetary Fund (IMF), the World Bank, and the European Bank for Reconstruction and Development (EBRD);

Whereas in July 1994, Ukraine's presidential elections marked the first peaceful and democratic transfer of executive power among the independent states of the former Soviet Union;

Whereas five years ago, on June 28, 1996, Ukraine's parliament voted to adopt a Ukrainian Constitution, which upholds the values of freedom and democracy, ensures a citizen's right to own private property, and outlines the basis for the rule of law in Ukraine without regard for race, religion, creed, or ethnicity;

Whereas Ukraine has been a paragon of inter-ethnic cooperation and harmony as evidenced by the OSCE's and the United States State Department's annual human rights reports and the international community's commendation for Ukraine's peaceful handling of the Crimean secession disputes in 1994;

Whereas Ukraine, through the efforts of its government, has reversed the downward trend in its economy, experiencing the first real economic growth since its independence in fiscal year 2000 and the first quarter of 2001;

Whereas Ukraine furthered the privatization of its economy through the privatization of agricultural land in 2001, when the former collective farms were turned over to corporations, private individuals, or cooperatives, thus creating an environment that leads to greater economic independence and prosperity;

Whereas Ukraine has taken major steps to stem world nuclear proliferation by ratifying the START I Treaty on nuclear disarmament and the Treaty on the Non-Proliferation of Nuclear Weapons, subsequently has turned over the last of its Soviet-era nuclear warheads on June 1, 1996, and in 1998 agreed not to assist Iran with the completion of a nuclear power plant in Bushehr thought to be used for the possible production of weapons of mass destruction;

Whereas Ukraine has found many methods to implement military cooperation with its European neighbors, as well as peacekeeping initiatives worldwide, as exhibited by Ukraine's participation in the KFOR and IFOR missions in the former Yugoslavia, and offering up its own forces to be part of the greater United Nations border patrol missions in the Middle East and the African continent;

Whereas Ukraine became a member of the North Atlantic Cooperation Council of the North Atlantic Treaty Alliance (NATO), signed a NATO-Ukraine Charter at the Madrid Summit in July 1997, and has been a participant in the Partnership for Peace (PfP) program since 1994 with regular training maneuvers at the Yavoriv military base in Ukraine and on Ukraine's southern-most shores of the Black Sea;

Whereas on June 7, 2001, Ukraine signed a charter for the GUUAM (Georgia, Ukraine, Uzbekistan, Azerbaijan, and Moldova) alliance, in hopes of promoting regional interests, increasing cooperation, and building economic stability; and

Whereas 15 years ago, the Soviet-induced nuclear tragedy of Chornobyl gripped Ukrainian lands with insurmountable curies of radiation which will affect generations of Ukraine's inhabitants, and thus, now, Ukraine promotes safety for its citizens and its neighboring countries, as well as concern for the preservation of the environment by closing the last Chornobyl nuclear reactor on December 15, 2000: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) as a leader of the democratic nations of the world, the United States congratulates the people of Ukraine on their tenth anniversary of independence and supports peace, prosperity, and democracy in Ukraine;

(2) Ukraine has made significant progress in its political reforms during the first ten years of its independence, as is evident by the adoption of its Constitution five years ago;

(3) the territorial integrity, sovereignty, and independence of Ukraine within its existing borders is an important factor of peace and stability in Europe;

(4) the President, the Prime Minister, and Parliament of Ukraine should continue to enact political reforms necessary to ensure that the executive, legislative, and judicial branches of the Government of Ukraine transparently represent the interests of the Ukrainian people;

(5) the Government and President of Ukraine should promote fundamental democratic principles of freedom of speech, assembly, and a free press;

(6) the Government and President of Ukraine should actively pursue in an open and transparent fashion investigations into violence committed against journalists, including the murders of Heorhiy Gongadze and Ihor Oleksandorv

(7) the Government of Ukraine (including the President and Parliament of Ukraine) should uphold international standards and procedures of free and fair elections in preparation for its upcoming parliamentary elections in March 2002;

(8) the Government of Ukraine (including the President and Parliament of Ukraine) should continue to accelerate its efforts to transform its economy into one founded upon free market principles and governed by the rule of law;

(9) the United States supports all efforts to promote a civil society in Ukraine that features a vibrant community of nongovernmental organizations (NGOs) and an active, independent, and free press;

(10) the Government of Ukraine (including the President and Parliament of Ukraine) should follow a westward-leaning foreign policy whose priority is the integration of Ukraine into Euro-Atlantic structures;

(11) the President of the United States should continue to consider the interests and security of Ukraine in reviewing or revising any European military and security arrangements, understandings, or treaties; and

(12) the President of the United States should continue to support and encourage Ukraine's role in NATO's Partnership for Peace program and the deepening of Ukraine's relationship with NATO.

SEC. 2. TRANSMITTAL OF THE RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President of the United States with the further request that the President transmit such copy to the Government of Ukraine.

SENATE CONCURRENT RESOLUTION 63—RECOGNIZING THE IMPORTANT CONTRIBUTIONS OF THE YOUTH FOR LIFE: REMEMBERING WALTER PAYTON INITIATIVE AND ENCOURAGING PARTICIPATION IN THIS NATIONWIDE EFFORT TO EDUCATE YOUNG PEOPLE ABOUT ORGAN AND TISSUE DONATION

Mr. DURBIN (for himself, Mr. FRIST, Mr. ALLEN, and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 63

Whereas more than 76,000 men, women, and children currently await life-saving transplants;

Whereas every 14 minutes another name is added to the national transplant waiting list;

Whereas people of all ages and medical histories are potential organ, tissue, and blood donors;

Whereas more than 2,300 of those awaiting transplants are under the age of 18;

Whereas approximately 14,000 children and young adults under the age of 18 have donated organs or tissue since 1988;

Whereas science shows that acceptance rates increase when donors are matched to recipients by age;

Whereas organ donation is often a family decision, and sharing a decision to become a donor with family members can help to ensure a donation when an occasion arises;

Whereas nationwide there are up to 15,000 potential donors annually, but consent from family members to donation is received for less than 6,000;

Whereas educating young people about organ and tissue donation promotes family discussions over the desire of family members to become organ donors;

Whereas Youth For Life: Remembering Walter Payton is committed to educating young adults about organ donation and encouraging students to discuss this decision with their family and register to be organ donors;

Whereas the Youth For Life: Remembering Walter Payton program is dedicated to football legend Walter Payton, who broke the NFL career rushing record on October 7, 1984; and

Whereas Youth For Life: Remembering Walter Payton Day will be held on October 9, 2001: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the purposes and objectives of Youth For Life: Remembering Walter Payton; and

(2) encourages all young people to learn about the importance of organ, tissue, bone marrow, and blood donations and to discuss these donations with their families and friends.

Mr. DURBIN. Madam President, I stand before my colleagues today to acknowledge the contributions made by a dedicated group of young people from my home State of Illinois. John McCaskey, Erin Kinsella and Mark Pendleton have initiated a unique program to raise awareness among young adults about organ donation.

Youth for Life: Remembering Walter Payton works in partnership with the National Football League, NFL, to urge students to become organ donors. Informational school forums will acquaint students with the issue and those who decide to sign an organ donor card will receive an autograph from an NFL player. Program organizers call it ''an autograph for an autograph,'' and to date, they have enlisted the help of players, coaches and alumni from every NFL team.

The program honors Walter Payton, the Illinois football star who brought to the Nation's attention the difficulties patients face while on the waiting list for a donated organ. The NFL's all-time rushing leader, Payton died two years ago while waiting for a liver transplant at age 46.

Walter Payton broke Jim Brown's all-time rushing record on October 7, 1984, and the Youth for Life: Remembering Walter Payton program organizers have decided to launch their efforts on October 9, 2001 to commemorate this accomplishment. While his record-breaking performance on the football field as a Chicago Bear set him apart from his competitors, his struggle to find a suitable organ donor is all too common.

More than 2,300 individuals suffering from a condition serious enough to place them on the waiting list for an organ or tissue transplant are under the age of 18. Last year, 641 of those patients were between the ages of 11 and 17. The Youth for Life: Remembering Walter Payton program highlights the fact that Americans of all ages need organ and tissue transplants. Many factors influence whether or not a transplant will be successful, and matching donor and recipient age is one way to improve surgery outcomes. Anyone can become an organ and tissue donor, and I would also like to emphasize how important it is that young people both learn about organ and tissue donation and share that knowledge with their families.

I am submitting a resolution that will support the purposes and objectives of the Youth for Life: Remembering Walter Payton program and encourage more young people to learn about organ and tissue donation. I am pleased that Senators ALLEN, KENNEDY and FRIST have joined me in cosponsoring this resolution. In the House of Representatives, Representative BROWN of Ohio and Representative LARGENT of Oklahoma have also chosen to lend their support to this program.

My colleagues know how far we have come in this field of medicine, especially Senator FRIST, himself a transplant surgeon. The first successful transplant was the result of a kidney donation from one identical twin to another. It occurred 47 years ago, without the use of any anti-rejection medication. The first liver and heart transplants followed, and progress has continued at breakneck speed. Today, transplant procedures are more common, successful and safe. Patients suffering from kidney failure, diabetes, heart disease and hepatitis C are just some of the individuals whose lives have been saved or vastly improved by advances in heart, liver, lung and tissue transplant science.

In addition to expanding the list of disorders treatable or curable with an organ or tissue transplant, doctors and scientists have improved the success and safety of transplant surgery. Organ and tissue recipients survive and thrive today because investments in biomedical research have broadened our understanding of the immunological factors that can enhance donor and recipient compatibility. Work in the laboratory has led to the discovery of various immunosuppressive drugs that decrease the likelihood of organ and tissue rejection. Increased rates of success have inspired more and more insurers to include transplant procedures and medication as part of the coverage they offer. Yet we continue to neglect an important part of the equation for saving and improving the lives of those patients waiting list for an organ or tissue transplant: Identifying and referring potential donors.

Progress in the field of transplant science is truly remarkable. This progress is why I vote time and time again to invest in medical research. This progress is also why I stand before my colleagues once again to emphasize the critical role played by groups like Youth for Life: Remembering Walter Payton.

The number of registered organ and tissue donors remains woefully inadequate. Every 14 minutes another individual joins the waiting list for an organ or tissue donation. Identifying more donors and encouraging them to discuss consent with their next-of-kin is a part of the battle against disease that we are not winning. We cannot afford to neglect the important work of groups that raise awareness about organ and tissue donation. Increasing knowledge about and inspiring interest in this issue is the only way we can ensure that innovations in the laboratory and increased proficiency among medical providers make a difference in the lives of those patients waiting for a transplant. The need for more donors is acute, and without groups like Youth for Life: Remembering Walter Payton, the number of patients who die while waiting for a transplant will only increase.

