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Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, and Lord of our lives, we come into Your presence and fall on the knees of our hearts with praise and adoration. It is with awe and wonder that we behold Your signature in the natural world and the sheer majesty of Your creation of human life. You have given us minds to think Your thoughts, emotions to express Your love, wills to discern and do Your will, and bodies intricately made to reflect Your glory. We thank You for all our faculties, but especially for the gift of hearing. Help us never to take for granted the amazing process by which sounds are registered on our eardrums, and carried through the audio nerve to our cerebral cortex to be translated into thoughts of recognition, comprehension, and response. Through the wondrous gift we can hear the song of a lark, majestic music of a sonata, loved one's words of love and hope, and Your own Word in the Scriptures as they are read or proclaimed from across the reaches of time.

We ask You to give us a hearing heart like Solomon prayed for so fervently. May we spend quality time with You so that You may speak to the ears of our minds and hearts. We want to make no decision until we have asked for and received Your guidance. Speak Lord, Your servants are listening. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

Mr. LOTT. Good morning Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, the Senate this morning will immediately resume consideration of the Agriculture appropriations bill. Under the provisions of the agreement reached last night, any votes ordered on the pending amendments to that bill will occur at 11 a.m. this morning. I understand there will be some votes at 11 o'clock. There are a limited number of amendments in order to the Agriculture appropriations bill.

I encourage Members who still intend to offer those amendments to be prepared to do so as early as possible today to enable the Senate to complete action on this bill this afternoon. The managers of the bill are here. Senator COCHRAN from Mississippi, of course, and Senator BUMPERS of Arkansas are ready to go to work.

It is my intention to begin consideration of the foreign operations appropriations bill today as soon as the Agriculture appropriations bill has been completed. All Senators should expect votes throughout the day and evening as we continue to try to make progress on the appropriations bills.

I also want to serve notice that it is my intention in the next day, either today or tomorrow, to move to go to conference on the health insurance reform package and on the small business tax relief package which is coupled with the minimum wage bill. In order to get those two bills into and out of conference before we leave next weekend for the August recess, we are going to have to get them into the conference. So we are really down to the point where we have to take action to move these two bills to conference, and I will be making an attempt to do that within the next 2 days.

I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1997

The PRESIDENT pro tempore. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 3603) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bryan amendment No. 4977, to establish funding limitations for the market access program.

Kerrey amendment No. 4978, to increase funding for the Grain Inspection, Packers and Stockyards Administration and the Food Safety and Inspection Service.

Leahy amendment No. 4987, to implement the recommendations of the Northern Forest Lands Council.

Santorum amendment No. 4995, to prohibit the use of funds to provide a total amount of nonrecourse loans to producers for peanuts in excess of \$125,000.

Santorum amendment No. 4967, to prohibit the use of funds to carry out a peanut program that is operated by a marketing association if the Secretary of Agriculture determines that a member of the board of directors of the association has a conflict of interest with respect to the program.

Mr. COCHRAN addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, we made good progress yesterday afternoon and last evening in the debate of several amendments. We resolved some of the issues that were presented to us in the form of amendments. We have votes ordered on amendments which will begin at 11 a.m. We have pending other amendments that have been debated on which the yeas and nays have not been ordered but which may require rollcall votes.

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



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There are also some on the list of amendments that are in order that are yet to be offered. We hope that Senators who are planning to offer those amendments will please come to the floor as soon as possible so we can begin consideration of those amendments.

Let me say this in addition to comments that have already been made about one pending amendment. I think the first amendment that was offered that has not been resolved and on which the yeas and nays have not yet been ordered is an amendment offered by the Senator from Nevada, [Mr. BRYAN], to limit the funds available to the Department for the Market Access Program in the next fiscal year to \$70 million. I think that is what the amendment seeks to do. I feel constrained to point out that since this bill was considered by the Senate last year, in last year's appropriations bill for the Department of Agriculture, we enacted a farm bill which has been signed by the President which is now the law. The 1996 farm bill reduced the authorized mandatory funding level from \$110 million to \$90 million annually. It also prohibits funding for non-U.S. for-profit corporations, and for foreign-produced products. Funding for the Market Access Program is limited to small businesses, nonprofit trade associations, and cooperatives. I was not excited about the reduction in the authorization level that was made by the legislative committee. But, nonetheless, it is a fact.

The way the law is written now, there will be spent—there "shall" be spent—the sum of \$90 million annually on market access promotion. So that leaves the Senate with a new set of facts.

