

AGRICULTURE APPROPRIATIONS

Mr. ASHCROFT. Mr. President, I yield myself as much of the 25 minutes as may be necessary to make my point.

I rise today with substantial concern and significant frustration. The pending business before the Senate is the agriculture appropriations bill. But for the second day in a row, it appears that we will not work on this important legislation. Those on the other side of the aisle have said they will not let any legislative work get done until they are able to have, apparently, an unlimited debate on a so-called Bill of Rights for health care patients.

Those on the other side claim that they must have a debate on their bill, but that is not the point. What they are really doing is thwarting this body, the Senate, in its constitutional duty to pass appropriations bills so that we can make sure that important components of our Government remain viable and continue to do their job.

The agriculture appropriation bill is a very important measure, not just in one State in America but in every State in America. Let me remind all Senators that our responsibility to pass appropriations bills is defined by the U.S. Constitution, which requires "appropriations made by law"—that means we have to pass them—"prior to the expenditure of any money from the Federal Treasury." That is article I, section 9.

I see nothing in my reading of the Constitution that says the Senate must have unlimited debate on some other issue of interest or that the Senate even has the authority to speak on all the issues between a patient and a doctor.

Granted, we have until October 1 to conclude the appropriations process. That seems like a long way off, summer having just started. But I am not sure exactly why we would be dragging our feet now, because I am sure I do not have to remind anybody of what happened last October when we did not do our work early. Congress did not complete its job on time, and the American people are the ones who ended up paying for our irresponsibility with a \$20 billion-some so-called emergency appropriation that came when, instead of constitutionally addressing our responsibility on appropriations, the President and a few Members of this body combined to invade the Social Security trust fund for about \$22 billion in emergency spending.

Members on both sides of the aisle complained bitterly for months about the process and the outcome. Members from both sides pledged to work together to make sure that history did not repeat itself this year.

I commend the leadership and the Appropriations Committee for the wonderful start that has been made on the appropriations bills. It is June 24, and

the Senate has passed four appropriations bills and has five more ready for the floor. If those on the other side ever allow us to return to our duties, we can do the job and do it well.

Let me caution all of us that summer will pass quickly. We should not put off our responsibilities. We are sent here by our constituents to do our jobs for them, not to sit in endless quorum calls and have days of morning business because some group wants a special interest measure to be addressed and demands unlimited debate without any end in sight.

In addition, I am concerned that certain Senators are holding this agriculture appropriations bill hostage at a time when many in our farm communities are undergoing great hardship. America may be in the midst of great prosperity, but it is not a prosperity that has reached the farms. Many of our farmers are working harder and harder, and times are tougher and tougher, not better and better.

Just a few months ago, we passed an emergency supplemental appropriations bill that dealt, in part, with the crisis in the agriculture sector. Members on both sides of the aisle agree that farm families are not enjoying the prosperity that other Americans have recently been enjoying. So this is not the time for the Senate to deal another blow to those who are already hurting. It is not the time for the Senate to kick agriculture while it is down. We need to stand up for our farmers, and we need to stand up for our ranchers, not to try to make political hay out of an issue unrelated to agriculture on the agriculture appropriations bill.

Since we are not on the agriculture appropriations bill, and I am not sure when we will return to it, I want to spend a few minutes talking about an amendment I plan to offer to the agriculture appropriations bill. It is an amendment that will help farmers by opening, and keeping open, foreign markets to their goods.

I want to discuss a commitment the Congress made to America's farmers and ranchers when we passed the Freedom to Farm bill 3 years ago. Then, we promised that as the Government reduced farmer price support programs, we would ensure that farmers had ascending opportunities to be competitive in international markets. As we withdrew the Government involvement in farming, we would expand the opportunities for farmers in markets overseas. This was a promise to open new markets. However, in order to do so, we had to not only remove foreign barriers to U.S. farmers and ranchers, we needed to remove our own barriers to U.S. exports of farm goods. Removing U.S. barriers means agricultural sanctions reform, which is important to America's farmers and ranchers, and especially important to me as a Member who represents a farm State.