I introduced my ''Give Thanks, Give Life'' resolution in 1999, which emphasized the importance of discussing organ and tissue donation with family members to ensure that the desire to donate would be honored. At that time, there were 66,000 patients waiting for transplants. 76,000 individuals are waiting today. Of the 16,000 potential donors each year, less than half will actually result in a donation of an organ or tissue, because too many potential donors fail to discuss their desire to donate with family members.

For those 76,000 Americans who are on the waiting list for an organ or tissue donation, identifying and referring more donors is a matter of life or death. Once the decision to become a donor is made, family members must be made aware of the donor's intention. Youth for Life: Remembering Walter Payton is a commendable program because it tackles both of these barriers to linking organ and tissue donors with patients in need. Not only does the program encourage more individuals to become donors, it also recognizes that young people can take a leading role in initiating family discussion about intentions to be an organ and tissue donor.

This resolution affirms the goals and ideas of the Youth for Life: Remembering Walter Payton program, and

urges young people to learn more about the value of organ and tissue donation and share that information with family members. I commend the program's founders for all the good work they have done thus far, and ask that my colleagues join me in recognizing their efforts.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1190. Mr. LUGAR proposed an amendment to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers.

SA 1191. Mr. SPECTER (for himself, Ms. LANDRIEU, Ms. COLLINS, Mr. SCHUMER, Ms. SNOWE, Mr. LEAHY, Mr. ALLEN, Mr. BIDEN, Mr. BOND, Mr. BREAUX, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Mr. DODD, Mr. EDWARDS, Mr. FRIST, Mr. GREGG, Mr. HELMS, Mr. HOLLINGS, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MILLER, Mr. REED, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, of New Hampshire, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1246, supra.

SA 1192. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1193. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1194. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1195. Ms. SNOWE (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1196. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1197. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1198. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1199. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1200. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1201. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1202. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1203. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1204. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1205. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1206. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1207. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1208. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1209. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1246, supra.

SA 1210. Mr. AKAKA (for himself, Mr. GRAHAM, Mr. SMITH, of New Hampshire, Mr. CLELAND, Mr. SCHUMER, Mr. DURBIN, Mr. LEVIN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1211. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1246, supra; which was ordered to lie on the table.

SA 1212. Mr. LUGAR proposed an amendment to the bill S. 1246, supra.

TEXT OF AMENDMENTS

SA 1190. Mr. LUGAR proposed an amendment to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; as follows:

Strike everything after the enacting clause and insert the following:

SECTION 1. MARKET LOSS ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall, to the maximum extent practicable, use $4,622,240,000 of funds of the Commodity Credit Corporation to make a market loss assistance payment to owners and producers on a farm that are eligible for a final payment for fiscal year 2001 under a production flexibility contract for the farm under the Agriculture Market Transition Act (7 U.S.C. 7201 et seq.).

(b) AMOUNT.—The amount of assistance made available to owners and producers on a farm under this section shall be proportionate to the amount of the total contract payments received by the owners and producers for fiscal year 2001 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

SEC. 2. SUPPLEMENTAL OILSEEDS PAYMENT.

The Secretary shall use $423,510,000 of funds of the Commodity Credit Corporation to make a supplemental payment under section 202 of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of the 2000 crop of oilseeds that previously received a payment under such section.

SEC. 3. SUPPLEMENTAL PEANUT PAYMENT.

The Secretary shall use $54,210,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(a) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of quota peanuts or additional peanuts for the 2000 crop year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payment under this section.

SEC. 4. SUPPLEMENTAL TOBACCO PAYMENT.

(a) SUPPLEMENTAL PAYMENT.—The Secretary shall use $129,000,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to eligible persons (as defined in such section) that previously received a payment under such section.

(b) SPECIAL RULE FOR GEORGIA.—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use the sum of $13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000.

SEC. 5. SUPPLEMENTAL WOOL AND MOHAIR PAYMENT.

The Secretary shall use $16,940,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 814 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387), to producers of wool, and producers of mohair, for the 2000 marketing year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 6. SUPPLEMENTAL COTTONSEED ASSISTANCE.

The Secretary shall use $84,700,000 of funds of the Commodity Credit Corporation to provide supplemental assistance under section 204(e) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers and first-handlers of the 2000 crop of cottonseed that previously received assistance under such section.

SEC. 7. SPECIALTY CROPS.

(A) BASE STATE GRANTS.—The Secretary shall use $26,000,000 of funds of the Commodity Credit Corporation to make grants to the several States and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture. The amount of the grant shall be—

(1) $500,000 to each of the several States; and

(2) $1,000,000 to the Commonwealth of Puerto Rico.

(b) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $133,400,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount that represents the proportion of the value of specialty crop production in the State in relation to the national value of specialty crop production, as follows:

(1) California, $63,320,000.
(2) Florida, $16,860,000.
(3) Washington, $9,610,000.
(4) Idaho, $43,670,000.
(5) Arizona, $3,430,000
(6) Michigan, $3,250,000.
(7) Oregon, $3,220,000.
(8) Georgia, $2,730,000.
(9) Texas, $2,660,000.
(10) New York, $2,660,000.
(11) Wisconsin, $2,570,000.
(12) North Carolina, $1,540,000.
(13) Colorado, $41,510,000.
(14) North Dakota, $1,380,000.
(15) Minnesota, $1,320,000.
(16) Hawaii, $1,150,000.
(17) New Jersey, $1,100,000.
(18) Pennsylvania, $980,000.
(19) New Mexico, $900,000.
(20) Maine, $880,000.
(21) Ohio, $800,000.
(22) Indiana, $660,000.
(23) Nebraska, $640,000.
(24) Massachusetts, $640,000.
(25) Virginia, $620,000.
(26) Maryland, $500,000.
(27) Louisiana, $460,000.
(28) South Carolina, $440,000.
(29) Tennessee, $400,000.
(30) Illinois, $400,000.
(31) Oklahoma, $390,000.
(32) Alabama, $300,000.

(33) Delaware, $290,000.
(34) Mississippi, $250,000.
(35) Kansas, $210,000.
(36) Arkansas, $210,000.
(37) Missouri, $210,000.
(38) Connecticut, $180,000.
(39) Utah, $140,000.
(40) Montana, $140,000.
(41) New Hampshire, $120,000.
(42) Nevada, $120,000.
(43) Vermont, $120,000.
(44) Iowa, $100,000.
(45) West Virginia, $90,000.
(46) Wyoming, $70,000.
(47) Kentucky, $60,000.
(48) South Dakota, $40,000.
(49) Rhode Island, $40,000.
(50) Alaska, $20,000.

(c) SPECIALTY CROP PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops in the use of the grant funds.

(d) SPECIALTY CROP DEFINED.—In this section, the term ''specialty crop'' means any agricultural crop, except wheat, feed grains, oil-seeds, cotton, rice, peanuts, and tobacco.

SEC. 8. COMMODITY ASSISTANCE PROGRAM.

The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States to be used by the States to cover direct and indirect costs related to the processing, transportation, and distribution of commodities to eligible recipient agencies. The grants shall be allocated to States in the manner provided under section 204(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)).

SEC. 9. TECHNICAL CORRECTION REGARDING INDEMNITY PAYMENTS FOR COTTON PRODUCERS.

(a) CONDITIONS ON PAYMENT TO STATE.—Subsection (b) of section 1121 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105–277 (7 U.S.C. 1421 note), and as amended by section 754 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549A–42), is amended to read as follows:

''(b) CONDITIONS ON PAYMENT TO STATE.—The Secretary of Agriculture shall make the payment to the State of Georgia under subsection (a) only if the State—

''(1) contributes $5,000,000 to the indemnity fund and agrees to expend all amounts in the indemnity fund by not later than January 1, 2001 (or as soon as administratively practical thereafter), to provide compensation to cotton producers as provided in such subsection;

''(2) requires the recipient of a payment from the indemnity fund to repay the State, for deposit in the indemnity fund, the amount of any duplicate payment the recipient otherwise recovers for such loss of cotton, or the loss of proceeds from the sale of cotton, up to the amount of the payment from the indemnity fund; and

''(3) agrees to deposit in the indemnity fund the proceeds of any bond collected by the State for the benefit of recipients of payments from the indemnity fund, to the extent of such payments.''.

(b) ADDITIONAL DISBURSEMENTS FROM THE INDEMNITY FUND.—Subsection (d) of such section is amended to read as follows:

''(d) ADDITIONAL DISBURSEMENT TO COTTON GINNERS.—The State of Georgia shall use funds remaining in the indemnity fund, after the provision of compensation to cotton producers in Georgia under subsection (a) (including cotton producers who file a contingent claim, as defined and provided in section 5.1 of chapter 19 of title 2 of the Official Code of Georgia), to compensate cotton ginners (as defined and provided in such section) that—

''(1) incurred a loss as the result of—

''(A) the business failure of any cotton buyer doing business in Georgia; or

''(B) the failure or refusal of any such cotton buyer to pay the contracted price that had been agreed upon by the ginner and the buyer for cotton grown in Georgia on or after January 1, 1997, and had been purchased or contracted by the ginner from cotton producers in Georgia;

''(2) paid cotton producers the amount which the cotton ginner had agreed to pay for such cotton received from such cotton producers in Georgia; and

''(3) satisfy the procedural requirements and deadlines specified in chapter 19 of title 2 of the Official Code of Georgia applicable to cotton ginner claims.''.

(c) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking ''Upon the establishment of the indemnity fund, and not later than October 1, 1999, the'' and inserting ''The''.

SEC. 10. INCREASE IN PAYMENT LIMITATIONS REGARDING LOAN DEFICIENCY PAYMENTS AND MARKETING LOAN GAINS.

Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(1)), the total amount of the payments specified in section 1001(3) of that Act that a person shall be entitled to receive for one or more contract commodities and oilseeds under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) during the 2001 crop year may not exceed $150,000.

SEC. 11. TIMING OF, AND LIMITATION ON, EXPENDITURES.

(a) DEADLINE FOR EXPENDITURES.—All expenditures required by this Act shall be made not later than September 30, 2001. Any funds made available by this Act and remaining unexpended by October 1, 2001, shall be deemed to be unexpendable, and the authority provided by this Act to expend such funds is rescinded effective on that date.

