



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106<sup>th</sup> CONGRESS, SECOND SESSION

## SENATE—Wednesday, October 25, 2000

(Legislative day of Friday, September 22, 2000)

The Senate met at 11:01 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

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

*Dear Lord and Father of mankind  
Forgive our feverish ways . . .  
Take from our souls the strain and stress,  
And let our ordered lives confess  
The beauty of Your peace.*—Whittier.

In this time of prayer, we claim the assurance given through Isaiah. You promise to keep us in perfect peace if we allow You to stay our minds on You. This is the peace we need today. The conflict and tension of these days threaten to rob us of peace in our souls. It is easy to catch the emotional virus of frustration and exasperation, criticism and consternation, party spirit and quid pro quo manipulation.

Then we remember that Your peace is the healing antidote that can survive any circumstance. Give us the peace of a trusting and committed mind guided by Your Spirit. May Your deep peace flow into us, calming our impatience and flow from us to others claiming Your inspiration. In the name of the Prince of Peace who whispers in our souls, "Peace I leave with you, My peace I give to you; not as the world gives do I give to you. Let not your heart be troubled, neither let it be afraid."—John 14:27. May this be a great day of working cooperatively to finish the work of the 106th Congress for Your glory and the good of America. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, 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.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The able acting majority leader is recognized.

### SCHEDULE

Mr. STEVENS. Mr. President, speaking on behalf of the leader, for the information of all Senators, the Senate will be in a period of morning business until 12:30 p.m. today, with Senators DURBIN and THOMAS in control of the time. At 12:30, the Senate will recess until 2:15 for the weekly party conferences to meet. The House is expected to consider the continuing resolution this morning and the conference report to accompany the foreign operations appropriations bill this afternoon.

Therefore, the Senate will begin its consideration of those bills as soon as they become available. It is expected that the final votes regarding S. 2508, the Ute Indian water rights bill, will be this afternoon. Senators should be prepared to vote beginning around 4:30 this afternoon and throughout the remainder of the week in an effort to complete all business by the end of the week.

The leader thanks all Senators for their attention to this schedule.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Alaska.

### DAIRY MARKET ENHANCEMENT ACT OF 2000

Mr. STEVENS. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 2773, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2773) to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

#### AMENDMENT NO. 4340

Mr. STEVENS. Senator CRAIG has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. CRAIG, proposes an amendment numbered 4340.

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

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

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Dairy Market Enhancement Act of 2000".

#### SEC. 2. DAIRY PRODUCT MANDATORY REPORTING.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

##### "Subtitle C—Dairy Product Mandatory Reporting

#### "SEC. 271. PURPOSE.

"The purpose of this subtitle is to establish a program of information regarding the marketing of dairy products that—

"(1) provides information that can be readily understood by producers and other market participants, including information with respect to prices, quantities sold, and inventories of dairy products;

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

“(2) improves the price and supply reporting services of the Department of Agriculture; and

“(3) encourages competition in the marketplace for dairy products.

**“SEC. 272. DEFINITIONS.**

“In this subtitle:

“(1) **DAIRY PRODUCTS.**—The term ‘dairy products’ means manufactured dairy products that are used by the Secretary to establish minimum prices for Class III and Class IV milk under 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 Agreement Act of 1937.

“(2) **MANUFACTURER.**—The term ‘manufacturer’ means any person engaged in the business of buying milk in commerce for the purpose of manufacturing dairy products.

“(3) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Agriculture.

**“SEC. 273. MANDATORY REPORTING FOR DAIRY PRODUCTS.**

“(a) **ESTABLISHMENT.**—The Secretary shall establish a program of mandatory dairy product information reporting that will—

“(1) provide timely, accurate, and reliable market information;

“(2) facilitate more informed marketing decisions; and

“(3) promote competition in the dairy product manufacturing industry.

“(b) **REQUIREMENTS.**—

“(1) **IN GENERAL.**—In establishing the program, the Secretary shall only—

“(A)(i) subject to the conditions described in paragraph (2), require each manufacturer to report to the Secretary information concerning the price, quantity, and moisture content of dairy products sold by the manufacturer; and

“(ii) modify the format used to provide the information on the day before the date of enactment of this subtitle to ensure that the information can be readily understood by market participants; and

“(B) require each manufacturer and other person storing dairy products to report to the Secretary, at a periodic interval determined by the Secretary, information on the quantity of dairy products stored.

“(2) **CONDITIONS.**—The conditions referred to in paragraph (1)(A)(i) are that—

“(A) the information referred to in paragraph (1)(A)(i) is required only with respect to those package sizes actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order;

“(B) the information referred to in paragraph (1)(A)(i) is required only to the extent that the information is actually used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order;

“(C) the frequency of the required reporting under paragraph (1)(A)(i) does not exceed the frequency used to establish minimum prices for Class III or Class IV milk under a Federal milk marketing order; and

“(D) the Secretary may exempt from all reporting requirements any manufacturer that processes and markets less than 1,000,000 pounds of dairy products per year.