For more than 200 years, farmers and ranchers have been vital to the growth and the economic prosperity of the United States. We were an export country, agriculturally, from the beginning. We always responded to challenges in our competitive free market system. I believe the United States has the best farmers in the world—first class in production, processing, marketing, both abroad and at home. However, we are now seeing the effects of depressed farm prices across the Nation. No doubt, we need to face the crisis head on, but while we are passing multiple spending bills this year, there are some basic questions we should answer:

Have we done everything we can to allow farmers to be independent, to allow farmers to have the freedom to compete, to give them opportunities and not just send them money, to consider the long-term well-being of family farms? In the absence of us fulfilling our promise to open markets, is our spending merely keeping farms solvent this year only to be lost in the future?

We have had 3 years to answer these questions, and the answer to all of them is still a resounding no.

The administration and the Congress have many words about open markets and more export opportunities, but our actions have been to bog ourselves down with turf battles and procedural maneuvering. How can we explain this to the agricultural community across America? How can we tell our family farmers in the Midwest, in Missouri, in the Far West, or in the East and the South, that we really want to give them increasing opportunity in world markets, and then thwart our own goal with institutional barricades, and tell them we want to sell abroad but forbid them to sell abroad by having embargoes of our own products, sanctions against countries that are unnecessary and counterproductive, so it makes it impossible for them to have the same markets they would otherwise enjoy?

I believe we must enact reforms that give farmers and ranchers the opportunity both to be productive and to be competitive. Such reforms will strengthen farm families. I believe these policies are ones rooted in the American tradition of increasing opportunity.

One-hundred-plus years ago, my grandfather, John M. "Cap"—they called him Cap—Larsen left northern Norway as a 13-year-old to sail the high seas. He changed his name and, with all his earthly endowment contained in a duffel bag, he switched ships and boarded one destined for the United States as a crew member. He could not speak the language, but he knew that America was a place of ascending opportunity, and he came here.

We have a responsibility to America to keep our opportunity growing. We can't keep our opportunity growing if

we are closing the markets in which American farmers can sell their produce. So, clearly, our opportunity is to say to American farmers—and I would like to say to Missouri farmers—we want you to have an opportunity to sell your goods in as many places as is possible.

The agricultural industry is the backbone of my State's economy, accounting for more than \$4 billion annually.

While the United States can produce more food than any other country, we account for only 5 percent of the world's consuming population. That leaves 95 percent of the world's consumers outside of our borders. This is an astounding statistic when we put it in terms of creating opportunities. Exports account for 30 percent of the gross cash receipts for America's farmers, and nearly 40 percent of all U.S. agricultural production is exported. However, with the consuming capacity of the world largely outside our borders, our farmers and ranchers need increasing access to foreign demand.

Farmers and ranchers tell me repeatedly that they want more of our help abroad and less of our interference on their farms. They need us to open foreign markets, and they need us to keep those markets open.

Our first task—opening foreign markets—looms before us like a brick barricade. With the same will and authority of President Reagan before the Berlin Wall—when he said, “Mr. Gorbachev, tear down this wall”—we must face head-on the barricades before our farmers and ranchers. It is not an easy task, but then again neither was dismantling the Evil Empire.

The Europeans are standing on their massive wall of protectionism built across the trail of free trade and simply rejecting U.S. beef. For example, May 13 was the last date for them, according to the orders from the World Trade Organization, in which they had exhausted every appeal. That was the last day for them to finally say they will accept U.S. beef. They refused to do so.

We have to blaze a trail. The Europeans cannot be allowed to make a mockery of our competitive spirit, especially that of our cattle ranchers.

Our second task—keeping markets open—is why my colleagues and I are here on the floor today. The picture of ascending opportunity for farmers is incomplete without a view of foreign markets unimpaired by U.S. embargoes.

We have gone from the idea of trade barriers on the part of the Europeans to embargoes on the part of the United States. We keep a number of our farm products from being sold around the world, and unnecessarily.

