We have a site in New Jersey where, honestly, the rabbits there have turned a horrible color of green because of the Agent Orange on the site, arsenic on the site.

The ACTING PRESIDENT pro tempore. The Senator from California has 5 minutes remaining.

Mrs. BOXER. I will yield to my friend some time to ask me some questions. But I will say this: We are in a mess. Half of the sites that we thought were going to be cleaned up will not be cleaned up.

The last point is the point on ''polluter pays.'' I have a chart I will show you, and then I will yield.

''Polluter pays'' has been a theory and a practice. Now what the administration is doing—we always had a situation where taxpayer funds only paid for about 18 percent of the cleanup, and 82 percent was paid by the responsible parties and other funds.

Now, under this administration, in 2003, because there is no Superfund fee in place anymore, 54 percent of the program is going to be paid by taxpayers.

So I ask a rhetorical question to this administration: Where have you been, when we have made a point that polluter pays is basic?

I yield to my friend for questions or comments, but I also ask unanimous consent for 5 additional minutes on our side.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered.

Mrs. BOXER. I thank the Chair.

Mr. NELSON of Florida. I thank the Senator from California for yielding.

I would like to talk about 1 of those 1,222 sites around the country, 51 of which are in my State, 111 in the State of New Jersey, 100 sites in the State of California. One of those sites is about 12 miles west of Orlando near Lake Apopka at a site called the Old Tower Chemical plant which was shut down in 1980 after a plug of witches' brew that had been created in a holding pond as a result of cooking DDT—I am not making this up; it sounds like a fantasy tale but it is true—after cooking this DDT in order to get a chemical byproduct, all of this residue flowed into a holding pond.

What they didn't know was that the holding pond was a sink hole that allowed that cooked witches' brew to go right into the water supply, the Floridian aquifer and, even with that sink hole, a plug escaped over the top of the holding pond and into a creek which flowed into Lake Apopka.

Lake Apopka is a huge lake west of Orlando. It has had quite a few environmental problems, not the least of which is a lot of agricultural runoff, and so forth. But this Tower Chemical plant was finally shut down by EPA when it found that some of this holding pond brew went into Lake Apopka.

Today Lake Apopka's population of 4,000 alligators is down to 400. And of those 400, they have found deformities in the alligators. You know how tough an alligator is. This site, the Tower Chemical plant, still sits out there, not treated, not cleaned up, and there are traces of these chemicals in the area in the water supply. There are eight residences right in the immediate vicinity. I am trying to get EPA to give filters for the water wells that tap the water supply right next door to the Tower Chemical plant, just for starters, not to speak of the underlying point.

If we don't have a trust fund that is filled with money for that principle that the ''polluter pays,'' there is not going to be any money. The money in the trust fund is going to run out next year. So how are we going to clean up the Tower Chemical site that could be threatening a huge water supply for the State of Florida? There is simply no way.

As to the Bush administration—I said this in Florida the other day—what has happened to them? Have they taken leave of their senses; to say that they are not going to fund, through the principle of the ''polluter pays,'' the trust fund so we can clean up these 51 sites in the State of Florida, the 1,222 sites around the country? If you don't do that, either you don't clean up the sites—and there is just too much environmental risk—ergo, witness the example I have just given you west of Orlando and the Floridian aquifer being threatened—or if you are going to clean them up, guess who is going to pay. The general taxpayer is going to pay instead of the polluter paying.

When we passed this bill in 1980—I was a Member of the House of Representatives, and I voted for it—it was with the understanding that there would be a tradeoff, that the oil companies would trade off their liability in future lawsuits by agreeing to the principle of the polluter paying, and they and the chemical companies over the years would pay into the trust fund. If we don't keep that same principle, then the oil companies get off scot-free. They don't have any lawsuit liabilities now because of their agreement in exchange for paying in to help us clean up these sites. Are we to let them completely off the hook so that they will not pay?

I wanted to bring that one case to the attention of the Senator from California as she is talking about the national implications of this. I thank the Senator for yielding.

Mrs. BOXER. I thank my colleague. We are not talking about theory. We are not talking about an academic proposition. We are talking about sites with horrible pollutants and toxins in them, close to people, that have to be cleaned up.