The argument has been made that we cut funding in the previous years, and the Senate did approve reductions in funding. But the Senate also was a party to the writing of that farm bill. There were amendments offered on the subject of the funding level. The conference report contained the funding level of \$90 million, and that was signed by the President. That ought to be considered and understood by the Senate before we vote on the amendment proposed by the Senator from Nevada.

I am not suggesting that it is inappropriate for him to offer that amendment. I am just pointing out that the Senate has already decided that issue. They decided the issue when the farm bill was written and that provision was included in the farm bill.

I put in the RECORD a copy of a letter that was written to me as chairman of the subcommittee by a coalition of groups and associations who are interested in export promotion and who know how important funds of this kind are to our efforts to deal with unfair trade practices and efforts by foreign competitors to keep us out of markets, to deny us market share.

It is a tough competitive environment out there. The global economy

has been made more competitive because of the General Agreement on Tariffs and Trade and the Uruguay Round Agreement that has broken down barriers to trade and prohibited a number of trading practices that in the past had made it impossible for us to compete in some markets. But now that the playing field has been made more level and access has been made more available, we are seeing other countries increase the amount of funding and activity in this kind of effort to enlarge market share and to create market access for their agriculture commodities and foodstuff.

Some countries spend as much on promoting just one kind of foodstuff as we have to appropriate and make available for the Foreign Agriculture Service to go around to all commodities and foodstuffs that are exported by the United States. But in spite of that, we are doing well. We are increasing our dollar volume of export sales. This year it is estimated that we will sell 60 billion dollars worth of U.S. agriculture commodities and foodstuffs in the international marketplace. That is a tremendous amount of volume. It means jobs here in America. It means better pay. It means a healthier economy for the United States. This is the only program of its type that makes funds available to promote specific commodities or brand-name items in the international market.

I have talked in our Embassies in other countries to those who have had experience with the use of these funds in special situations, and they tell me that it is very effective and without this program we would end up losing out to other competitors from other countries that are competing in those markets.

So it seems to me, Mr. President, we ought not limit the funding for this program with the adoption of the Bryan amendment. I hope that the additional information that I have been able to give the Senate on that subject is helpful. Senators have voted on this issue time and time again in various forms.

My good friend from Arkansas is one of the most eloquent and persuasive Senators who take the other side of the issue, and so it is with some trepidation and the knowledge that I am going to have a rebuttal here on my hands that I rose this morning to give that additional information. But it is important for the Senate to understand the difference between the state of the funding question and the issue this year as compared to last year when we voted on a number of different amendments designed to change this program and reform it. It has been reformed. It has been changed. There are limitations now on the eligibility for funds from the Foreign Agriculture Service for these purposes.

Associations are still eligible for these funds. Small businesses can get funds to promote their products in overseas trade. But a major complaint

and the thing that made this program controversial has been reformed by law with the enactment of the farm bill earlier this year.

I am hopeful that we will not keep beating on this program and slandering it and causing Senators to have to vote to cut the program. It is mandated by law that it will be funded at \$90 million a year, and the changes have been made that reform the program and take care of some of the complaints that had been levied against it in the past.

At some point I will move to table that amendment and ask for the yeas and nays, but I do not want to do that and cut off the right of any other Senator to speak on the issue, particularly the Senator from Nevada [Mr. BRYAN], who is the author of the amendment. He did not know I was going to say these things this morning. I did not know that I was going to say them either, but it occurred to me that this has not been the subject of any discussion except the few minutes of debate we had when he first proposed the amendment. And it was the first amendment, one of the first amendments proposed to the bill, and it seems like that has been a long time ago. I think it was a long time ago. We need to wrap this bill up. We are going to start voting at 11, and I am not sure how many votes we are going to have. We have, I know, two peanut amendments that Senator SANTORUM offered last night. The yeas and nays have been ordered on those. Senator KERREY has an amendment on which the yeas and nays have been ordered. We approved two of his amendments. Maybe he will withdraw this one. Two-thirds—that is pretty good—of what he wanted he has gotten.

So I hope Senators will come to the floor. I see the Senator from Colorado here, and I am prepared to yield the floor, Mr. President.

Mr. BUMPERS addressed the Chair. The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I do not want to shock my colleague too much, but I am not going to offer a rebuttal to the arguments he just made on the Market Promotion Program. I think I first offered an amendment to strike those funds 5 years ago, and the Senate has heard that debate many, many times and so I will not belabor it again. But I did want to point out to my colleagues that there was a very interesting op-ed piece in the Post this morning by Daniel Greenberg who is editor and publisher of Science & Government Report, a Washington newsletter.