I might add that using food and medicine as weapons creates a cumbersome trail, an environment of descending op-

portunities. Agricultural embargoes amount to a denial of much-needed food and medicine for the innocent people of foreign lands with whom we have no quarrel and to a unilateral disarmament of the farmers in a competitive world market. We have simply pulled our farmers out of competition in a number of areas where we need not. We must not use our farmers or innocent people as pawns of diplomacy or allow our embargoes merely to add bricks to the walls of protectionism that other countries have erected.

Our farmers have jumped through all the hoops of foreign trade barriers and redtape to establish trusted relationships with foreign buyers. That has happened. And the U.S. Government should be extremely cautious about interrupting their sales by imposing trade sanctions.

Many farmers' livelihoods depend on sales overseas. For instance, in the mid-1990s, more than one-fourth of Missouri's farm sales were made to overseas consumers. But because the U.S. Government has sanctioned agricultural trade, there has been an estimated \$1.2 billion annual decline in the U.S. economy during these years.

In other words, our whole country suffered to the tune of an annual decline of \$1.2 billion as a result of agricultural embargoes. This translates into 7,600 fewer U.S. jobs. Even one-third of those 7,600 jobs lost translates into the loss of a family farm. So we have lost about 2,500 family farmers in each of the last several years because of agricultural embargoes.

Sometimes I think we need to ask ourselves: Who are we hurting? We think we are hurting other countries that go into the world market and buy from other suppliers. I don't think we are hurting them badly—perhaps not nearly as badly as we hurt America when we lose 2,500 family farms a year. That is 50 family farms a week. That is a tradition that they no longer pass on—a tradition of resourcefulness, a tradition of independence, a tradition of providing food and fiber to a hungry world.

Additionally, this debate on agricultural sanctions reform is broader than the effect sanctions have on America's farmers. In addition to hurting our sales and damaging our farmers' credibility as suppliers, embargoes deny food and medicine to those who need it most—citizens who have to live under the rule of some of those who are most oppressed.

Also, the United States, by imposing unilateral agricultural embargoes, can actually end up benefiting instead of punishing foreign tyrants. For instance, one of the little-known aspects of the Soviet grain embargo concerns how much money the Soviets saved as a direct result of the United States “punishing” them with an embargo. There may be a number of people who

do not remember the U.S. grain embargo with the Soviet Union in the late 1970s, I believe it was. We thought, well, they are not doing things the way we want them to, so we will make it tough on the Soviets. We will embargo exports from the United States to the Soviet Union. The Soviet Union, when we said we would no longer trade with them, was able to cancel 17 million tons of relatively high-priced purchases from the United States. So they wouldn't buy these quality well-produced items from American agriculture. They replaced those purchases they were going to get from American agriculture with purchases from other countries. What do you know? They even bought from other countries at lower prices.

The U.S. embargo unilaterally canceled private contracts and drove the world market prices down by sending our grain into the world market, and at the same time it was estimated that the embargo saved the Soviets about \$250 million. In an effort to hurt the Soviets, we saved them \$250 million, and we cost the American agricultural community 17 million tons of agricultural sales to a market for which the contracts had already been signed.

That is not exactly the intended result. But all too frequently when we keep our farmers from selling to countries overseas as a result of these sanctions and embargoes, we end up hurting ourselves, and not the other country. We end up destroying family farms in America—not something in the other jurisdiction. We end up making it tough on American farmers.

I agree that in some instances the United States needs to use trade sanctions. They can be a foundation for the protection of our national security interests and to the promotion of our foreign policy goals. However, because I believe agriculture and medicine should rarely be used as a unilateral weapon—they aren't things that really are going to win wars for us generally, especially if the agriculture production that we cut off is really replaced just by production brought on line in other cultures—I think we should be very serious about any effort to use agriculture or medicine as a weapon.

I think both the Congress and the administration need to consider it very carefully, and that they ought to combine their authority to lift most of the remaining restrictions on American farmers and ranchers. We ought to give them a chance to sell to a hungry world.

That is why a number of Senators and I—Senator HAGEL, Senator BOXER, Senator KERREY, Senator ROBERTS, and Senator DODD—are working on this amendment which I would otherwise be offering if we weren't in morning business. I hope many other Senators will join.