This is the first time I have taken to the floor on this subject. I intend to come back. Other members of the team include HILLARY CLINTON and RON WYDEN and JOE LIEBERMAN, and we think BOB TORRICELLI may join us. This is a big issue to the people of this country. We are all pulling together on the challenge that was handed to us on 9–11. We will pull together on that.

To me, the most important thing is to understand that there is a balance. On domestic issues, when we see this administration going the wrong way, repealing laws that reflect values of the American people, the value of a healthy environment, the value of a beautiful environment, we are going to be here.

Today we will with Senator SCHUMER give out another Toxic Trophy Award. Senator CANTWELL is also on the E team. I think I have covered then all of the members.

I know how strongly we believe in these issues. If we continue to shine the light on some of these outrageous proposals, we won't stop every one of them, but we will stop some of them. At a minimum, the American people will know what this administration is doing, sometimes in the dead of night when they are not watching. We intend to be here and call attention to these matters in the hope of winning this battle, when we consider that there has been a war waged on the environment. We will be here as soldiers in that war. We intend to win it.

I thank the Chair and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the time until 10 a.m. is under the control of the Republican leader or his designee.

The Senator from Iowa is recognized.

Mr. GRASSLEY. I yield myself such time as I may consume.

SOIL CONSERVATION

Mr. GRASSLEY. Mr. President, I come to the floor to comment on an article that was in the Des Moines Sunday Register April 21 which speaks to the point of conservation of farm land. There is nothing in the article that is not accurate, but I think some things that are not included leave the impression that farmers of the United States are not good stewards of the soil. The premise of the article, according to the headlines ''Farmers' penalties rarely stick,'' is that under Federal law farmers must take certain action to conserve soil. If they do not conserve the soil and do it according to a plan, then they would be fined. And the article here is based on the premise that only a Government policeman from the U.S. Department of Agriculture is going to make the farmers conserve soil and that fines that might be imposed are the way of doing that because it says here that farmers' conservation fines rarely stick.

The bottom line of the article is that farmers are not conserving soil, that

Government regulation is the only thing that is going to make the farmers conserve the soil, and that there is not enough club on the part of Government because the fines in too many instances, according to the article, are forgiven.

As I said, there is nothing inaccurate in that, but I have prepared remarks in which I want to give both sides of the story. We do have a Government requirement for farmers to participate in farm programs they must take appropriate action to conserve soil. There has been tremendous progress made in the conservation of soil, and it has come not because of Government fines that might be imposed against farmers but it comes because it is in the farmers' best interests to conserve soil because, quite frankly, the soil is very valuable but in the process of growing crops you put tremendously expensive chemicals and fertilizers on the soil. And when you have soil erosion and that soil washes into the streams, then obviously that investment to produce a bountiful crop goes with it. So it is to the farmers' advantage to keep the soil on their land.

Over the past year, this body, along with our colleagues in the House, has engaged in a protracted discussion about the future of agriculture in the United States and how to best ensure a safe and stable food supply while providing an adequate safety net for farm families. The farm bill was passed and signed by the President very recently, which will be the safety net for the next 6 years.

Now that we have done that, I would like to take a step back and address a concern that has been raised by many people I represent. For those colleagues who have never had the good fortune to visit my State of Iowa, I would like to take a moment to talk about this State. While we in Iowa may not be able to boast about majestic mountains or white sands on beaches along the oceans, my State has one natural resource to which I daresay no other State can compare—our rich, abundant, fertile topsoil. This resource has given birth to a deep-seated agricultural heritage in every corner of my state. In fact, each year communities across Iowa take to the streets to celebrate our rich heritage that comes from this rich natural resource, our topsoil.

For example, the community of Conrad, IA, celebrates what they call ''Black Dirt Days.'' Gladbrook celebrates ''Sweet Corn Days,'' and the little community of Dike celebrates ''Watermelon Days.'' You can go on and on with examples of the people of Iowa worshiping our great natural resource. And no one in Iowa cares more about this rich heritage and our precious natural resources than the farm families who depend on the land for their livelihood and their way of life. That is why I was disturbed, as I already indicated to you, when the Des Moines Sunday Register on April 21 accused Iowa farmers of failing to take adequate steps to protect Iowa's soil and water. The article suggested that the U.S. Department of Agriculture's Natural Resources Conservation Service Program, as well as the Farm Service Agency, both failing to adequately enforce Federal conservation rules, often let our farmers off the hook when conservation violations occur.

