S. 3246. A bill to prohibit the importation of any textile or apparel article that is produced, manufactured, or grown in Burma; to the Committee on Finance.

By Mr. HARKIN:

S. 3247. A bill to establish a Chief Labor Negotiator in the Office of the United States Trade Representative; to the Committee on Finance.

By Mr. BAYH (for himself and Mr. LUGAR):

S. 3248. A bill to authorize the Hoosier Automobile and Truck National Heritage Trail Area; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. WELLSTONE, Mr. KENNEDY, Mrs. MURRAY, Mr. FEINGOLD, Mr. BINGAMAN, Mrs. BOXER, Ms. MIKULSKI, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. AKAKA, Mr. LIEBERMAN, Mr. LEAHY, Mr. BAUCUS, and Mr. ROCKEFELLER):

S. 3249. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself, Mrs. FEINSTEIN, Mr. LUGAR, Mr. SCHUMER, Mr. GORTON, Mr. JOHNSON, Mr. HELMS, Mr. ALLARD, Mr. ASHCROFT, Mr. WYDEN, Mr. TORRICELLI, Mr. DEWINE, Mr. GRAMS, Mr. ROTH, Mrs. HUTCHISON, Mr. SMITH of Oregon, Mr. BOND, Mr. DURBIN, Mr. CLELAND, Mr. GRASSLEY, Ms. COLLINS, Mr. KYL, Mr. BREAUX, Mr. LAUTENBERG, Mr. HATCH, Mr. MURKOWSKI, Mrs. LINCOLN, Ms. LANDRIEU, Mr. SPECTER, Mr. VOINOVICH, Mr. MILLER, Mr. ROBB, Mr. INHOFE, Mr. CRAPO, Mr. BUNNING, Mr. EDWARDS, Ms. MIKULSKI, Mr. LOTT, Mr. DASCHLE, Mr. REID, Mr. SANTORUM, Mr. FITZGERALD, Ms. SNOWE, Mrs. BOXER, Mr. REED, Mr. LEVIN, Mr. MCCONNELL, Mr. HAGEL, Mr. GRAMM, Mr. MOYNIHAN, Mr. KENNEDY, Mr. L. CHAFEE, Mr. CAMPBELL, and Mr. ROCKEFELLER):

S. 3250. A bill to provide for a United States response in the event of a unilateral declaration of a Palestinian state; to the Committee on Foreign Relations.

By Mr. BIDEN:

S. 3251. A bill to authorize the Secretary of State to provide for the establishment of nonprofit entities for the Department's international educational, cultural, and arts programs; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI:

S. Con. Res. 156. A concurrent resolution to make a correction in the enrollment of the bill S. 1474; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. HARKIN:

S. 3243. A bill to enhance fair and open competition in the production and sale of agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL PRODUCER PROTECTION ACT OF 2000

Mr. HARKIN. Mr. President, I am introducing the Agricultural Producer Protection Act of 2000, a bill which will help ensure an open competitive agricultural marketplace. There is no issue raising more concerns in agriculture today than the rapid increase of economic concentration and vertical integration. The structure of agriculture and the entire agribusiness and food sector is being massively transformed—and the pace is accelerating. Large agribusinesses through mergers, acquisitions, and strategic alliances are controlling more and more of the production and processing of our agricultural commodities. Beyond this horizontal concentration, these large firms are relying on production and marketing contracts to hasten the trend toward vertical integration in agriculture.

According to the Department of Agriculture, the top four fed cattle packers control 80 percent of the market, while the top four pork processors control almost 60 percent of the market. In the grain industry, the top four firms control 73 percent of the wet corn milling, 71 percent of soybean milling, and 56 percent of flour milling. This conglomeration of power is limiting producers' marketing choices and adversely affecting the prices they receive. While the market basket of food has only increased by 3 percent since 1984, the farm value of that market basket has plummeted 38 percent. In fact, the farmer's share of the retail food dollar has dropped from 47 percent in 1950 to 21 percent in 1999. In addition, the farm-to-wholesale price spreads for pork increased by 52 percent and for beef by 24 percent in the past five years.

But farmers are not the only ones at risk because of the conglomeration of economic power by a few large agribusinesses and the reductions in competition. Consumers are also at risk. I liken arrangement to an hourglass, with many farmers on one side and many consumers on the other side. In the middle is a choke point with just a few large agribusiness firms. We, as consumers, should not become reliant on an every dwindling number of companies for our food.

Agribusiness is changing the way they play the game and it is becoming increasingly clear that enforcement of the antitrust and competition laws—including the Sherman Act, the Clayton Act, the Federal Trade Commission Act, and the Packers and Stockyards Act—is not enough by itself to ensure healthy competition in agriculture. Congress must step in and clarify the rules of the game before the big conglomerates push the independent producers out entirely. That is what my legislation is designed to do.

Consolidation and vertical integration in the agricultural sector is resulting in a great disparity in bargaining power and a gross inequality in economic strength between agribusinesses and producers. The impacts of this disparity are being most dramatically seen in the increased use of contracting in agriculture. I recognize that it is probably inevitable that there will be more contracting for a number of reasons. However, as recognized by several state Attorneys General who have proposed model state contract legislation, contracting with large agribusinesses pose serious problems that our current laws do not reach.

First, large companies are increasingly leveraging their economic muscle and control of market information to dictate contract terms to the detriment of producers. Large companies often offer contracts to producers on a ''take it or leave it'' basis. The company tells the farmer to sign a form contract with no opportunity to negotiate different terms and with little or no ability to take time to think about whether or not to sign the contract.

Second, large agribusinesses are transferring a disproportionate share of the economic risks to farmers through contracts. The contractual risks producers will face under a contract are usually buried in pages of legalese and fine print. Producers are often stuck with unfair contract terms they did not even know existed because of the lack of opportunity to consult with an attorney or an accountant.

Third, increasing use of contracts threatens market transparency. Prevailing prices for agricultural commodities have traditionally been readily available through public transactions. The use of strict confidentiality clauses in contracts veil transactions in secrecy. These clauses prohibit farmers from comparing contracts and negotiating for a fair deal. Farmers are often prohibited from discussing their deals with other producers, let alone with a financial or market advisor, an attorney, or an accountant.

Fourth, once a producer enters into a contractual relationship with a company there is virtually no realistic protection from unfair practices, abuses, or retaliation. Most production contracts require producers to make substantial long term capital investments in buildings and equipment prior to ever getting a contract. Once a producer makes the financial commitment, they are offered short term contracts that must be continually renewed. Because of these financial obligations, producers often have no other alternative than to sign whatever contract is offered to them. This situation not only makes it easier for a company to retaliate against those who try to speak up for their rights but also eliminates virtually any bargaining power the producer may have had. They often have no other alternative than to take