(b) TOTAL AMOUNT OF EXPENDITURES.—The total amount expended under this Act may not exceed $5,500,000,000. If the payments required by this Act would result in expenditures in excess of such amount, the Secretary shall reduce such payments on a pro rata basis as necessary to ensure that such expenditures do not exceed such amount.

SEC. 12. REGULATIONS.

(a) PROMULGATION.—As soon as practicable after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this Act and the amendments made by this Act. The promulgation of the regulations and administration of this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(b) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SA 1191. Mr. SPECTER (for himself, Ms. LANDRIEU, Ms. COLLINS, Mr. SCHUMER, Ms. SNOWE, Mr. LEAHY, Mr. ALLEN, Mr. BIDEN, Mr. BOND, Mr. BREAUX, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Mr. DODD, Mr. EDWARDS, Mr. FRIST, Mr. GREGG, Mr. HELMS, Mr. HOLLINGS, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MILLER, Mr. REED, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; as follows:

On page 45, after line 25, insert the following:

TITLE VII—DAIRY CONSUMERS AND PRODUCERS PROTECTION

SEC. 701. NORTHEAST INTERSTATE DAIRY COMPACT.

Section 147 of the Agricultural Market Transition Act (7 U.S.C. 7256) is amended—

(1) in the matter preceding paragraph (1), by striking ''States'' and all that follows through ''Vermont'' and inserting ''States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont'';

(2) by striking paragraphs (1), (3), and (7);

(3) in paragraph (2), by striking ''Class III-A'' and inserting ''Class IV'';

(4) by striking paragraph (4) and inserting the following:

''(4) ADDITIONAL STATE.—Ohio is the only additional State that may join the Northeast Interstate Dairy Compact.'';

(5) in paragraph (5), by striking ''the projected rate of increase'' and all that follows through ''Secretary'' and inserting ''the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code''; and

(6) by redesignating paragraphs (2), (4), (5), and (6) as paragraphs (1), (2), (3), and (4), respectively.

SEC. 702. SOUTHERN DAIRY COMPACT.

(a) IN GENERAL.—Congress consents to the Southern Dairy Compact entered into among the States of Alabama, Arkansas, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia, subject to the following conditions:

(1) LIMITATION OF MANUFACTURING PRICE REGULATION.—The Southern Dairy Compact Commission may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Act of 1937 (referred to in this section as a ''Federal milk marketing order'') unless Congress has first consented to and approved such authority by a law enacted after the date of enactment of this joint resolution.

(2) ADDITIONAL STATES.—Florida, Nebraska, and Texas are the only additional States that may join the Southern Dairy Compact, individually or otherwise.

(3) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year in which a Compact price regulation is in effect, the Southern Dairy Compact Commission shall compensate the Commodity

Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(4) MILK MARKETING ORDER ADMINISTRATOR.—At the request of the Southern Dairy Compact Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Compact Commission and be compensated for that assistance.

(b) COMPACT.—The Southern Dairy Compact is substantially as follows:

"ARTICLE I. STATEMENT OF PURPOSE, FINDINGS AND DECLARATION OF POLICY

"§ 1. Statement of purpose, findings and declaration of policy

''The purpose of this compact is to recognize the interstate character of the southern dairy industry and the prerogative of the states under the United States Constitution to form an interstate commission for the southern region. The mission of the commission is to take such steps as are necessary to assure the continued viability of dairy farming in the south, and to assure consumers of an adequate, local supply of pure and wholesome milk.

''The participating states find and declare that the dairy industry is an essential agricultural activity of the south. Dairy farms, and associated suppliers, marketers, processors and retailers are an integral component of the region's economy. Their ability to provide a stable, local supply of pure, wholesome milk is a matter of great importance to the health and welfare of the region.

''The participating states further find that dairy farms are essential and they are an integral part of the region's rural communities. The farms preserve land for agricultural purposes and provide needed economic stimuli for rural communities.

''In establishing their constitutional regulatory authority over the region's fluid milk market by this compact, the participating states declare their purpose that this compact neither displace the federal order system nor encourage the merging of federal orders. Specific provisions of the compact itself set forth this basic principle.

''Designed as a flexible mechanism able to adjust to changes in a regulated marketplace, the compact also contains a contingency provision should the federal order system be discontinued. In that event, the interstate commission is authorized to regulate the marketplace in replacement of the order system. This contingent authority does not anticipate such a change, however, and should not be so construed. It is only provided should developments in the market other than establishment of this compact result in discontinuance of the order system.

''By entering into this compact, the participating states affirm that their ability to regulate the price which southern dairy farmers receive for their product is essential to the public interest. Assurance of a fair and equitable price for dairy farmers ensures their ability to provide milk to the market and the vitality of the southern dairy industry, with all the associated benefits.

''Recent, dramatic price fluctuations, with a pronounced downward trend, threaten the viability and stability of the southern dairy region. Historically, individual state regulatory action had been an effective emergency remedy available to farmers confronting a distressed market. The federal order system, implemented by the Agricultural Marketing Agreement Act of 1937, establishes only minimum prices paid to producers for raw milk, without preempting the power of states to regulate milk prices above the minimum levels so established.

''In today's regional dairy marketplace, cooperative, rather than individual state action is needed to more effectively address the market disarray. Under our constitutional system, properly authorized states acting cooperatively may exercise more power to regulate interstate commerce than they may assert individually without such authority. For this reason, the participating states invoke their authority to act in common agreement, with the consent of Congress, under the compact clause of the Constitution.

"ARTICLE II. DEFINITIONS AND RULES OF CONSTRUCTION

"§ 2. Definitions

''For the purposes of this compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

''(1) 'Class I milk' means milk disposed of in fluid form or as a fluid milk product, subject to further definition in accordance with the principles expressed in subdivision (b) of section three.

''(2) 'Commission' means the Southern Dairy Compact Commission established by this compact.

''(3) 'Commission marketing order' means regulations adopted by the commission pursuant to sections nine and ten of this compact in place of a terminated federal marketing order or state dairy regulation. Such order may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission. Such order may establish minimum prices for any or all classes of milk.

''(4) 'Compact' means this interstate compact.

''(5) 'Compact over-order price' means a minimum price required to be paid to producers for Class I milk established by the commission in regulations adopted pursuant to sections nine and ten of this compact, which is above the price established in federal marketing orders or by state farm price regulations in the regulated area. Such price may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission.

''(6) 'Milk' means the lacteral secretion of cows and includes all skim, butterfat, or other constituents obtained from separation or any other process. The term is used in its broadest sense and may be further defined by the commission for regulatory purposes.

''(7) 'Partially regulated plant' means a milk plant not located in a regulated area but having Class I distribution within such area. Commission regulations may exempt plants having such distribution or receipts in amounts less than the limits defined therein.

''(8) 'Participating state' means a state which has become a party to this compact by the enactment of concurring legislation.

''(9) 'Pool plant' means any milk plant located in a regulated area.

''(10) 'Region' means the territorial limits of the states which are parties to this compact.

''(11) 'Regulated area' means any area within the region governed by and defined in regulations establishing a compact over-order price or commission marketing order.

''(12) 'State dairy regulation' means any state regulation of dairy prices, and associated assessments, whether by statute, marketing order or otherwise.

"§ 3. Rules of construction

''(a) This compact shall not be construed to displace existing federal milk marketing orders or state dairy regulation in the region but to supplement them. In the event some or all federal orders in the region are discontinued, the compact shall be construed to provide the commission the option to replace them with one or more commission marketing orders pursuant to this compact.

''(b) The compact shall be construed liberally in order to achieve the purposes and intent enunciated in section one. It is the intent of this compact to establish a basic structure by which the commission may achieve those purposes through the application, adaptation and development of the regulatory techniques historically associated with milk marketing and to afford the commission broad flexibility to devise regulatory mechanisms to achieve the purposes of this compact. In accordance with this intent, the technical terms which are associated with market order regulation and which have acquired commonly understood general meanings are not defined herein but the commission may further define the terms used in this compact and develop additional concepts and define additional terms as it may find appropriate to achieve its purposes.

"ARTICLE III. COMMISSION ESTABLISHED

"§ 4. Commission established

''There is hereby created a commission to administer the compact, composed of delegations from each state in the region. The commission shall be known as the Southern Dairy Compact Commission. A delegation shall include not less than three nor more than five persons. Each delegation shall include at least one dairy farmer who is engaged in the production of milk at the time of appointment or reappointment, and one consumer representative. Delegation members shall be residents and voters of, and subject to such confirmation process as is provided for in the appointing state. Delegation members shall serve no more than three consecutive terms with no single term of more than four years, and be subject to removal for cause. In all other respects, delegation members shall serve in accordance with the laws of the state represented. The compensation, if any, of the members of a state delegation shall be determined and paid by each state, but their expenses shall be paid by the commission.

"§ 5. Voting requirements

''All actions taken by the commission, except for the establishment or termination of an over-order price or commission marketing order, and the adoption, amendment or rescission of the commission's by-laws, shall be by majority vote of the delegations present. Each state delegation shall be entitled to one vote in the conduct of the commission's affairs. Establishment or termination of an over-order price or commission marketing order shall require at least a two-thirds vote of the delegations present. The establishment of a regulated area which covers all or part of a participating state shall require also the affirmative vote of that state's delegation. A majority of the delegations from the participating states shall constitute a quorum for the conduct of the commission's business.

"§ 6. Administration and management

''(a) The commission shall elect annually from among the members of the participating state delegations a chairperson, a vice-chairperson, and a treasurer. The commission shall appoint an executive director and fix his or her duties and compensation. The executive director shall serve at the pleasure of the commission, and together with the treasurer, shall be bonded in an amount determined by the commission. The commission may establish through its by-laws an executive committee composed of one member elected by each delegation.

''(b) The commission shall adopt by-laws for the conduct of its business by a two-thirds vote, and shall have the power by the same vote to amend and rescind these by-laws. The commission shall publish its by-laws in convenient form with the appropriate agency or officer in each of the participating states. The by-laws shall provide for appropriate notice to the delegations of all commission meetings and hearings and of the business to be transacted at such meetings or hearings. Notice also shall be given to other agencies or officers of participating states as provided by the laws of those states.

''(c) The commission shall file an annual report with the Secretary of Agriculture of the United States, and with each of the participating states by submitting copies to the governor, both houses of the legislature, and the head of the state department having responsibilities for agriculture.