We want to be involved in discussing what is good for America—yes—what is

good for our farm communities, and our home States, and discuss why sanctions, which really hurt us more than they hurt the other fellow, are really counterproductive to American farmers. If there are costs to be borne in our culture as a result of our antagonism with others, those costs should not be focused solely on the agricultural communities in a way that makes our farmers less competitive, because we narrow in a significant way the markets that they would otherwise have in the world marketplace.

The theme of the amendment I would have proposed is that sanctions should rarely, if ever, be imposed against food or medicine, and, if they need to be imposed, both Congress and the President should be involved. Our farms should not be sanctioned without serious deliberation about the effects. If food and medicine for the world is important—and the Food and Medicine for the World Act should be passed—it is this: That in order to use agriculture or medicine as a part of a sanctions regime, there would have to be an agreement between the administration and Congress.

Let me make this clear. We don't want to tie the hands of the President. We merely want to require the President and Congress to shake hands in agreement, if we are going to ever use food and medicine as a part of a sanctions or an embargo regime.

That is the thrust of the amendment, which I am proposing; and here is how it would happen. Under the amendment, agriculture is carved out of a sanctions package when any new sanctions are imposed. The President would still be able to use his broad sanctions authority, but agriculture and medicine would be treated a little differently.

When any new unilateral sanction is announced by the President, the sanctions he imposes may go into effect, except they would not affect agriculture or medicine unless the President submits a report to the Congress asking the sanctions include agriculture, and Congress approves, by joint resolution on expedited review, his request to sanction agriculture and/or medicine.

Additionally, sanctions on agriculture and medicine that are put in place by the new procedure would sunset after 2 years unless the President made a new request for sanctions and the Congress extended that particular item.

There are certain instances in which the President would not have to get approval from Congress to include agriculture and medicine in a sanctions regime. First of all, we want to make sure we are not aiding terrorists in any way. It is one thing for terrorists to use their money to buy our food. At least they aren't using their money to buy bombs and weapons. However, we need to make sure we don't somehow

subsidize our sales to terrorists. That is why we have included an exception in the bill for terrorist governments. In no instance would we extend credit or credit guarantees to governments of state-sponsored terrorism. This is an important point to me: We are not going to be giving tax dollars of the American people to terrorist governments so they can buy our food and, having gotten credit from us, then buy munitions to carry out their terrorism. That is not possible under this act.

Second, we will not give terrorists any dual-use items. This sanctions amendment specifically carves out items on the commerce control list, items on the munitions list, and any item that would be used to manufacture chemical or biological weapons. This is the strongest belt-and-suspenders approach possible. We honor the commerce control list, the munitions list, and we would make sure there were no credit extensions to terrorist regimes.

Finally, if Congress has declared war, the President would be able to include agriculture and medicine in a sanctions regime against the country of which we are at war. If we have declared war, obviously we are not going to be aiding or trading with the enemy in any way. Congress would not have to again provide ratification of the President's sanctions in that setting.

My colleagues and I are genuinely of the belief that this bill is in the best interests of American agriculture. It is the best approach to agricultural sanctions reform. We do not have to balance national security interests versus farm exports because we do not limit the ability of the United States to protect its national security interests. When the national interests are clearly at stake, the Congress and the President should be able to agree.

For the most part, I do not think we should use items such as wheat and soybeans as weapons for foreign policy. However, if the need ever arises to embargo agriculture, Congress and the administration can impose sanctions that would affect the flow of our agricultural goods to nations abroad; we just need to have a deliberative process set in place, and we need to ensure that both the President and the Congress are in agreement.

The food and medicine for the world amendment is fair and it is constitutional. The food and medicine for the world amendment, which is the amendment I would propose today if we were actually on the bill, sends a message to overseas customers that U.S. farmers and ranchers will be reliable, that people can depend on our produce and our production, and we will honor our contracts.

The food and medicine for the world amendment also sends a message to U.S. farmers and ranchers. It says we will not tamper with their capacity to

have good, open markets around the world without due deliberation. Also, it begins to fulfill a definite promise made to our farmers and ranchers a little over 3 years ago.