The article suggests that the only way to achieve real conservation in rural America is for the Federal Government to carry a very big stick. Even more disconcerting, the article fails to address the significant conservation achievements that Iowa's farm families have already attained in terms of reducing soil erosion and reducing the use of nitrogen fertilizers by using it more efficiently.

The Federal Government first significantly increased the prominence of conservation as a national priority in the 1985 farm bill. For the first time, that Food Security Act of 1985 required farmers to implement sound conservation plans on their farms as a condition for receiving Federal farm subsidies.

We were not controlling the farmers' land, but we were saying in effect, through that bill, if they are going to benefit from the farm safety net, we expect everybody to be good stewards of their soil.

More importantly, the 1985 bill also recognized the desire on the part of farmers themselves to protect the land on which they live and raise their families from abusive farming practices. The bill created the Conservation Reserve Program, sometimes called CRP, which allows farmers to take our countryside's most highly erodible land out of production.

Since the 1985 farm bill, we have expanded the number of opportunities for farmers to voluntarily practice soil conservation programs. Today, farmers have a full arsenal of conservation tools at their disposal, including the Conservation Reserve Program, the Wetlands Reserve Program, the Emergency Watershed Protection Program, and the Wildlife Habitat Incentive Program, to name a few.

The response to these programs by farmers and landowners has been overwhelming. Today, in Iowa alone, the farmers have enrolled 1.8 million acres in the Conservation Reserve Program, including 337,000 acres in the Continuous Conservation Reserve Program, which allows farmers to remove our country's most environmentally sensitive land from production. The Continuous Conservation Reserve Program helps farmers make significant conservation improvements on their land, including riparian buffers, grass waterways, filter strips, and windbreaks.

In addition, Iowa farmers are aggressively working to restore our Nation's wetlands. Today, Iowa farmers have enrolled over 44,000 acres in the Wetlands Reserve Program. Wetlands provide a number of environmental benefits, as I am sure my colleagues understand.

These wetland reserves help filter out nitrates that leech into the surface water from nitrogen fertilizers used by farmers to improve yields, as well as from naturally occurring nitrogen in Iowa's highly organic soil. They filter herbicides that seep into the ground, and they provide valuable habitat for Iowa's wildlife.

As you can see, restoration of wetlands is important to all Iowans, both rural and urban. And that is not all.

Iowa farmers have enrolled more than 60,000 acres in the Watershed Protection Program, and nearly 2,000 acres in the Wildlife Habitat Incentive Program. These programs have proven to be very successful.

According to the Natural Resources Conservation Service, Iowa farmers cut soil erosion in half over the past two decades. We used to lose 10 tons per acre in 1982. By 1997, because of these conservation programs, we had cut that loss down to 5.3 tons per acre, and at 5 tons per acre, it is renewable.

Moreover, according to the Iowa Department of Natural Resources, over 92 percent of Iowa's public water systems meet Federal drinking water standards.

However, some critics of Federal conservation programs have asserted that the 1996 farm bill actually weakened conservation efforts. These critics may be interested to learn that throughout the duration of the 1996 farm bill, over 313,000 acres of conservation buffers have been built in the State of Iowa.

In addition, over 106,000 acres of wetlands have been created, and there continues to be a waiting list of farmers who are eager to enroll fragile cropland in these programs, only kept from doing so because of the amount of money Congress will appropriate for these programs.

It is important to keep in mind that sound conservation practices not only improve the environment in rural areas, but they also can play into the farmers' bottom line. Since 1996, Iowa farmers have increased the use of no-till planting. No-till planting leaves the residue from a previous crop on the ground, significantly reducing erosion. By not tilling the land, farmers reduce the number of trips across the field with their tractors, saving time, reducing the use of limited fossil fuels, and reducing harmful emissions into the air.

In addition, technological advancements have improved the farmer's ability to care for land while improving yields. Today, for example, many farmers have turned away from the old method of applying fertilizer at an equal rate throughout the entire field. In fact, because of global positioning equipment, we can apply variable rates of fertilizer in different parts of the field in different quantities to save money, but not to waste fertilizer as well.

One concern I have expressed about the 1996 farm bill is that it fails to incorporate effective payment limitations that would target Federal assistance to family farmers.

Mr. President, the Senate has now passed the successor to the 1996 farm bill. This legislation should be the incarnation of our principles and our vision for the role we see America's farm families playing in the future.