''(d) In addition to the powers and duties elsewhere prescribed in this compact, the commission shall have the power:

''(1) To sue and be sued in any state or federal court;

''(2) To have a seal and alter the same at pleasure;

''(3) To acquire, hold, and dispose of real and personal property by gift, purchase, lease, license, or other similar manner, for its corporate purposes;

''(4) To borrow money and issue notes, to provide for the rights of the holders thereof and to pledge the revenue of the commission as security therefor, subject to the provisions of section eighteen of this compact;

''(5) To appoint such officers, agents, and employees as it may deem necessary, prescribe their powers, duties and qualifications; and

''(6) To create and abolish such offices, employments and positions as it deems necessary for the purposes of the compact and provide for the removal, term, tenure, compensation, fringe benefits, pension, and retirement rights of its officers and employees. The commission may also retain personal services on a contract basis.

''§ 7. Rulemaking power

''In addition to the power to promulgate a compact over-order price or commission marketing orders as provided by this compact, the commission is further empowered to make and enforce such additional rules and regulations as it deems necessary to implement any provisions of this compact, or to effectuate in any other respect the purposes of this compact.

''ARTICLE IV. POWERS OF THE COMMISSION

''§ 8. Powers to promote regulatory uniformity, simplicity, and interstate cooperation

''The commission is hereby empowered to:

''(1) Investigate or provide for investigations or research projects designed to review the existing laws and regulations of the participating states, to consider their administration and costs, to measure their impact on the production and marketing of milk and their effects on the shipment of milk and milk products within the region.

''(2) Study and recommend to the participating states joint or cooperative programs for the administration of the dairy marketing laws and regulations and to prepare estimates of cost savings and benefits of such programs.

''(3) Encourage the harmonious relationships between the various elements in the industry for the solution of their material problems. Conduct symposia or conferences designed to improve industry relations, or a better understanding of problems.

''(4) Prepare and release periodic reports on activities and results of the commission's efforts to the participating states.

''(5) Review the existing marketing system for milk and milk products and recommend changes in the existing structure for assembly and distribution of milk which may assist, improve or promote more efficient assembly and distribution of milk.

''(6) Investigate costs and charges for producing, hauling, handling, processing, distributing, selling and for all other services performed with respect to milk.

''(7) Examine current economic forces affecting producers, probable trends in production and consumption, the level of dairy farm prices in relation to costs, the financial conditions of dairy farmers, and the need for an emergency order to relieve critical conditions on dairy farms.

''§ 9. Equitable farm prices

''(a) The powers granted in this section and section ten shall apply only to the establishment of a compact over-order price, so long as federal milk marketing orders remain in effect in the region. In the event that any or all such orders are terminated, this article shall authorize the commission to establish one or more commission marketing orders, as herein provided, in the region or parts thereof as defined in the order.

''(b) A compact over-order price established pursuant to this section shall apply only to Class I milk. Such compact over-order price shall not exceed one dollar and fifty cents per gallon at Atlanta, Ga., however, this compact over-order price shall be adjusted upward or downward at other locations in the region to reflect differences in minimum federal order prices. Beginning in nineteen hundred ninety, and using that year as a base, the foregoing one dollar fifty cents per gallon maximum shall be adjusted annually by the rate of change in the Consumer Price Index as reported by the Bureau of Labor Statistics of the United States Department of Labor. For purposes of the pooling and equalization of an over-order price, the value of milk used in other use classifications shall be calculated at the appropriate class price established pursuant to the applicable federal order or state dairy regulation and the value of unregulated milk shall be calculated in relation to the nearest prevailing class price in accordance with and subject to such adjustments as the commission may prescribe in regulations.

''(c) A commission marketing order shall apply to all classes and uses of milk.

''(d) The commission is hereby empowered to establish a compact over-order price for milk to be paid by pool plants and partially regulated plants. The commission is also empowered to establish a compact over-order price to be paid by all other handlers receiving milk from producers located in a regulated area. This price shall be established either as a compact over-order price or by one or more commission marketing orders. Whenever such a price has been established by either type of regulation, the legal obligation to pay such price shall be determined solely by the terms and purpose of the regulation without regard to the situs of the transfer of title, possession or any other factors not related to the purposes of the regulation and this compact. Producer-handlers as defined in an applicable federal market order shall not be subject to a compact over-order price. The commission shall provide for similar treatment of producer-handlers under commission marketing orders.

''(e) In determining the price, the commission shall consider the balance between production and consumption of milk and milk products in the regulated area, the costs of production including, but not limited to the price of feed, the cost of labor including the reasonable value of the producer's own labor and management, machinery expense, and interest expense, the prevailing price for milk outside the regulated area, the purchasing power of the public and the price necessary to yield a reasonable return to the producer and distributor.

''(f) When establishing a compact over-order price, the commission shall take such other action as is necessary and feasible to help ensure that the over-order price does not cause or compensate producers so as to generate local production of milk in excess of those quantities necessary to assure consumers of an adequate supply for fluid purposes.

''(g) The commission shall whenever possible enter into agreements with state or federal agencies for exchange of information or services for the purpose of reducing regulatory burden and cost of administering the compact. The commission may reimburse other agencies for the reasonable cost of providing these services.

''§ 10. Optional provisions for pricing order

''Regulations establishing a compact over-order price or a commission marketing order may contain, but shall not be limited to any of the following:

''(1) Provisions classifying milk in accordance with the form in which or purpose for which it is used, or creating a flat pricing program.

''(2) With respect to a commission marketing order only, provisions establishing or providing a method for establishing separate minimum prices for each use classification prescribed by the commission, or a single minimum price for milk purchased from producers or associations of producers.

''(3) With respect to an over-order minimum price, provisions establishing or providing a method for establishing such minimum price for Class I milk.

''(4) Provisions for establishing either an over-order price or a commission marketing order may make use of any reasonable method for establishing such price or prices including flat pricing and formula pricing. Provision may also be made for location adjustments, zone differentials and for competitive credits with respect to regulated handlers who market outside the regulated area.

''(5) Provisions for the payment to all producers and associations of producers delivering milk to all handlers of uniform prices for all milk so delivered, irrespective of the uses made of such milk by the individual handler to whom it is delivered, or for the payment of producers delivering milk to the same handler of uniform prices for all milk delivered by them.

''(A) With respect to regulations establishing a compact over-order price, the commission may establish one equalization pool within the regulated area for the sole purpose of equalizing returns to producers throughout the regulated area.

''(B) With respect to any commission marketing order, as defined in section two, subdivision three, which replaces one or more terminated federal orders or state dairy regulations, the marketing area of now separate state or federal orders shall not be merged without the affirmative consent of each state, voting through its delegation, which is partly or wholly included within any such new marketing area.

''(6) Provisions requiring persons who bring Class I milk into the regulated area to make compensatory payments with respect to all such milk to the extent necessary to equalize the cost of milk purchased by handlers subject to a compact over-order price or

commission marketing order. No such provisions shall discriminate against milk producers outside the regulated area. The provisions for compensatory payments may require payment of the difference between the Class I price required to be paid for such milk in the state of production by a federal milk marketing order or state dairy regulation and the Class I price established by the compact over-order price or commission marketing order.

''(7) Provisions specially governing the pricing and pooling of milk handled by partially regulated plants.

''(8) Provisions requiring that the account of any person regulated under the compact over-order price shall be adjusted for any payments made to or received by such persons with respect to a producer settlement fund of any federal or state milk marketing order or other state dairy regulation within the regulated area.

''(9) Provision requiring the payment by handlers of an assessment to cover the costs of the administration and enforcement of such order pursuant to Article VII, Section 18(a).

''(10) Provisions for reimbursement to participants of the Women, Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1966.

''(11) Other provisions and requirements as the commission may find are necessary or appropriate to effectuate the purposes of this compact and to provide for the payment of fair and equitable minimum prices to producers.

''ARTICLE V. RULEMAKING PROCEDURE

''§ 11. Rulemaking procedure

''Before promulgation of any regulations establishing a compact over-order price or commission marketing order, including any provision with respect to milk supply under subsection 9(f), or amendment thereof, as provided in Article IV, the commission shall conduct an informal rulemaking proceeding to provide interested persons with an opportunity to present data and views. Such rulemaking proceeding shall be governed by section four of the Federal Administrative Procedure Act, as amended (5 U.S.C. § 553). In addition, the commission shall, to the extent practicable, publish notice of rulemaking proceedings in the official register of each participating state. Before the initial adoption of regulations establishing a compact over-order price or a commission marketing order and thereafter before any amendment with regard to prices or assessments, the commission shall hold a public hearing. The commission may commence a rulemaking proceeding on its own initiative or may in its sole discretion act upon the petition of any person including individual milk producers, any organization of milk producers or handlers, general farm organizations, consumer or public interest groups, and local, state or federal officials.

''§ 12. Findings and referendum

''(a) In addition to the concise general statement of basis and purpose required by section 4(b) of the Federal Administrative Procedure Act, as amended (5 U.S.C. § 553(c)), the commission shall make findings of fact with respect to:

''(1) Whether the public interest will be served by the establishment of minimum milk prices to dairy farmers under Article IV.

''(2) What level of prices will assure that producers receive a price sufficient to cover their costs of production and will elicit an adequate supply of milk for the inhabitants of the regulated area and for manufacturing purposes.

''(3) Whether the major provisions of the order, other than those fixing minimum milk prices, are in the public interest and are reasonably designed to achieve the purposes of the order.

''(4) Whether the terms of the proposed regional order or amendment are approved by producers as provided in section thirteen.

''§ 13. Producer referendum

''(a) For the purpose of ascertaining whether the issuance or amendment of regulations establishing a compact over-order price or a commission marketing order, including any provision with respect to milk supply under subsection 9(f), is approved by producers, the commission shall conduct a referendum among producers. The referendum shall be held in a timely manner, as determined by regulation of the commission. The terms and conditions of the proposed order or amendment shall be described by the commission in the ballot used in the conduct of the referendum, but the nature, content, or extent of such description shall not be a basis for attacking the legality of the order or any action relating thereto.

''(b) An order or amendment shall be deemed approved by producers if the commission determines that it is approved by at least two-thirds of the voting producers who, during a representative period determined by the commission, have been engaged in the production of milk the price of which would be regulated under the proposed order or amendment.

''(c) For purposes of any referendum, the commission shall consider the approval or disapproval by any cooperative association of producers, qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the Capper–Volstead Act, bona fide engaged in marketing milk, or in rendering services for or advancing the interests of producers of such commodity, as the approval or disapproval of the producers who are members or stockholders in, or under contract with, such cooperative association of producers, except as provided in subdivision (1) hereof and subject to the provisions of subdivision (2) through (5) hereof.