Not only would we be assuring U.S. farmers and ranchers, I think we would be sending a signal to poor citizens around the world who need the food, the produce, the fiber that we produce, the medicines that we have, that we have a heart in America that respects their heart, that they are not subscribing to tyranny because they have to live under it, and that we are not unwilling to provide needs to individuals as long as our provision of needs doesn't sustain the oppression of individuals.

It is time to enact a policy that supports our farmers' efforts to reach their competitive potential internationally, a policy that makes food and medicine available around the world. We must create "ascending" opportunity for our farm families. This measure would provide for that. It also understands that there are times when we need to curtail the flow of our goods overseas, but it requires both the administration and the Congress to come to an agreement in order for that to happen.

I believe the food and medicine amendment which I would be proposing, were those on the other side of the aisle not thwarting our capacity to move forward in addressing the pressing needs of agriculture today, is essential to the well-being of the farmers and ranchers in America, also essential to our well-being and our reputation as a reliable producer and provider of food, fiber, and medicine around the world.

I ask unanimous consent two pertinent letters be printed in the RECORD.

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

JUNE 23, 1999.

Hon. JOHN D. ASHCROFT,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR ASHCROFT: We are pleased that you and other supporters of sanctions reform are preparing to offer an amendment to the Agriculture Appropriations bill today.

The amendment, "Food and Medicine for the World," would exempt agricultural and medical products from unilateral sanctions unless the President submits a report to Congress asking that the sanctions include agriculture and Congress approves his request by joint resolution. If a sanction is imposed on agricultural exports following joint resolution approval, it would sunset in two years unless the process is repeated at that time.

We strongly support this amendment and believe it would result in true sanctions reform for U.S. farmers and ranchers. As you know, unilateral sanctions inflicted the most damage on U.S. producers. They often result in no change in the target country as these nations simply source their agricultural purchases from our competitors. The end result is that our producers are branded unreliable

suppliers and lose access to important markets for decades to come. This amendment would begin to restore the U.S. reputation as a reliable supplier of agricultural products.

Access to export markets is more important than ever given the decline in projected exports for 1999 and depressed commodity prices worldwide. We endorse your efforts to keep our export markets open.

American Cotton Shippers Association; American Farm Bureau Federation; American Soybean Association; American Vintners Association; Animal Health Institute; Archer Daniels Midland Company; Biotechnology Industry Organization; Cargill; Central Soya Company, Inc.; Cerestar USA; ConAgra, Inc.; Continental Grain Company; Corn Refiners Association; Farmland Industries, Inc.; Florida Phosphate Council; Independent Community Bankers of America.

National Association of Animal Breeders; National Association of Wheat Growers; National Barley Growers Association; National Cattlemen's Beef Association; National Chicken Council; National Corn Growers Association; National Council of Farmer Cooperatives; National Food Processors Association; National Grain Sorghum Producers; National Grange; National Oilseed Processors Association; National Pork Producers Council; National Renderers Association; North American Millers' Association; Philip Morris Companies Inc.; Sunkist; USA Rice Federation; United Egg Association; United Egg Producers; U.S. Wheat Associates, Inc.

MISSOURI FARM BUREAU FEDERATION,
Jefferson City, MO, June 17, 1999.

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

DEAR SENATOR ASHCROFT: Missouri Farm Bureau, the state's largest general farm organization, strongly supports the Ashcroft-Hagel-Baucus-Kerrey amendment that provides U.S. agricultural producers with much-needed protection from unilateral trade sanctions. Furthermore, I commend the sponsors of the amendment for recognizing the damage inflicted upon our nation's farmers when food is used as a weapon.

This amendment is especially important given the current weakness of the U.S. farm economy. Ill-conceived trade policy that prevents U.S. agricultural exports not only has financial ramifications for our farmers but also provides new market opportunities for our competitors.

This amendment exempts agriculture from unilateral trade sanctions, yet recognizes there may be instances where such drastic action is warranted. When a situation arises where the President feels it is necessary to include agriculture, the amendment provides a procedure to obtain this authority.