I was pleased that 64 Members of the Senate joined Senator DORGAN and me in a bipartisan fashion to ensure Federal payments are targeted to small and medium-sized family farmers who produce the food and fiber of our Nation. Our amendment would have helped curb the overproduction and target assistance to family farmers who live on the same land they farm. I am disappointed that the agreement reached in conference significantly weakens our provision.

In conclusion, this discussion raises the question of whether Federal farm program policy should require farmers to conserve through strict enforcement of Federal regulations or whether the Federal Government should encourage farmers to conserve through voluntary conservation programs. In my State, we have witnessed the numerous benefits of voluntary conservation to improving the quality of life and our environment.

It is in every farmer's best interest to conserve the soil, to eliminate excessive use of fertilization, and ensure that chemicals are applied in an environmentally sensitive manner. After all, the farmers live on the same land they farm. Farm families depend on the land for their livelihood and their way of life.

I have to say again, Iowa's rich topsoil is our most prized resource. Our economy and our rural heritage depend on it. We have heard much in recent years about sustaining agriculture. No one cares more about sustaining agriculture in America than our family farmers. Our rich soil is rivaled by only one other resource: the hard-working men and women who, day in and day out, work the land to feed the United States and the world.

Mr. President, I ask unanimous consent to print in the RECORD two articles.

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

[From the Des Moines Sunday Register, Apr. 21, 2002]

FARMERS' PENALTIES RARELY STICK

(By John McCormick, Jerry Perkins and Perry Beeman)

In exchange for millions of dollars in federal subsidies, Iowa farmers promise to protect the soil and water.

But a Des Moines Sunday Register analysis shows farmers almost never lose their taxpayer subsidies, even when federal officials discover they have violated their conservation pledge.

Three percent of the $7.8 million in potential fines farmers faced for soil and water conservation violations were actually levied from 1993 through 2000. After appeals, farmers were allowed to keep the rest—about $7.6 million.

''You have to ask just how serious the enforcement effort is,'' said Kenneth Cook, executive director of the Environmental Working Group, an outspoken critic of U.S. farm policy. ''There is almost no chance that you'll lose a penny.''

With Congress poised to approve a new farm bill—legislation that among other things will provide about $46 billion over the next 10 years to supplement commodity prices paid to farmers—few changes are planned for enforcing soil conservation regulations.

That's probably best for Iowa farmers and agricultural land owners, who between 1996 and 2001 collected $8.7 billion in subsidy payments, more than any other state.

Federal agriculture officials maintain that they are doing the best they can, within the limits of time and personnel, to ensure that farmers do their part to preserve the environment. Looking merely at enforcement, they say, ignores the impact of effective voluntary conservation programs.

Though difficult to measure on a large scale, there is little argument that soil erosion has left Iowa with dirty water. There are 157 lakes and sections of river in Iowa on the federal government's list of critically polluted waters, and the state's waterways are known for having some of the world's highest nitrate and phosphorus levels.

Soil and fertilizer are Iowa's two biggest waterway pollutants. Much of the pollution comes from the runoff that's gradually washing away the state's greatest asset: its rich topsoil.

After promising starts, no-till farming has leveled off, and conservation tillage has declined. Silt and soil erosion also show few signs of slowing.

''Now we're going backward,'' said David Williams, a former soil and water district commissioner in Page County. ''We're seeing more and more black dirt in the fields and they're losing a lot of it, and that's hurting our water quality.''

Williams said conservation compliance requirements worked reasonably well until passage of the Freedom To Farm law in 1996. He said the law made it more difficult to take away farm payments from those who violated their conservation plans, removing the programs's teeth.

There are no national data available on conservation compliance, but environmentalists say enforcement is probably just as lax in other states.

''The problem we have in answering a lot of these questions is that there isn't any real enforcement trace record to base an answer on,'' said Craig Cox, executive director of the Ankeny-based Soil and Water Conservation Society, a national organization.

Sen. Tom Harkin, chairman of the Senate Agriculture Committee, has requested a review of the U.S. Department of Agriculture's conservation programs by the General Accounting Office, the investigative arm of Congress. He has asked specifically for a look at the enforcement of conservation practices.

''I've been hearing that, quite frankly, we've been backsliding,'' Harkin said late last week, between conference committee meetings on the 2002 farm bill.