“(c) **ADMINISTRATION.**—

“(1) **IN GENERAL.**—The Secretary shall promulgate such regulations as are necessary to ensure compliance with, and otherwise carry out, this subtitle.

“(2) **CONFIDENTIALITY.**—

“(A) **IN GENERAL.**—Except as otherwise directed by the Secretary or the Attorney General for enforcement purposes, no officer,

employee, or agent of the United States shall make available to the public information, statistics, or documents obtained from or submitted by any person under this subtitle other than in a manner that ensures that confidentiality is preserved regarding the identity of persons, including parties to a contract, and proprietary business information.

“(B) **RELATION TO OTHER REQUIREMENTS.**—Notwithstanding any other provision of law, no facts or information obtained under this subtitle shall be disclosed in accordance with section 552 of title 5, United States Code.

“(3) **VERIFICATION.**—The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under this subtitle.

“(4) **ENFORCEMENT.**—

“(A) **UNLAWFUL ACT.**—It shall be unlawful and a violation of this subtitle for any person subject to this subtitle to willfully fail or refuse to provide, or delay the timely reporting of, accurate information to the Secretary in accordance with this subtitle.

“(B) **ORDER.**—After providing notice and an opportunity for a hearing to affected persons, the Secretary may issue an order against any person to cease and desist from continuing any violation of this subtitle.

“(C) **APPEAL.**—

“(i) **IN GENERAL.**—The order of the Secretary under subparagraph (B) shall be final and conclusive unless an affected person files an appeal of the order of the Secretary in United States district court not later than 30 days after the date of the issuance of the order.

“(ii) **FINDINGS.**—A finding of the Secretary under this paragraph shall be set aside only if the finding is found to be unsupported by substantial evidence.

“(D) **NONCOMPLIANCE WITH ORDER.**—

“(i) **IN GENERAL.**—If a person subject to this subtitle fails to obey an order issued under this paragraph after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate United States district court for enforcement of the order.

“(ii) **ENFORCEMENT.**—If the court determines that the order was lawfully made and duly served and that the person violated the order, the court shall enforce the order.

“(iii) **CIVIL PENALTY.**—If the court finds that the person violated the order, the person shall be subject to a civil penalty of not more than \$10,000 for each offense.

“(5) **FEEES.**—The Secretary shall not charge or assess a user fee, transaction fee, service charge, assessment, reimbursement fee, or any other fee under this subtitle for—

“(A) the submission or reporting of information;

“(B) the receipt or availability of, or access to, published reports or information; or

“(C) any other activity required under this subtitle.

“(6) **RECORDKEEPING.**—Each person required to report information to the Secretary under this subtitle shall maintain, and make available to the Secretary, on request, original contracts, agreements, receipts, and other records associated with the sale or storage of any dairy products during the 2-year period beginning on the date of the creation of the records.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.”.

Mr. STEVENS. I ask unanimous consent the amendment be agreed to, the bill be read for the third time and passed, the motion to reconsider be laid on the table, and any statements relating to this bill be printed in the RECORD.

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

The amendment (No. 4340) was agreed to.

The bill (S. 2773), as amended, was read the third time and passed.

**NATIONAL RECORDING PRESERVATION ACT OF 2000**

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4846, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4846) to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4341

Mr. STEVENS. Mr. President, it is my understanding Senator DASCHLE and others have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DASCHLE, for himself, Mr. LEAHY, and Mr. WYDEN, proposes an amendment numbered 4341.

Mr. STEVENS. 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:

In section 101, insert “and collections of sound recordings” after “recordings”.

In section 102(a)(1), insert “and collections of sound recordings” after “recordings”.

In section 102(a)(1), strike “10 years” and insert “25 years”.

In section 102(a)(3), insert “and collections of sound recordings” after “recordings”.

In section 102(b), insert “or collection of sound recordings” after “recording”.

In section 103(a), insert “or collection of sound recordings” after “recording” each place it appears.

In section 103(b)(1), insert “or collection of sound recordings” after “sound recording”.

In section 103(b)(4), insert “or collection of sound recordings” after “sound recording” the first place it appears.

In section 103(c), insert “or collection of sound recordings” after “sound recording”.

In section 103(c), strike “recording,” and insert “recording or collection.”

In section 104(a), insert “(including electronic access)” after “reasonable access”.

In the heading for section 122(d)(2), insert “OR ORGANIZATION” after “ORGANIZATION”.

In section 124(a)(1), insert “and collections of sound recordings” after “recordings” the first place it appears.