''(1) No cooperative which has been formed to act as a common marketing agency for both cooperatives and individual producers shall be qualified to block vote for either.

''(2) Any cooperative which is qualified to block vote shall, before submitting its approval or disapproval in any referendum, give prior written notice to each of its members as to whether and how it intends to cast its vote. The notice shall be given in a timely manner as established, and in the form prescribed, by the commission.

''(3) Any producer may obtain a ballot from the commission in order to register approval or disapproval of the proposed order.

''(4) A producer who is a member of a cooperative which has provided notice of its intent to approve or not to approve a proposed order, and who obtains a ballot and with such ballot expresses his approval or disapproval of the proposed order, shall notify the commission as to the name of the cooperative of which he or she is a member, and the commission shall remove such producer's name from the list certified by such cooperative with its corporate vote.

''(5) In order to insure that all milk producers are informed regarding the proposed order, the commission shall notify all milk producers that an order is being considered and that each producer may register his approval or disapproval with the commission either directly or through his or her cooperative.

''§ 14. Termination of over-order price or marketing order

''(a) The commission shall terminate any regulations establishing an over-order price or commission marketing order issued under this article whenever it finds that such order or price obstructs or does not tend to effectuate the declared policy of this compact.

''(b) The commission shall terminate any regulations establishing an over-order price or a commission marketing order issued under this article whenever it finds that such termination is favored by a majority of the producers who, during a representative period determined by the commission, have been engaged in the production of milk the price of which is regulated by such order; but such termination shall be effective only if announced on or before such date as may be specified in such marketing agreement or order.

''(c) The termination or suspension of any order or provision thereof, shall not be considered an order within the meaning of this article and shall require no hearing, but shall comply with the requirements for informal rulemaking prescribed by section four of the Federal Administrative Procedure Act, as amended (5 U.S.C. § 553).

''ARTICLE VI. ENFORCEMENT

''§ 15. Records; reports; access to premises

''(a) The commission may by rule and regulation prescribe record keeping and reporting requirements for all regulated persons. For purposes of the administration and enforcement of this compact, the commission is authorized to examine the books and records of any regulated person relating to his or her milk business and for that purpose, the commission's properly designated officers, employees, or agents shall have full access during normal business hours to the premises and records of all regulated persons.

''(b) Information furnished to or acquired by the commission officers, employees, or its agents pursuant to this section shall be confidential and not subject to disclosure except to the extent that the commission deems disclosure to be necessary in any administrative or judicial proceeding involving the administration or enforcement of this compact, an over-order price, a compact marketing order, or other regulations of the commission. The commission may promulgate regulations further defining the confidentiality of information pursuant to this section. Nothing in this section shall be deemed to prohibit (i) the issuance of general statements based upon the reports of a number of handlers, which do not identify the information furnished by any person, or (ii) the publication by direction of the commission of the name of any person violating any regulation of the commission, together with a statement of the particular provisions violated by such person.

''(c) No officer, employee, or agent of the commission shall intentionally disclose information, by inference or otherwise, which is made confidential pursuant to this section. Any person violating the provisions of this section shall, upon conviction, be subject to a fine of not more than one thousand dollars or to imprisonment for not more than one year, or to both, and shall be removed from office. The commission shall refer any allegation of a violation of this section to the appropriate state enforcement authority or United States Attorney.

''§ 16. Subpoena; hearings and judicial review

''(a) The commission is hereby authorized and empowered by its members and its properly designated officers to administer oaths and issue subpoenas throughout all signatory states to compel the attendance of witnesses and the giving of testimony and the production of other evidence.

''(b) Any handler subject to an order may file a written petition with the commission stating that any such order or any provision

of any such order or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the commission. After such hearing, the commission shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

''(c) The district courts of the United States in any district in which such handler is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling, provided a complaint for that purpose is filed within thirty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the commission by delivering to it a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the commission with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to this subdivision shall not impede, hinder, or delay the commission from obtaining relief pursuant to section seventeen. Any proceedings brought pursuant to section seventeen, except where brought by way of counterclaim in proceedings instituted pursuant to this section, shall abate whenever a final decree has been rendered in proceedings between the same parties, and covering the same subject matter, instituted pursuant to this section.

''§ 17. Enforcement with respect to handlers

''(a) Any violation by a handler of the provisions of regulations establishing an over-order price or a commission marketing order, or other regulations adopted pursuant to this compact shall:

''(1) Constitute a violation of the laws of each of the signatory states. Such violation shall render the violator subject to a civil penalty in an amount as may be prescribed by the laws of each of the participating states, recoverable in any state or federal court of competent jurisdiction. Each day such violation continues shall constitute a separate violation.

''(2) Constitute grounds for the revocation of license or permit to engage in the milk business under the applicable laws of the participating states.

''(b) With respect to handlers, the commission shall enforce the provisions of this compact, regulations establishing an over-order price, a commission marketing order or other regulations adopted hereunder by:

''(1) Commencing an action for legal or equitable relief brought in the name of the commission of any state or federal court of competent jurisdiction; or

''(2) Referral to the state agency for enforcement by judicial or administrative remedy with the agreement of the appropriate state agency of a participating state.

''(c) With respect to handlers, the commission may bring an action for injunction to enforce the provisions of this compact or the order or regulations adopted thereunder without being compelled to allege or prove that an adequate remedy of law does not exist.

''ARTICLE VII. FINANCE

''§ 18. Finance of start-up and regular costs

''(a) To provide for its start-up costs, the commission may borrow money pursuant to its general power under section six, subdivision (d), paragraph four. In order to finance the costs of administration and enforcement of this compact, including payback of start-up costs, the commission is hereby empowered to collect an assessment from each handler who purchases milk from producers within the region. If imposed, this assessment shall be collected on a monthly basis for up to one year from the date the commission convenes, in an amount not to exceed $.015 per hundredweight of milk purchased from producers during the period of the assessment. The initial assessment may apply to the projected purchases of handlers for the two-month period following the date the commission convenes. In addition, if regulations establishing an over-order price or a compact marketing order are adopted, they may include an assessment for the specific purpose of their administration. These regulations shall provide for establishment of a reserve for the commission's ongoing operating expenses.

''(b) The commission shall not pledge the credit of any participating state or of the United States. Notes issued by the commission and all other financial obligations incurred by it, shall be its sole responsibility and no participating state or the United States shall be liable therefor.

''§ 19. Audit and accounts

''(a) The commission shall keep accurate accounts of all receipts and disbursements, which shall be subject to the audit and accounting procedures established under its rules. In addition, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

''(b) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the participating states and by any persons authorized by the commission.

''(c) Nothing contained in this article shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any participating state or of the United States.

''ARTICLE VIII. ENTRY INTO FORCE; ADDITIONAL MEMBERS AND WITHDRAWAL

''§ 20. Entry into force; additional members

''The compact shall enter into force effective when enacted into law by any three states of the group of states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia and West Virginia and when the consent of Congress has been obtained.

''§ 21. Withdrawal from compact

''Any participating state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after notice in writing of the withdrawal is given to the commission and the governors of all other participating states. No withdrawal shall affect any liability already incurred by or chargeable to a participating state prior to the time of such withdrawal.

''§ 22. Severability

''If any part or provision of this compact is adjudged invalid by any court, such judgment shall be confined in its operation to the part or provision directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact. In the event Congress consents to this compact subject to conditions, said conditions shall not impair the validity of this compact when said conditions are accepted by three or more compacting states. A compacting state may accept the conditions of Congress by implementation of this compact.''.

SEC. 703. PACIFIC NORTHWEST DAIRY COMPACT.

Congress consents to a Pacific Northwest Dairy Compact proposed for the States of California, Oregon, and Washington, subject to the following conditions:

(1) TEXT.—The text of the Pacific Northwest Dairy Compact shall be identical to the text of the Southern Dairy Compact, except as follows:

(A) References to ''south'', ''southern'', and ''Southern'' shall be changed to ''Pacific Northwest''.

(B) In section 9(b), the reference to ''Atlanta, Georgia'' shall be changed to ''Seattle, Washington''.

(C) In section 20, the reference to ''any three'' and all that follows shall be changed to ''California, Oregon, and Washington.''.

(2) LIMITATION OF MANUFACTURING PRICE REGULATION.—The Dairy Compact Commission established to administer the Pacific Northwest Dairy Compact (referred to in this section as the ''Commission'') may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Act of 1937 (referred to in this section as a ''Federal milk marketing order'').

(3) EFFECTIVE DATE.—Congressional consent under this section takes effect on the date (not later than 3 year after the date of enactment of this Act) on which the Pacific Northwest Dairy Compact is entered into by the second of the 3 States specified in the matter preceding paragraph (1).

(4) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year in which a price regulation is in effect under the Pacific Northwest Dairy Compact, the Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(5) MILK MARKETING ORDER ADMINISTRATOR.—At the request of the Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Commission and be compensated for that assistance.

SEC. 704. INTERMOUNTAIN DAIRY COMPACT.

Congress consents to an Intermountain Dairy Compact proposed for the States of Colorado, Nevada, and Utah, subject to the following conditions:

(1) TEXT.—The text of the Intermountain Dairy Compact shall be identical to the text of the Southern Dairy Compact, except as follows:

(A) In section 1, the references to ''southern'' and ''south'' shall be changed to ''Intermountain'' and ''Intermountain region'', respectively.

(B) References to ''Southern'' shall be changed to ''Intermountain ''.

(C) In section 9(b), the reference to ''Atlanta, Georgia'' shall be changed to ''Salt Lake City, Utah''.

(D) In section 20, the reference to ''any three'' and all that follows shall be changed to ''Colorado, Nevada, and Utah.''.

(2) LIMITATION OF MANUFACTURING PRICE REGULATION.—The Dairy Compact Commission established to administer the Intermountain Dairy Compact (referred to in this

section as the ''Commission'') may not regulate Class II, Class III, or Class IV milk used for manufacturing purposes or any other milk, other than Class I, or fluid milk, as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Act of 1937 (referred to in this section as a ''Federal milk marketing order'').

(3) EFFECTIVE DATE.—Congressional consent under this section takes effect on the date (not later than 3 year after the date of enactment of this Act) on which the Intermountain Dairy Compact is entered into by the second of the 3 States specified in the matter preceding paragraph (1).

(4) COMPENSATION OF COMMODITY CREDIT CORPORATION.—Before the end of each fiscal year in which a price regulation is in effect under the Intermountain Dairy Compact, the Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the operation of the Compact price regulation during the fiscal year, as determined by the Secretary (in consultation with the Commission) using notice and comment procedures provided in section 553 of title 5, United States Code.