Yesterday, in the Chamber, I pointed out that last year is the first year in modern history that yields per acre on a same-crop basis did not increase. Every year in the lifetime of every single person in the Senate soybean yields have gone up, wheat yields have gone up, cotton yields have gone up, and

particularly food yields have gone up to feed an ever-expanding population in the world. As you know, one of the reasons corn and wheat are as high as they are right now is because there was a genuine concern that we were going to run out of wheat and corn in this country.

I will not bore the Senate by reading it to them, but there are a couple of paragraphs I think ought to be emphasized.

Pre-harvest stocks of grain—

That means the carryover; preharvest stocks are what we have on hand when we start harvesting the next crop.

Pre-harvest stocks of grain have declined for the third straight year and now are at the lowest levels on record, according to Worldwatch Institute. To satisfy its growing appetite for meat, China has shifted from a net exporter to a net importer of grain, even as urban growth takes over farmlands.

Another big problem, Mr. President.

In the United States and elsewhere, increases in per-acre yields have leveled off from the fabulous gains from the past three decades. Throughout the world, food prices have risen substantially as supply fails to keep pace with population growth and upscale tastes.

Worrisome? Yes. But history records the capacity of science to mock Malthusian gloom with miracles of productivity. Surely it will deliver a late-century encore for the Green Revolution and other science-based breakthroughs in agriculture.

It can, but don't count on it.

He goes on to point out—we had an amendment offered here which may be withdrawn or voted on a voice vote to cut research money in this bill, agricultural research. And here is what he says. These are statistics that maybe Senator COCHRAN and I are not as familiar with as we should have been.

At about \$1.2 billion this year, the research budget of the United States Department of Agriculture accounts for a mere 2 percent of all Federal research and is lower in purchasing power than it was 5 years ago. In Washington politics, agricultural research is barely noticed among such giants of Federal research as defense (\$35 billion),—

That is pure research in defense.

Space (\$14 billion) and health (\$12 billion).

That is a combined total of \$61 billion in those areas compared to \$1.2 billion for agriculture research, and the population of the world is now calculated to be 5½ billion people and growing at 100 million per year.

The fishermen all around the world, particularly in littoral nations that depend almost exclusively on the oceans, are draining the oceans. When I was a child, I can remember one of my elementary school teachers saying: Do not worry about it. The oceans will always supply enough food to feed the world. No matter how many droughts we have, no matter how many other devastating things happen to our crops—hail, flood, whatever—the oceans will feed us.

Right here at our back door, the New England fisheries have had to virtually shut down in order to give the fisheries

there a chance to replenish themselves, which they have not yet done. Yesterday morning the front page of the Metro section of the Washington Post pointed out that the crab supply in the Chesapeake Bay is down dramatically, 500 people out of work, and a few crab-picking operations working 3 days a week.

Mr. President, I always have a tendency to get a little too dramatic about these things, but you cannot overdramatize a problem like this. My complaint, in the 22 years I have been in the Senate, is that we have a serious misplacement of priorities. We deal with the politics of issues instead of what the real issue is.

Senator COCHRAN and I were talking early yesterday afternoon. He told me he had been reading "The Adams Family," the chronicle of the John Adams and John Quincy Adams family, all of whom were brilliant. They believed, about public service, it was a place to do good, just like the ministry. In the old days, people went into public service, politics, because it was a place where they could serve their fellow man. They did not worry about the politics of the issues they debated. I said on welfare, it is a tragedy it has to be passed in such a highly volatile, political climate.

But my father, as I have said many times, was probably the last man who ever lived who encouraged his sons to go into politics. He did not encourage my sister, because in those days it was unthinkable for a woman to go into politics. But he urged my brothers and me to go into politics because he considered politics a noble calling. He considered it a noble calling because he studied Edmund Burke, he studied John Adams, he had studied all the Founding Fathers who went to Philadelphia and crafted a Constitution to give this country guidance for 200-plus years and who were not worrying about somebody accosting them on the street when they got home about some uncrossed t or undotted i.

So we have come a very long way in politics in this country. While most of it has been good, an awful lot of it has not been. We have put our priorities on things that have been politically popular. Nobody wants to curb the \$35 billion expenditure on defense because nobody wants to see a 30-second attack ad when they run again that they are soft on defense. Nobody wants to vote against welfare reform because welfare is very unpopular. If you ask the ordinary man on the street—80 percent of them say they hate welfare. Yes, it ought to be reformed; yes, it ought to be changed. So it is not easy for me to be one of 24 Senators who voted no yesterday. I am not saying I am all right. I am saying the bill could have been an awful lot better.