Harkin has pushed for a new conservation initiative in the Senate version of the farm bill. The proposal would base payments to farmers on their level of soil stewardship, essentially paying more to those who voluntarily agree to work harder on conservation.

''They will actually get paid for doing these things,'' he said. ''I think that's a much better way of approaching it than the hammer kind of approach we've had in the past.''

ROOTS OF THE PROBLEM

Tying federal farm payments to sound conservation practices started in the depth of the 1980s farm crisis, when farmers agreed to new requirements pushed by environmentalists as part of a deal to secure a greater financial safety net.

In return for taxpayer subsidies, farmers were supposed to protect the land for future generations. That meant taking steps such as planting field borders or leaving corn stubble in a field after harvest. Both techniques can reduce erosion of soil by wind and water.

Farmers who work land prone to erosion are required to follow specifically designed federal conservation plans or risk losing their federal subsidies.

The loss of federal payments is meant to be a huge club to gain the attention of those few farmers who don't want to protect their land for the long run.

The Register's analysis, however, shows that 97 percent of the money Iowa farmers were at risk of losing because of conservation violations was restored through ''good faith'' and other exemptions often granted by county committees. Those committees are largely composed of neighboring farmers.

Farmers were given several ways to sidestep penalties under the Freedom To Farm law. For instance, they could point to financial problems that might have kept them from following their conservation plans.

Virtually any farmer was given a year to fix problems found by federal inspectors, who say they check about 2 percent of all farmland each year to see whether conservation plans are followed.

In addition to the new exemptions, there has been a dramatic decrease in the number of annual inspections since passage of the Freedom To Farm law, according to data provided to the Register by the Iowa office of the Natural Resources Conservation Service, a branch of the USDA.

In 1993, the agency checked 2,536 tracts of farmland in Iowa. The number rose to 3,407 in 1997 before dropping sharply to 1,430 by 2001. Officials blame limited budgets and other department responsibilities for the decline.

But over the years, farmers haven't been bashful about complaining to members of Congress if their payments were threatened, said Lyle Asell of the Iowa Department of Natural Resources, who also used to work for the conservation service in Iowa.

''If they are going to lose payments, they could lose the farm, and the first thing they do is call their legislators,'' Asell said, adding that he still believes the program has greatly improved soil conservation in Iowa.

A CARROT, NOT A STICK

Jan Jamrog, a program specialist with the Farm Service Agency in Washington, D.C., said enforcement statistics don't give a complete picture of what's happening to the environment. For example, they fail to take into account farmers who don't bother to apply for subsidy payments because they know they're in violation of conservation rules.

Given the massive undertaking of policing America's farms, federal farm officials say they've learned that encouraging voluntary conservation improvements can be more effective than dropping the hammer on violators.

''There was a move away from the time spent on compliance in favor of voluntary programs,'' said Larry Beeler, a conservation worker in the Natural Resources Conservation Service's Des Moines office. ''Conservation compliance is important, but so are the voluntary programs.''

Beeler said the move reflects a nationwide trend to encourage greater soil protection through voluntary programs such as the conservation reserve and wetland reserve programs. Such programs reward farmers for taking highly erodible land out of production and for protecting and enhancing wetlands.

Beeler said his agency's move toward greater voluntary efforts has not hurt compliance: The proportion of inspected farms found to be in violation in any given year has stayed at 5 percent or less.

Many farmers agree that increasing enforcement isn't the answer. They say most producers know it's in their best interest to practice sound conservation.

''If you don't, you're not going to grow anything,'' said Tom Kohn, who farms 3,000 acres near Cushing. ''It will all go down the river. . . . The farmers who haven't taken care of the land aren't in business anymore.''

Changes in 1996 that gave local officials broad discretionary powers can help and hurt a farmer, others say.

Glenn Marsh, who farms 550 acres near Mapleton, said he's found different conservation rules in neighboring Monona and Woodbury counties.

''It has to be the same all over,'' he said. Marsh called the linking of conservation inspections and farm subsidies ''the biggest joke there ever was.''

Other farmers expressed concern about enforcement.

''I've had some bad experiences with local, state and national farm officials,'' said Mort Zenor, who farms 900 acres in Woodbury County. ''They've got cold ears.''

Zenor, who received more than $225,000 in federal farm subsidy payments from 1996 through 2001, lost $17,000 in the mid-1990s for tilling 40 to 50 acres that conservation officials had designated as no-till.