(5) MILK MARKETING ORDER ADMINISTRATOR.—At the request of the Commission, the Administrator of the applicable Federal milk marketing order shall provide technical assistance to the Commission and be compensated for that assistance.

SA 1192. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table, as follows:

In Title I, Section 108(b), strike ''particularly agricultural production in the Northeast and Mid-Atlantic States.''

SA 1193. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

In Title IV, Section 401(a)(3)(A), strike ''or energy emergency'' and insert ''energy emergency or major disaster caused by direct federal action.''

SA 1194. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

In the appropriate place insert the following:

SEC. 13. OMB CERTIFICATION THAT LEGISLATION WILL NOT AFFECT MEDICARE PART A TRUST FUND SURPLUS.

The Secretary may not release the funds to carry out this Act or an amendment made by this Act unless the Director of the Office of Management and Budget certifies that this Act and the amendments made by this Act, when taken together with all other previously-enacted legislation, would not reduce the on-budget surplus for fiscal year 2001 below the level of the Federal Hospital Insurance Trust Fund surplus for the fiscal year.

SA 1195. Ms. SNOWE (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 47, between lines 2 and 3, insert the following:

SEC. 7 . CORPORATE AVERAGE FUEL ECONOMY STANDARDS.

Section 320 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (114 Stat. 1356, 1356A–28), is repealed.

SA 1196. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 7, strike the entire following section:

''SEC. 103. PEANUTS.''

SA 1197. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 7 and 8, strike the entire following section:

''SEC. 104. SUGAR.''

SA 1198. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 13 through 19, strike the entire following section:

''SEC. 112. TOBACCO.''

SA 1199. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 47, between lines 3 and 4, insert the following:

SEC. 801. LIMITATIONS.

(a) INCOME LIMITATION.—Notwithstanding any other provision of this Act, a person that has qualifying gross revenues (as defined in section 196(i)(1) of the Agricultural Market Transition Act (7 U.S.C. 7333(i)(1))) in excess of $2,000,000 during a taxable year (as determined by the Secretary) shall not be eligible to receive a payment, loan, or other assistance under this Act.

(b) ACTIVE FARMERS.—Notwithstanding any other provision of this Act, to be eligible for a payment, loan, or other assistance under this Act with respect to a particular farming operation, an individual of the farming operation must be actively engaged in farming with respect to the operation, as provided in paragraphs (2) through (6) of section 1001A(b) of the Food Security Act of 1985 (7 U.S.C. 1308–1(b)).

SA 1200. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 47, between lines 2 and 3, insert the following:

SEC. 703. BIENNIAL REPORTS ON RELATIVE PRICES OF FARM INPUTS.

Subtitle A of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

''SEC. 209. BIENNIAL REPORTS ON RELATIVE PRICES OF FARM INPUTS.

''Not later than 180 days after the date of enactment of this section, and biennially thereafter, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on—

''(1) the prices of farm inputs paid by agricultural producers in countries that compete with United States agricultural producers, as compared with the prices paid by United States agricultural producers; and

''(2) the effect of any differences in those prices on United States agricultural competitiveness and profitability.''.

SA 1201. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 47, between lines 2 and 3, insert the following:

SEC. 703. BIOBASED, BIODEGRADABLE CLEANERS AND SOLVENTS.

In carrying out this Act and other provisions of law, the Secretary shall purchase cleaners and solvents that are biobased and biodegradable unless such cleaners and solvents are not available at a cost that is not more than the cost of, and of a quality that is not less than, cleaners or solvents that are not biobased or biodegradable.

SA 1202. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers, which was ordered to lie on the table, as follows:

Beginning on page 37, strike line 15 and all that follows through page 42, line 5.

SA 1203. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

Beginning on page 26, strike line 3 and all that follows through page 27, line 17.

SA 1204. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

Beginning on page 7, strike line 11 and all that follows through page 8, line 16, and insert the following:

SEC. 104. SUGAR.

Section 156(f) of the Agricultural Market Transition Act (7 U.S.C. 7272(f)) shall not

apply with respect to the 2001 crop of sugarcane and sugar beets.

SA 1205. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 47, between lines 2 and 3, insert the following:

SEC. 703. REPORT ON EFFECT OF HIGH ENERGY AND FERTILIZER PRICES.

Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the effect of high energy and fertilizer prices on farm income and the cost of production of agricultural commodities.

SA 1206. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 46, strike lines 2 through 21 and insert the following:

SEC. 701. RESEARCH ON HUMANE ALTERNATIVES TO FORCED MOLTING FOR EGG PRODUCTION.

The Secretary shall use $3,500,000 of funds of the Commodity Credit Corporation to provide grants to conduct research on humane alternatives to the production of eggs using forced molting.

SA 1207. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 37, strike lines 6 through 14 and insert the following:

SEC. 501. RESEARCH ON HUMANE ALTERNATIVES TO FORCED MOLTING FOR EGG PRODUCTION.

The Secretary shall use $3,000,000 of funds of the Commodity Credit Corporation to provide grants to conduct research on humane alternatives to the production of eggs using forced molting.

SA 1208. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 22, strike lines 13 through 25.

SA 1209. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; as follows:

At the appropriate place, insert the following:

SEC. ____. PROTECT SOCIAL SECURITY SURPLUSES ACT OF 2001.

(a) SHORT TITLE.—This section may be cited as the ''Protect Social Security Surpluses Act of 2001''.

(b) REVISION OF ENFORCING DEFICIT TARGETS.—Section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 903) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) EXCESS DEFICIT; MARGIN.—The excess deficit is, if greater than zero, the estimated deficit for the budget year, minus the margin for that year. In this subsection, the margin for each fiscal year is 0.5 percent of estimated total outlays for that fiscal year.'';

(2) by striking subsection (c) and inserting the following:

''(c) ELIMINATING EXCESS DEFICIT.—Each non-exempt account shall be reduced by a dollar amount calculated by multiplying the baseline level of sequesterable budgetary resources in that account at that time by the uniform percentage necessary to eliminate an excess deficit.''; and

(3) by striking subsections (g) and (h).

(c) MEDICARE EXEMPT.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 253(e)(3)(A), by striking clause (i); and

(2) in section 256, by striking subsection (d).

(d) ECONOMIC AND TECHNICAL ASSUMPTIONS.—Notwithstanding section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(j)), the Office of Management and Budget shall use the economic and technical assumptions underlying the report issued pursuant to section 1106 of title 31, United States Code, for purposes of determining the excess deficit under section 253(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, as added by subsection (b).

(e) APPLICATION OF SEQUESTRATION TO BUDGET ACCOUNTS.—Section 256(k) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(k)) is amended by—

(1) striking paragraph (2); and

(2) redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

(f) STRENGTHENING SOCIAL SECURITY POINTS OF ORDER..—

(1) IN GENERAL.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by inserting at the end the following:

''(g) STRENGTHENING SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend section 13301 of the Budget Enforcement Act of 1990.''.

(2) SUPER MAJORITY REQUIREMENT.—

(A) POINT OF ORDER.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

(B) WAIVER.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting ''312(g),'' after ''310(d)(2),''.

(3) ENFORCEMENT IN EACH FISCAL YEAR.—The Congressional Budget Act of 1974 is amended in—

(A) section 301(a)(7) (2 U.S.C. 632(a)(7)), by striking ''for the fiscal year'' through the period and inserting ''for each fiscal year covered by the resolution''; and

(B) section 311(a)(3) (2 U.S.C. 642(a)(3)), by striking beginning with ''for the first fiscal year'' through the period and insert the following: ''for any of the fiscal years covered by the concurrent resolution.''.

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to fiscal years 2002 through 2006.

SA 1210. Mr. AKAKA (for himself, Mr. GRAHAM, Mr. SMITH of New Hampshire, Mr. CLELAND, Mr. SCHUMER, Mr. DURBIN, Mr. LEVIN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7____. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.

(a) IN GENERAL.—Title III of the Packers and Stockyards Act, 1921, (7 U.S.C. 201 et seq.) is amended by adding at the end the following:

''SEC. 318. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.

''(a) DEFINITIONS.—In this section:

''(1) HUMANELY EUTHANIZE.—The term 'humanely euthanize' means to kill an animal by mechanical, chemical, or other means that immediately render the animal unconscious, with this state remaining until the animal's death.

''(2) NONAMBULATORY LIVESTOCK.—The term 'nonambulatory livestock' means any livestock that is unable to stand and walk unassisted.

''(b) UNLAWFUL PRACTICES.—It shall be unlawful for any stockyard owner, market agency, or dealer to buy, sell, give, receive, transfer, market, hold, or drag any nonambulatory livestock unless the nonambulatory livestock has been humanely euthanized.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) takes effect 1 year after the date of enactment of this Act.

(2) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations to carry out the amendment.

SA 1211. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

On page 47, between lines 3 and 4, insert the following:

SEC. 801. INCOME LIMITATION.

Notwithstanding any other provision of this Act, a person that has qualifying gross revenues (as defined in section 196(i)(1) of the Agricultural Market Transition Act (7 U.S.C. 7333(i)(1))) dervied from for-profit farming, ranching, and forestry operations in excess of $1,000,000 during a taxable year (as determined by the Secretary) shall not be eligible to receive a payment, loan, or other assistance under this Act.

SA 1212. Mr. LUGAR proposed an amendment to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; as follows:

Strike everything after the enacting clause and insert the following:

SECTION 1. MARKET LOSS ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Agriculture (referred to in this Act as the ''Secretary'') shall, to the maximum extent practicable, use $4,622,240,000 of funds of the Commodity Credit Corporation to make a market loss assistance payment to owners and producers on a farm that are eligible for a final payment for fiscal year 2001 under a production flexibility contract for the farm under the Agriculture Market Transition Act (7 U.S.C. 7201 et seq.).

(b) AMOUNT.—The amount of assistance made available to owners and producers on a farm under this section shall be proportionate to the amount of the total contract payments received by the owners and producers for fiscal year 2001 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

SEC. 2. SUPPLEMENTAL OILSEEDS PAYMENT.

The Secretary shall use $423,510,000 of funds of the Commodity Credit Corporation to make a supplemental payment under section 202 of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of the 2000 crop of oilseeds that previously received a payment under such section.

SEC. 3. SUPPLEMENTAL PEANUT PAYMENT.