One of the things that disturbed me was the total lack of compassion during the entire debate. People love to go to church on Sunday morning and read the Sermon on the Mount on "blessed

are the poor," but when it comes to worrying about children and people who are kicked off welfare, we could not seem to be punitive enough around here. So I still believe those old Methodist Sunday school stories I learned as a child. I also did not like the formula which I thought discriminated against my State tragically—tragically.

Back to the point I was going to make a moment ago on misplaced priorities. Science can only do so much—and it can do a lot more. But we are not going to solve the world's food problem, which is developing right as I speak, by putting \$1.2 billion in agriculture research and \$35 billion into making something explode and \$14 billion on sending a space station up which has absolutely no merit whatever.

Mr. President, I ask unanimous consent to have the Daniel S. Greenberg article, to which I referred, printed in the RECORD, and I yield the floor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A DROUGHT WE CAN'T AFFORD

(By Daniel S. Greenberg)

Science will provide. That's the confident assurance of the optimists in response to worrisome indications that demand is en route to outpacing food production.

Pre-harvest stocks of grain have declined for the third straight year and now are at the lowest level on record, according to Worldwatch Institute. To satisfy its growing appetite for meat, China has shifted from a net exporter to a net importer of grain, even as urban growth takes over farmlands. In the United States and elsewhere, increases in per-acre yield have leveled off from the fabulous gains of the past three decades. Throughout the world, food prices have risen substantially as supply fails to keep pace with population growth and upscale tastes.

Worrisome? Yes. But history records the capacity of science to mock Malthusian gloom with miracles of productivity. Surely it will deliver a late-century encore for the Green Revolution and other science-based breakthroughs in agriculture.

It can, but don't count on it.

The scientific enterprise that revolutionized American agriculture is decaying from political and fiscal neglect, though alarms have been sounding all across the political spectrum and in independent think tanks for at least a decade. Nonetheless, agricultural science consistently ranks near the bottom in government research priorities, and that's what hurts, since Washington provides the bankroll for the fundamental science that ignites agricultural revolutions.

At about \$1.2 billion this year, the research budget of the U.S. Department of Agriculture accounts for a mere 2 percent of all federal research spending and is lower in purchasing power than it was five years ago. In Washington politics, agricultural research is barely noticed among such giants of federal research as defense (\$35 billion), space (\$14 billion) and health (\$12 billion).

One reason for the absence of broad interest is that the economics of agriculture research is dominated by entrenched insiders. The system for distributing research money to universities is largely preordained by ancient formulas that guarantee shares for each of 76 land-grant colleges and universities, regardless of the scientific quality or relevance of their research.

Decades of efforts to enliven agricultural research with the competitive requirements built into medical research have produced grudgingly small funds from Congress. Whereas university scientists must scramble to get research money from the National Institutes of Health, the bulk of agriculture's academic research money simply comes in the mail for just being there. Agricultural research was years behind in joining the biotechnology revolution.

Continuing a White House tradition, the Clinton administration has devoted little attention to agricultural research. The top research post in the Department of Agriculture has been filled on an acting basis by one or another temporary appointee throughout most of the Clinton administration. The only full-fledged occupant left recently after less than a year on the job. Given the logjam of nominees on Capitol Hill, the post is not likely to be filled before Election Day.

What's striking about the many recent studies of agricultural research is their unanimity of dismay about the inadequacy of government support. A review of agricultural research published late last year by the conservative American Enterprise Institute concludes that a "significant increase in federal funding, or federal government action to stimulate increased funding by state government or industry, seems to be warranted." The study also sounded the customary reformist call for more competition for research funds.

Similar recommendations are contained in a report soon to be published by the non-partisan, scholarly National Academy of Sciences.

No one disagrees with these findings—except the dug-in beneficiaries of our antiquated system of agricultural research.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, what is the current business before the Senate?

The PRESIDING OFFICER. The current business of the Senate is the Santorum amendment No. 4967.

Mr. BROWN. Mr. President, I rise to offer an amendment. I ask unanimous consent to set aside the pending amendment so I may proceed with an amendment at this time.

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

AMENDMENT NO. 5002

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 5002.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

"SEC. . INTERIM MORATORIUM ON BYPASS FLOWS.

"(a) MORATORIUM.—Section 389(a) of Public Law 104-127 is amended by striking "an 18-month" after the word "be" and inserting "a 20-month".