''I didn't have a no-till planter, and we couldn't afford to buy a new one,'' he said.

Zenor tried to fight the fine. He hired a lawyer and appealed his case to a county committee, as well as district and state offices, but the fine was upheld.

''It's worse than an income-tax audit,'' he said. ''They're right and you're wrong.''

Woodbury County led Iowa for violations of approved conservation plans from 1993 through 2001, according to federal data. Sixty-four tracts of land were discovered to be in violation during those years.

Aster Boozer, a conservation worker for the Natural Resources Conservation Service, said western Iowa's Loess Hills make combining farming and conservation in the area more challenging.

''They are steep and highly erodible,'' he said of the hills. ''It means our conservation plans are very complex.''

Jamrog, the program specialist with the Farm Service Agency in Washington, said many violations are accidental.

''FSA's goal is to not penalize producers, if they are willing to get themselves into compliance,'' he said.

PROGRESS IS SLOW

Even critics of the 1996 changes acknowledge that the evidence that programs aren't working is largely anecdotal.

Measuring erosion is expensive and extremely technical. The Natural Resources Conservation Service tries to measure erosion every five years. Its last survey came in 1997, just a year after the farm bill changes cited by environmentalists. Results of the 2002 survey may not be available until 2003 or 2004.

Jeff Vonk, director of the Iowa Department of Natural Resources and a former top Iowa official for the Natural Resources Conservation Service, said that when he talks to Iowa's local soil and water commissioners, he receives conflicting signals.

''In some counties, they reflect some frustration on their perception of a lack of enforcement,'' Vonk said. ''In other counties, they say enforcement is maintained.''

As Vonk drives around Iowa, he can see the good and the bad. Some of the conservation programs begun in the mid-1980s have made a huge difference in soil conservation, but Vonk still sees muddy waters, fish kills and oxygen-robbing algae blooms created by fertilizer runoff.

Others suggest that changes should have been made in the farm bill currently under discussion to address conservation compliance enforcement.

''There seems to have been in this farm bill absolutely no interest in compliance provisions as a way to achieve better environmental progress,'' said Cox of the Soil and Water Conservation Society.

The answers will undoubtedly come too late for the 2002 farm bill, but Harkin is asking many of the questions that would have to be answered before significant changes can happen. His request to the General Accounting Office asks how the USDA monitors producers' use of conservation plans, how many exemptions are granted, and what the USDA does to ''ensure that violations are consistently identified.''

While he sees problems in the system, Cox and others say Iowa farmers have made great improvements in soil conservation since the policy was initiated in 1985.

''We're making progress, although it might be a little bit slower for some,'' said Art Ralston, a soil and water district commissioner in Woodbury County for more than a decade. ''We just have to keep plugging away.''

EROSION: WAITING FOR ANSWERS

The Natural Resources Conservation Service does an estimate every five years of total erosion on cropland and Conservation Reserve Program land. Environmentalists and farm officials are eagerly awaiting the 2002 results, due sometime in 2003 or 2004, because they might show whether total erosion has been affected by the changes in the 1996 farm bill.

[In billions of tons]

Year	Wind erosion	Sheet and rill erosion*	Total erosion
1982	1.38	1.69	3.07
1987	1.40	1.52	2.92
1992	.95	1.21	2.16
1997	.84	1.06	1.90

*Sheet and rill erosion is removal of soil by water runoff that is a fairly uniform, usually imperceptible thin layer of soil.

Source: Natural Resources Conservation Service.

COMPUTER PROBLEMS PLAGUE AGENCY

Part of the problem in evaluating whether farm subsidiaries are restored too easily for conservation violations lies with the federal computer system.

Flaws: The federal employees charged with monitoring conservation programs have yet to create a comprehensive record-keeping system. That means they can't determine what farmers on even what counties have lost the most money due to violations. It also means federal officials can't say whether the proportion of money returned to Iowa farmers found to be in violation of conservation rules is greater or lower than in other states.

Changes: ''We're in the process of developing a database that will allow us to do comparison statistics,'' said Jan Jamrog, a program specialist with the Farm Service Agency in Washington, D.C. ''I really don't know if that is similar to other states.''