The Secretary shall use $54,210,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(a) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers of quota peanuts or additional peanuts for the 2000 crop year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 4. SUPPLEMENTAL TOBACCO PAYMENT.

(a) SUPPLEMENTAL PAYMENT.—The Secretary shall sue $129,000,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 204(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to eligible persons (as defined in such section) that previously received a payment under such section.

(b) SPECIAL RULE FOR GEORGIA.—The Secretary may make payments under this section to eligible persons in Georgia only if the State of Georgia agrees to use the sum of $13,000,000 to make payments at the same time, or subsequently, to the same persons in the same manner as provided for the Federal payments under this section, as required by section 204(b)(6) of the Agricultural Risk Protection Act of 2000.

SEC. 5. SUPPLEMENTAL WOOL AND MOHAIR PAYMENT.

The Secretary shall use $16,940,000 of funds of the Commodity Credit Corporation to provide a supplemental payment under section 814 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387), to producers of wool, and producers of mohair, for the 2000 marketing year that previously received a payment under such section. The Secretary shall adjust the payment rate specified in such section to reflect the amount made available for payments under this section.

SEC. 6. SUPPLEMENTAL COTTONSEED ASSISTANCE.

The Secretary shall use $84,700,000 of funds of the Commodity Credit Corporation to provide supplemental assistance under section 204(e) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 7 U.S.C. 1421 note) to producers and first-handlers of the 2000 crop of cottonseed that previously received assistance under such section.

SEC. 7. SPECIALTY CROPS.

(a) BASE STATE GRANTS.—The Secretary shall use $26,000,000 of funds of the Commodity Credit Corporation to make grants to the several States and the Commonwealth of Puerto Rico to be used to support activities that promote agriculture. The amount of the grant shall be—

(1) $500,000,000 to each of the several States; and

(2) $1,000,000 to the Commonwealth of Puerto Rico.

(b) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use $133,400,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount that represents the proportion of the value of specialty crop production in the State in relation to the national value of specialty crop production, as follows:

(1) California, $63,320,000.
(2) Florida, $16,860,000.
(3) Washington, $9,610,000.
(4) Idaho, $3,670,000.
(5) Arizona, $3,430,000.
(6) Michigan, $3,250,000.
(7) Oregon, $3,220,000.
(8) Georgia, $2,730,000.
(9) Texas, $2,660,000.
(10) New York, $2,660,000.
(11) Wisconsin, $2,570,000.
(12) North Carolina, $1,540,000.
(13) Colorado, $1,510,000.
(14) North Dakota, $1,380,000.
(15) Minnesota, $1,320,000.
(16) Hawaii, $1,150,000.
(17) New Jersey, $1,100,000.
(18) Pennsylvania, $980,000.
(19) New Mexico, $900,000.
(20) Maine, $880,000.
(21) Ohio, $800,000.
(22) Indiana, $660,000.
(23) Nebraska, $640,000.
(24) Massachusetts, $640,000.
(25) Virginia, $620,000.
(26) Maryland, $500,000.
(27) Louisiana, $460,000.
(28) South Carolina, $440,000.
(29) Tennessee, $400,000.
(30) Illinois, $400,000.
(31) Oklahoma, $390,000.
(32) Alabama, $300,000.
(33) Delaware, $290,000.
(34) Mississippi, $250,000.
(35) Kansas, $210,000.
(36) Arkansas, $210,000.
(37) Missouri, $210,000.
(38) Connecticut, $180,000.
(39) Utah, $140,000.
(40) Montana, $140,000.
(41) New Hampshire, $120,000.
(42) Nevada, $120,000.
(43) Vermont, $120,000.
(44) Iowa, $100,000.
(45) West Virginia, $90,000.
(46) Wyoming, $70,000.
(47) Kentucky, $60,000.
(48) South Dakota, $40,000.
(49) Rhode Island, $40,000.
(50) Alaska, $20,000.

(c) SPECIALTY CROP PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops in the use of the grant funds.

(d) SPECIALTY CROP DEFINED.—In this section, the term 'specialty crop' means any agricultural crop, except wheat, feed grains, oilseeds, cotton, rice, peanuts, and tobacco.

SEC. 8. COMMODITY ASSISTANCE PROGRAM.

The Secretary shall use $10,000,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States to be used by the States to cover direct and indirect costs related to the processing, transportation, and distribution of commodities to eligible recipient agencies. The grants shall be allocated to States in the manner provided under section 204(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)).

SEC. 9. TECHNICAL CORRECTION REGARDING INDEMNITY PAYMENTS FOR COTTON PRODUCERS.

(a) CONDITIONS ON PAYMENT TO STATE.—Subsection (b) of section 1121 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105–277 (7 U.S.C. 1421 note), and as amended by section 754 of the Agriculture, Rural development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549A–42), is amended to read as follows:

''(b) CONDITIONS ON PAYMENT TO STATE.—The Secretary of Agriculture shall make the payment to the State of Georgia under subsection (a) only if the State—

''(1) contributes $5,000,000 to the indemnity fund and agrees to expend all amounts in the indemnity fund by not later than January 1, 2002 (or as soon as administratively practical thereafter), to provide compensation to cotton producers as provided in such subsection;

''(2) requires the recipient of a payment from the indemnity fund to repay the State, for deposit in the indemnity fund, the amount of any duplicate payment the recipient otherwise recovers for such loss of cotton, or the loss of proceeds from the sale of cotton, up to the amount of the payment from the indemnity fund; and

''(3) agrees to deposit in the indemnity fund the proceeds of any bond collected by the State for the benefit of recipients of payments from the indemnity fund, to the extent of such payments''.

(b) ADDITIONAL DISBURSEMENTS FROM THE INDEMNITY FUND.—Subsection (d) of such section is amended to read as follows:

''(d) ADDITIONAL DISBURSEMENT TO COTTON GINNERS.—The State of Georgia shall use funds remaining in the indemnity fund, after the provision of compensation to cotton producers in Georgia under subsection (a) (including cotton producers who file a contingent claim, as defined and provided in section 51 of chapter 19 of title 2 of the Official Code of Georgia), to compensate cotton ginners (as defined as provided in such section) that—

''(1) Incurred a loss as the result of—

''(A) the business failure of any cotton buyer doing business in Georgia; or

''(B) the failure or refusal of any such cotton buyer to pay the contracted price that had been agreed upon by the ginner and the buyer for cotton grown in Georgia on or after January 1, 1997, and had been purchased or contracted by the ginner from cotton producers in Georgia;

''(2) paid cotton producers the amount which the cotton ginner had agreed to pay for such cotton received from such cotton producers in Georgia; and

''(3) satisfy the procedural requirements and deadlines specified in chapter 19 of title 2 of the Official Code of Georgia applicable to cotton ginner claims.''.

(c) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking ''Upon the establishment of the indemnity fund, and not later than October 1, 1999, the'' and inserting ''The''.

SEC. 10. INCREASE IN PAYMENT LIMITATIONS REGARDING LOCAL DEFICIENCY PAYMENTS AND MARKETING LOAN GAINS.

Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(1)), the total amount of the payments specified in section 1001(3) of that Act that a person shall be entitled to receive for one on more contract commodities and oilseeds under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) during the 2001 crop year may not exceed $150,000.

SEC. 11. TIMING OF, AND LIMITATION ON, EXPENDITURES.

(a) DEADLINE FOR EXPENDITURES.—All expenditures required by this Act shall be made not later than September 30, 2001. Any funds made available by this Act and remaining unexpended by October 1, 2001, shall be deemed to be unexpendable, and the authority provided by this Act to expend such funds is rescinded effective on that date.

(b) TOTAL AMOUNT OF EXPENDITURES.— The total amount expended under this Act may not exceed $5,500,000,000. If the payments required by this Act would result in expenditures in excess of such amount, the Secretary shall reduce such payments on a pro rata basis as necessary to ensure that such expenditures do not exceed such amount.

SEC. 12. REGULATIONS.

(a) PROMULGATION.—As soon as practicable after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this Act and the amendments made by this Act. The promulgation of the regulations and administration of this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(b) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(c) This section shall be effective one day after enactment.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, July 31, 2001. The purpose of this hearing will be to discuss conservation on working lands for the next Federal farm bill.

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

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 9:30 a.m., in open session to consider the nominations of: John P. Stenbit to be Assistant Secretary of Defense for Command, Control, Communication and Intelligence; Ronald M. Sega to be Director of Defense Research and Engineering; Mario P. Fiori to be Assistant Secretary of the Army for Installations and Environment; H. T. Johnson to be Assistant Secretary of the Navy for Installations and Environment; Michael L. Dominguez to be Assistant Secretary of the Air Force for Manpower and Reserve Affairs; Michael Parker to be Assistant Secretary of the Army for Civil Works; and Nelson F. Gibbs to be Assistant Secretary of the Air Force for Installations and Environment.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 31, 2001, at 2:30 p.m., on spectrum management and third generation wireless.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, to consider the nominations of Robert Bonner to be Commissioner of Customs; Rosario Marin to be Treasurer of the United States; Jon Huntsman, Jr., to be Deputy United States Trade Representatives; Alex Azar II, to be General Counsel of the Department of Health and Human Services; and Janet Rehnquist to be Inspector General of the Department of Health and Human Services.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 11 a.m., to hold a nomination hearing.

Nominees: The Honorable R. Nicholas Burns, of Massachusetts, to be United States Permanent Representative on Council of NATO with rank of Ambassador; the Honorable Daniel R. Coats, of Indiana, to be Ambassador to the Federal Republic of Germany; Mr. Craig R. Stapleton, of Connecticut, to be Ambassador to the Czech Republic; the Honorable Johnny Young, of Maryland, to be Ambassador to the Republic of Slovenia; and Mr. Richard J. Egan, of Massachusetts, to be Ambassador to Ireland.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 11 a.m., to hold a nomination hearing.

Nominees: Mr. Vincent M. Battle, of the District of Columbia, to be Ambassador to the Republic of Lebanon; the Honorable Edward William Gnehm, Jr., of Georgia, to be Ambassador to the Hashemite Kingdom of Jordan; the Honorable Edmund J. Hull, of Virginia, to be Ambassador to the Republic of Yemen; the Honorable Richard H. Jones, of Nebraska, to be Ambassador to the State of Kuwait; the Honorable Theodore H. Kattouf, of Maryland, to be Ambassador to the Syrian Arab Republic; and Ms. Maureen Quinn, of New Jersey, to be Ambassador to the State of Qatar.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 2 p.m., to hold a nomination hearing.

