

## SENATE—Friday, December 14, 2001

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK DAYTON, a Senator from the State of Minnesota.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Father Paul Lavin, Pastor of St. Joseph's on Capitol Hill.

### PRAYER

The guest Chaplain offered the following prayer:

Let us listen to the word of the Lord given us by David in Psalm 140:

"Deliver me, O Lord, from evil men; preserve me from violent men, From those who devise evil in their hearts, and stir up wars every day.

"Save me, O Lord, from the hands of the wicked; preserve me from violent men Who plan to trip up my feet—the proud who have hidden a trap for me; They have spread cords for a net; by the wayside they have laid snares for me.

"Grant not, O Lord, the desires of the wicked; further not their plans. Those who surround me lift up their heads; may the mischief which they threaten overwhelm them.

"I know that the Lord renders justice to the afflicted, judgment to the poor. Surely the just shall give thanks to your name; the upright shall dwell in your presence."

Let us pray.

God our Father, You reveal that those who work for peace will be called Your children. Help the men and women who serve in the United States Senate to work without easing for that justice which brings true and lasting peace. Glory and praise to You, for ever and ever.

### PLEDGE OF ALLEGIANCE

The Honorable MARK DAYTON led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 14, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable MARK DAYTON, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. DAYTON thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

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

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

### SCHEDULE

Mr. WELLSTONE. Mr. President, speaking on behalf of the leader, we expect several amendments to be offered and debated today. No rollcall votes will occur today. The next rollcall vote will occur on Tuesday at approximately 11 a.m. on the adoption of the ESEA conference report.

### AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1731, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

Pending:

Daschle (for Harkin) Amendment No. 2471, in the nature of a substitute.

Smith of New Hampshire Amendment No. 2596 (to Amendment No. 2471), to provide for Presidential certification that the government of Cuba is not involved in the support for acts of international terrorism as a condition precedent to agricultural trade with Cuba.

Torricelli Amendment No. 2597 (to Amendment No. 2596), to provide for Presidential certification that all convicted felons who are living as fugitives in Cuba have been returned to the United States prior to the amendments relating to agricultural trade with Cuba becoming effective.

Daschle motion to reconsider the vote (Vote 368) by which the motion to close further debate on Daschle (for Harkin) Amendment No. 2471 (listed above) failed.

The ACTING PRESIDENT pro tempore. Under the previous order, the sen-

ior Senator from Minnesota is recognized to offer an amendment.

AMENDMENT NO. 2602 TO AMENDMENT NO. 2471

Mr. WELLSTONE. I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 2602 to amendment No. 2471.

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

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. WELLSTONE. Mr. President, I will be very brief in the summary of this amendment. This amendment restricts new or expanding large confined animal feeding operation, CAFOs, from receiving Environmental Quality Incentive Program (EQIP) funds for animal waste structures. We will go over the definitions as we get into this debate on Tuesday, but, for example, 1,000 animals is equal altogether to 9,090 hogs. These are big operations.

This amendment also deals with what we call multiple CAFOs. The amendment prohibits an entity with interests in more than one CAFO from receiving more than one EQIP contract, thus prohibiting double payments. This measure helps ensure that this Federal farm conservation programs and the funds are not used to promote consolidation and concentration of livestock production.

The third part to this amendment deals with flood plains. The amendment restricts the use of EQIP funds for new or expanding livestock waste facilities in a 100-year flood plains. Locating a large animal waste facility in a flood plain is contrary to all good conservation common sense.

Fourth, the amendment requires animal operations receiving EQIP funds for structures to also develop and follow a comprehensive nutrient management plan to ensure that the conservation assistance does not end with the storage of manure but that the entire operation be taken into account, including the ultimate disposition of the waste in terms of being applied to the land.

Finally, on payments, the amendment doubles the current annual payment limitation for EQIP, which I would rather not do. The amendment increases the annual payment from \$10,000 to \$20,000, and doubles the current payment limit per 5-year contract