SIGNS OF TROUBLE

It's hard to measure the impact of the 1996 changes in the farm bill. Since it passed, the percentage of acres using conservation tillage has started to decrease and while no-till farming seems to be leveling off:

Year	Conservation tillage in the United States (percentage of total planted acres)	No-till adoption in the United States (millions of acres)
1990	26	16.8
1992	31	28.1
1994	34.7	38.9
1996	35.8	42.9
1998	37.2	47.8
2000	36.6	50.7

Source: Conservation Technology Information Center.

REQUESTING RECORDS

The Iowa Farm Service Agency, which administers U.S. Department of Agriculture farm programs in Iowa, denied a Freedom of Information Act request filed by the Des Moines Sunday Register for the release of the names of Iowa farmers who have lost farm program payments because of a failure to comply with their conservation plans.

Next: The Register has appealed the denied to the USDA's general counsel. Tal Day, legal analyst in the USDA's appeals and litigants group, said the appeal was being reviewed by the general counsel's office.

Information: The state Farm Service Agency's Des Moines office did provide the newspaper with an electronic file of farm numbers and the proposed fines and dollars reinstated. That information was used to generate a statewide percentage of reinstated payments.

Appeal denied: Zenor adjust markers on his machinery for planting corn. He appealed the no-till fine to a county committee, as well as district and state offices, but it was upheld. ''It's worse than an income-tax audit. They're right and you're wrong.''

INSPECTIONS AND VIOLATIONS

The number of Iowa farms inspected by the National Resources Conservation Service, a branch of the U.S. Department of Agriculture, has gone down dramatically since passage of the 1996 Freedom to Farm legislation. As the number of inspections has dropped, so has the number of cases in which farmers have been found to be in violation of their approved conservation plan.

Year	Total inspections	Violations found	Percentage of farmland tracts found in violation
1993	2,536	102	4.0
1994	2,948	256	8.7
1995	2,946	120	4.1
1996	3,387	117	3.5
1997	3,407	63	1.8
1998	1,488	50	3.4
1999	1,517	67	4.4
2000	1,512	51	3.4
2001	1,430	39	2.7

Source: Des Moines Register analysis of data from the National Resources Conservation Service.

[From the Des Moines Sunday Register, Apr. 21, 2002]

CRITICS SEE LOOPHOLES IN CONSERVATION PROVISIONS

(By Blair Claflin)

Environmentalists and others say a handful of changes in the 1996 farm law, combined with the practical problems of turning federal employees into farm police, have undermined efforts to link farm subsidies to sound conservation practices.

''In 1996, Congress put in a whole second set of appeals when somebody got in the penalty box,'' said Kenneth Cook, executive director of the Environmental Working Group, an outspoken critic of U.S. Farm policy. ''There became lots of ways to get out.''

The changes included:

So-called good-faith exemptions for farmers who did not have a history of violating conservation provisions.

A one-year grace period for farmers to get into compliance.

An expedited procedure for producers to get variances to conservation plans because of problems deemed to be out of their control.

More authority for local officials to determine that conservation compliance plans included requirements that would cause ''undue economic hardships.''

''The conservation provisions of the 1996 farm bill simplify existing conservation programs and improve their flexibility and efficiency,'' said a U.S. Department of Agriculture summary of the legislation.

Craig Cox, executive director of the Soil and Water Conservation Society in Ankeny, says conservation advocates reached a different conclusion.

''The criticism has been that any one of these changes by itself was not a real cause for concern, but together they opened a number of loopholes for the enforcement of conservation provisions,'' Cox said.

Even critics like Cook, however, acknowledge that the concept of linking farm subsidies to conservation practices, which started in the mid-1980s, was in trouble well before 1996.

By the early 1990s, environmentalist were complaining that the concept wasn't being adequately enforced. USDA officials, in turn, complained they didn't have the staff or the time to monitor farm practices so closely.

And in small, tightly knit farming communities, many federal employees who ultimately were responsible for carrying out the new approach were not comfortable with policing their neighbors.

''Nobody wants to stick it to somebody who is demonstrating good faith,'' said Dan Towery, natural resources specialist with the Conservation Technology Information Center in West Lafayette, Ind.

Towery is a former farm official in Illinois who had to investigate compliance cases there. ''Determining what is 'good faith' is very subjective,'' he said.

No definitive studies have been done to determine whether erosion has increased significantly since 1997. The Natural Resources Conservation Service looks at that issue every five years, and its next study is scheduled for 2002.