Unilateral trade sanctions have proven to be a tool best to avoid. I commend your efforts and urge other Senators to support this important amendment.

Sincerely,

CHARLES E. KRUSE,
President.

Mr. ASHCROFT. 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. BAUCUS. 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. BAUCUS. Mr. President, I ask unanimous consent to speak for 15 minutes as in morning business, and I also ask unanimous consent that Senator DORGAN be allowed to follow me when I have finished.

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

PATIENTS' BILL OF RIGHTS EMERGENCY SERVICES PROVISIONS

Mr. BAUCUS. Mr. President, I join my Democratic colleagues in their fight to have an open and unrestricted debate on the Patients' Bill of Rights. Over the past several days, we have heard the Republican leadership say they are interested in having an up-or-down vote on their bill, followed by a vote on the Democratic bill. We all know this is not how the Senate is supposed to work. We are a deliberative body, and as such, we should have debate on important issues that affect the lives of Americans.

The Patients' Bill of Rights addresses one of the most important issues the Senate can debate: the rights of Americans to have access to quality health care.

Our health care system essentially relies on three important factors: First is access to health care; second is the quality of our health care; and third is cost controls, that is, the cost of our health care.

The problem is it is extremely difficult, if not impossible, to have the best in all three areas. If we concentrate on two of the areas, that usually results in sacrifices in the third area. The whole reason we are trying to have this debate is that this trio of access, of quality, and of cost control has shifted out of balance. Our market-driven health care system has become too focused on controlling costs and protecting corporate profits. Although predictable, this, unfortunately, has led to sacrifices in access to health care and quality health care.

It is important to point out we do need to be concerned about cost control in our health care system, no doubt about it. In fact, managed care has done many of the things we hoped it would do. For example, it has improved the efficiency of health care delivery, it has slowed down the growth in health care costs, and it has enhanced the collection of data to assess the quality of care. It has done all that, and that is good.

The message of this debate is not that managed care is the enemy. As I said, managed care has done a lot of things which are very important. This debate, rather, is about restoring a balance in our health care system.

We certainly could design a health care system that is only concerned about money, but that would miss the point. Unfortunately, though, we are headed in that direction. We need to stop and ask ourselves what we value in our health care system and what it means to have health insurance in America. That is why we want this debate so we can find answers to those questions.

I stand with my Democratic colleagues who have called for an open debate. One of the reasons an open debate would be helpful is there is room for compromise. In fact, I am a cosponsor of a bipartisan patient protection bill that I think strikes an important balance between the two sides which we have heard about in the last few days.

We need to come out of our corners and debate the issues because I believe there is an important middle ground, one that many Senators can support, if we simply have the courage to debate the provisions of these bills and let the votes fall where they may.

I want to address an important area in the Patients' Bill of Rights; that is, the provisions that address coverage for emergency services. Both the Republican and Democratic bills provide coverage for emergency services using a prudent layperson standard. Unfortunately, the Republican version of the prudent layperson standard falls short of the standard that Congress has already enacted for the Medicare and Medicaid programs in the Balanced Budget Act of 1997.

This means that under that bill, hard-working Americans with private insurance will have less protection for emergency services than beneficiaries in Medicaid and Medicare programs. The bipartisan bill that I cosponsor and the Democratic Patients' Bill of Rights contain the real prudent layperson standard for emergency services.

What is the problem with the other version, that is, the Republican version of the prudent layperson standard? There are two important weaknesses in that standard.

First, that standard provides an inadequate scope of coverage for emergency services. We have heard a lot of discussion about the scope of coverage in the two bills over the last 2 days. The best example of why we need to have uniform protections for patients throughout the country is the prudent layperson standard.

The Federal Government is already involved in every emergency room visit in this country. We have strict Federal standards to protect patients with medical emergencies. These standards are embodied in the Emergency Medical Treatment and Labor Act or EMTALA. It is hard to argue that the Federal Government should not be involved in protecting patients with medical emergencies when the Federal Government already is involved.