Nominees: Ms. Carole Brookins, of Indiana, to be United States Executive Director of the International Bank for Reconstruction and Development; Mr. Ross J. Connelly, of Maine, to be Executive Vice President of Overseas Private Investment Corporation; Ms. Jeanne L. Phillips, of Texas, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador; Mr. Randal Quarles, of Utah, to be United States Executive Director of the International Monetary Fund; and Mr. Patrick M. Cronin, of the District of Columbia, to be an Assistant Administrator (for Policy and Program Coordination) of the United States Agency for International Development.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 4 p.m., to hold a nomination hearing.

Nominees: Mr. Robert G. Loftis, of Colorado, to be Ambassador to the Kingdom of Lesotho; the Honorable Joseph G. Sullivan, of Virginia, to be Ambassador to the Republic of Zimbabwe; and Mr. Christopher W. Dell, of New Jersey, to be Ambassador to the Republic of Angola.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, July 31, 2001, at 2:30 p.m., to consider the nomination of Daniel Levinson to be Inspector General, General Services Administration.

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

COMMITTEE ON HEALTH EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Health Education, Labor, and Pensions be authorized to meet for a hearing on Workplace Safety and Asbestos Contamination during the session of the Senate on Tuesday, July 31, 2001, at 2 p.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on July 31, 2001, at 10 a.m., in room 485, Russell Senate Building to conduct a business meeting on pending committee business, to be followed immediately by a hearing on Indian Health Care Improvement Act focusing on urban Indian Health Care Programs.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 31, at 2:30 p.m., to conduct a hearing. The subcommittee will receive testimony on S. 689, to convey certain Federal properties on Governors Island, NY; S. 1175, to modify the boundary of Vicksburg National Military Park to include the property known as Pemberton's Headquarters, and for other purposes; S. 1227, to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes; and H.R. 601, to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes.

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

SUBCOMMITTEE ON SEAPOWER

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 31, 2001, at 2:30 p.m., in open session to receive testimony on Navy shipbuilding programs, in review of the Defense authorization request for fiscal year 2002.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Madam President, I ask unanimous consent that Stephanie Zawistowski—I cannot believe I am having trouble with this; my mother's name was Mencha Daneshevsky—be granted floor privileges during the rest of the day.

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

Mr. ROBERTS. Mr. President, I ask unanimous consent that during the remainder of the debate and consideration of the Emergency Agriculture Assistance Act, Matt Howe, a member of my staff, be granted privileges of the floor.

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

Mr. HARKIN. I ask unanimous consent that Sarah Zessar and Jason Klug be allowed floor privileges during debate on S. 1246.

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

MODIFIED ORDERS FOR WEDNESDAY, AUGUST 1, 2001

Mr. REID. Mr. President, I ask unanimous consent that the previous convening order for tomorrow be modified and provide for the convening of the Senate at 10 a.m., with the remainder of the orders still in effect, and when the Senate resumes consideration of the Agriculture supplemental bill, Senator DASCHLE or his designee be recognized, and that at 11:00 a.m. the motion to proceed and the motion to reconsider the failed cloture vote on H.R. 2299 be agreed to, and the Senate vote without any intervening action or debate on cloture on H.R. 2299; and that the time prior to the vote be equally divided between the two leaders or their designees.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican leader, pursuant to 22 U.S.C. 2761, as amended, appoints the Senator from Mississippi (Mr. COCHRAN) as Vice Chairman of the Senate Delegation to the British-American Interparliamentary Group during the 107th Congress.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Oregon (Mr. SMITH) as Vice Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the 107th Congress.

COMMENDING JAMES W. ZIGLAR

Mr. REID. Mr. President, I further ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 144, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 144) commending James W. Ziglar for his service to the United States Senate.

There being no objection, the Senate will proceed to the consideration of the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 144) was agreed to.

The preamble was agreed to.

(The text of the resolution is printed in today's RECORD under "Statements on Submitted Resolutions.")

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

Mr. REID. I ask unanimous consent that with respect to H.R. 2647, the legislative branch appropriations bill, and pursuant to the order of July 19, 2001, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appointment conferees.

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

The bill (H.R. 2647), as amended, was read the third time and passed.

Mr. REID. I further ask consent that the remaining provisions of the order of July 19 remain in effect.

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

The Presiding Officer (Mr. CARPER) appointed Mr. DURBIN, Mr. JOHNSON, Mr. REED, Mr. BYRD, Mr. BENNETT, Mr. STEVENS, and Mr. COCHRAN conferees on the part of the Senate.

ENFORCEMENT OF HUMANE METHODS OF SLAUGHTER ACT OF 1958

Mr. REID. Mr. President, I ask unanimous consent the Agriculture Committee be discharged from further consideration of S. Con. Res. 45 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 45) expressing the sense of the Congress that the Humane Methods of Slaughter Act of 1958 should be fully enforced so as to prevent needless suffering of animals.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements relating to this measure be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 45) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 45

Whereas public demand for passage of Public Law 85–765 (commonly known as the "Humane Methods of Slaughter Act of 1958") (7 U.S.C. 1901 et seq.) was so great that when President Eisenhower was asked at a press conference if he would sign the bill, he replied, "If I went by mail, I'd think no one was interested in anything but humane slaughter";

Whereas the Act requires that animals be rendered insensible to pain when they are slaughtered;

Whereas on April 10, 2001, a Washington Post front page article reported that enforcement records, interviews, videos, and worker affidavits describe repeated violations of the Act and that the Federal Government took no action against a company that was cited 22 times in 1998 for violations of the Act;

Whereas the article asserted that in 1998, the Secretary of Agriculture stopped tracking the number of humane-slaughter violations;

Whereas the article concluded that scientific evidence shows tangible economic benefits when animals are treated well;

Whereas the United States Animal Health Association passed a resolution at an October 1998 meeting to encourage strong enforcement of the Act and reiterated support for the resolution at a meeting in 2000; and

Whereas it is the responsibility of the Secretary of Agriculture to enforce the Act fully: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. HUMANE METHODS OF ANIMAL SLAUGHTER.

It is the sense of Congress that—

(1) the Secretary of Agriculture should—

(A) resume tracking the number of violations of Public Law 85–765 (7 U.S.C. 1901 et seq.) and report the results and relevant trends annually to Congress; and

(B) fully enforce Public Law 85–765 by ensuring that humane methods in the slaughter of livestock—

(i) prevent needless suffering;

(ii) result in safer and better working conditions for persons engaged in the slaughtering of livestock;

(iii) bring about improvement of products and economies in slaughtering operations; and

(iv) produce other benefits for producers, processors, and consumers that tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce; and

(2) it should be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

ORDER OF BUSINESS

Mr. REID. Mr. President, based on what the majority leader has said and what he has done and the orders that have been entered in the last few minutes, we will convene tomorrow at 10 a.m. and resume consideration of the Agriculture supplemental authorization bill. At 11, Senator DASCHLE will be recognized and the Senate will vote on cloture on the Transportation Appropriations Act.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, there being no further business, I ask unanimous consent the Chair adjourn the Senate.

There being no objection, the Senate, at 7:28 p.m., adjourned until Wednesday, August 1, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 31, 2001:

DEPARTMENT OF STATE

JOHN F. TURNER, OF WYOMING, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, VICE DAVID B. SANDALOW.

MARTIN J. SILVERSTEIN, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

JOHN N. PALMER, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PORTUGAL.

BONNIE MCELVEEN-HUNTER, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

BRIAN E. CARLSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

MATTIE R. SHARPLESS, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CENTRAL AFRICAN REPUBLIC.

R. BARRIE WALKLEY, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA.

DEPARTMENT OF JUSTICE

JOHN W. SUTHERS, OF COLORADO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS, VICE THOMAS LEE STRICKLAND, RESIGNED.

ANNA MILLS S. WAGONER, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE WALTER CLINTON HOLTON, JR., RESIGNED.

THOMAS E. MOSS, OF IDAHO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF IDAHO FOR THE TERM OF FOUR YEARS, VICE BETTY HANSEN RICHARDSON, RESIGNED.

WILLIAM WALTER MERCER, OF MONTANA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MONTANA FOR THE TERM OF FOUR YEARS, VICE SHERRY SCHEEL MATTEUCCI, RESIGNED.

MICHAEL G. HEAVICAN, OF NEBRASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEBRASKA FOR THE TERM OF FOUR YEARS, VICE THOMAS JUSTIN MONAGHAN, RESIGNED.

TODD PETERSON GRAVES, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE STEPHEN LAWRENCE HILL, JR., RESIGNED.

JOHN L. BROWNLEE, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE ROBERT P. CROUCH, JR., RESIGNED.

PAUL K. CHARLTON, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS, VICE JOSE DE JESUS RIVERA, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. LE MOYNE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. LESTER MARTINEZ-LOPEZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DAWN R. HORN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RICHARD K. GALLAGHER JR., 0000
CAPT. THOMAS J. KILCLINE, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CURTIS W. MARSH, 0000

DEPARTMENT OF DEFENSE

MARVIN R. SAMBUR, OF INDIANA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE LAWRENCE J. DELANEY.

FARM CREDIT ADMINISTRATION

GRACE TRUJILLO DANIEL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE CLYDE ARLIE WHEELER, JR.

FRED L. DAILEY, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE GORDON CLYDE SOUTHERN.

DEPARTMENT OF TRANSPORTATION

MARY E. PETERS, OF ARIZONA, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION, VICE KENNETH R. WYKLE, RESIGNED.

DEPARTMENT OF JUSTICE

CRANSTON J. MITCHELL, OF MISSOURI, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE TIMOTHY EARL JONES, SR.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

KENT R. HILL, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE DONALD LEE PRESSLEY, RESIGNED.

DEPARTMENT OF STATE

JOHN J. DANILOVICH, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

LESLIE LENKOWSKY, OF INDIANA, TO BE CHIEF EXECUTIVE OFFICER FOR THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE HARRIS WOFFORD, RESIGNED.

DEPARTMENT OF JUSTICE

EDWARD F. REILLY, OF KANSAS, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS. (REAPPOINTMENT)

MARIE F. RAGGHIANTI, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE MICHAEL JOHNSTON GAINES, TERM EXPIRED.

GILBERT G. GALLEGOS, OF NEW MEXICO, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE JANIE L. JEFFERS.

CONFIRMATION

Executive nomination confirmed by the Senate July 31, 2001:

DEPARTMENT OF JUSTICE

JAMES W. ZIGLAR, OF MISSISSIPPI, TO BE COMMISSIONER OF IMMIGRATION AND NATURALIZATION.