However, survey work by Steven Kraft, chairman of the Department of Agribusiness Economics at Southern Illinois University in Carbondale, suggests farmers don't feel as threatened by the concept of linking conservation practices to subsidy payments.

Kraft, working with other researchers, surveyed farmers' attitudes about conservation between 1992 and 1996. the study looked at farmers in 100 different counties throughout the Midwest.

Producers were asked, for example, how fair they thought federal officials would be in implementing rules linking conservation to subsidies. In the fall of 1992, almost 29 percent said ''very fair.'' By the winter of 1996, the number had increased to nearly 38 percent.

HOW THE SYSTEM WORKS

Two branches of the U.S. Department of Agriculture play roles in enforcing conservation requirements:

NRCS: The Natural Resources Conservation Service helps farmers develop conservation plans for their farms. Then it polices their efforts to follow the plans.

FSA: If the conservation service finds that a farmer has violated a plan, it reports that to the USDA's Farm Service Agency, which can withhold a farmer's government subsidies.

Appeals: A farmer can appeal the penalty to Farm Service Agency county committees, which are composed of farmers elected by other farmers in the county. Adverse determinations by the county committee can be appealed to the state FSA committee and then to the national appeals division of the Farm Service Agency in Washington, D.C.

Mr. GRASSLEY. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MILLER). Will the Senator withhold his request?

Mr. GRASSLEY. Yes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ANDEAN TRADE PREFERENCE EXPANSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

Gregg amendment No. 3427 (to amendment No. 3401), to strike the provisions relating to wage insurance.

AMENDMENT NO. 3427

The PRESIDING OFFICER. Under the previous order, there will now be 90 minutes of debate on Gregg amendment No. 3427.

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, as we go through the details of this debate, I think it would be well for us to take a moment at the beginning to look at the overall situation we face and try to put this debate into some kind of context.

A fundamental principle that we need to remember in all of these conversations and discussions is this: All money comes from the economy. It does not come from the budget. It does not come from the actions of the Congress. It comes from the economy. If there were no underlying economy, there would be no money for the Federal Government to allocate. We have seen governments around the world that have tried to create money with no economy by passing budgets, and we have seen the disaster that occurs.

So the fundamental principle that we need to address, to begin with, is what are we doing that will help the economy grow? What are we doing with trade promotion that will make the American economy stronger? If we can always keep that in mind as we address these various amendments, we will not do harm to our Government or what it is we are trying to accomplish for our citizens.

The next principle that follows from that one is this: The most significant thing we can do to help the economy grow is to increase productivity—increase productivity of capital, of labor, of our money, that it is invested in the right places, so that we do not do things that will cause the economy to be less productive than it would be otherwise.

These are two very strong fundamentals. We must keep the economy strong and growing. The way to keep the economy strong and growing is to increase productivity. That brings us to the Gregg amendment.

The Gregg amendment would strike out a wage subsidy program that is currently in the bill that is clearly antiproductive. That is, the bill as it currently stands, would decrease American worker productivity in ways that we have already seen historically demonstrated in other countries. We can go, particularly, to the European countries and discover that they have problems with productivity, and they have problems with new job creation. One of the reasons they have problems is that they have structurally built into their economy a subsidy for nonproductive worker activity. It sounds very benign—indeed beneficial—to say to a worker: well, you have lost your job and therefore we will tide you over to another situation until you can get back on your feet. We have unemployment compensation for that. We have other safety net provisions.

But the Europeans, by and large, have adopted the notion that we not only tide you over, we make you whole and keep you in your present income circumstance regardless of our employment circumstance. I had this brought home very dramatically when the company that I ran came into difficulties and lost some clients and had to face laying off some people—ultimately including me. One of my employees, who was in our European subsidiary, said this with a complete straight face, not understanding how America works: How many months do we get from the Government in terms of maintaining our present salaries when this company fails?

I said: None.

He said: In the country where I am working, they get a year and a half to 2 years of continuation at present salary.

I said: Sorry, you are working for an American company—and he had come back here from Europe—and you are here in America. You have to find another job.

He did. He not only found another job, he found a better job than the one he had with me. I had to find another job as my company failed. I did.

If we had been under the circumstances of the language that is in this bill, we could have said to ourselves that we did not have any pressure to find another job; we could be subsidized where we were. We did not need to move forward. We could go just