"(b) REPORT.—Section 389(d)(4) of Public Law 104-127 is amended by striking "1 year" after the word "than" and inserting "14 months".

"(c) EXTENSION FOR DELAY.—Section 389 of Public Law 104-127 is amended by adding at the end the following new subsection—

"(e) EXTENSION FOR DELAY.—There shall be a day-for-day extension to the 20-month moratorium required by subsection (a) and a day-for-day extension to the report required by subsection (d)(4)—

(1) for every day of delay in implementing or establishing the Water Rights Task Force caused by a failure to nominate Task Force members by the Administration or by the Congress; or

(2) for every day of delay caused by a failure by the Secretary of Agriculture to identify adequate resources to carry out this section."

Mr. BROWN. Mr. President, the Senate has been most indulgent with a problem that is extremely serious to Colorado and, I believe, to many other States. On the Agriculture appropriations bill last year, the ranking member and the chairman of the subcommittee were kind enough to help us with an amendment that was urgently needed. It related to a policy that the Agriculture Department calls "bypass flows." What that has meant is Colorado has asked for a renewal of easements which cross Federal grounds. The Forest Service has informed the State, "You will have to forfeit a third of your water in order to achieve a renewal of an easement."

The concept of someone being landlocked is recognized in most State laws and those State laws provide a way out of that. Whereas, if someone absolutely needs a way out across that ground, there are provisions under State law where fair compensation can be paid and they achieve that easement. What we are dealing with here is cities that have their reservoirs in the mountains surrounded by Federal ground and have no choice but to cross Federal ground to get that drinking water to those citizens. Colorado is a very dry State. Without reservoirs and without that water supply, literally, people do not have water to drink. It is not just a question of water to maintain the beautiful environments of the homes and lawns and parks. It is literally drinking water we are talking about.

What the Forest Service has said is we will not renew your permit to cross Federal ground in order to deliver the drinking water to your homes unless you agree to forfeit a third of your drinking water. As I think every Senator can imagine, this is devastating. It is devastating to the environment of the State. It is devastating to the people and to the cities. It has already cost our cities some millions of dollars in attorney's fees to litigate this. And the Forest Service continues on with this practice.

When we drew this problem to the attention of Secretary Madigan, Secretary Madigan acted immediately. He put forth a directive and a policy that this would no longer be the policy of the Department of Agriculture. It is clearly not authorized by law. If it were litigated to the Supreme Court, I think it would be one of those things that would be found to be out of com-

pliance with the authorization of the Forest Service itself. But the problem of appealing this to the Supreme Court is not just the tens of millions of dollars in attorney's fees it would take. The problem is the cutoff of water in the meantime if the permits are not renewed. It is an absolutely devastating problem. This Chamber was kind enough to help us out last year with a moratorium.

That policy of Secretary Madigan, though, would have solved the problem. He set forth, in a letter on October 6, 1992, a clear policy that this was not to be the course of the Forest Service. It was not to be followed and they were not to condition the renewal of permits on the forfeiture of waters.

No one complains about paying rent. But let me point out, these are not necessarily new easements. Many of these easements in Colorado predate the very existence of the Forest Service. These are easements that have been in use for over 100 years, in some cases. They are talking about cutting off a pipeline that has been in existence longer than the very Forest Service has been in existence.

That policy, the Madigan policy, remained the law of the land, at least in terms of the policy of the Forest Service. On February 15, 1995, almost 3 years later, Under Secretary Jim Lyons testified before the House Agriculture Committee and was asked if the Madigan policy was still in effect. Under Secretary Lyons was the one who had the responsibility for that area. He indicated flatly that that policy still was in effect.

Shortly thereafter, in March 1995, Secretary Glickman also testified that the Madigan policy was still in effect. What is unusual about that is that the Madigan policy was not in effect.

In August 1994, they had revoked it, and yet the leaders of the Agriculture Department had testified publicly to Congress that it was still in effect.

Mr. President, I want to make it very clear that Secretary Glickman is an honorable person. I know him well. I respect him a great deal. And I am convinced that he merely repeated what his staff had advised him when he checked with them on the question.

We have already dealt extensively with Under Secretary Lyons and some of the concerns this Chamber has had about him. I don't think that bears reopening. The point is, we ought to be setting out trying to solve this problem.

That resulted, though, in an action last year on this very bill where we enacted a 1-year moratorium. That measure passed in October of last year, a moratorium on the activity of requiring people to forfeit their water in order to renew an easement or permit for an easement.

In the meantime, we tried to enact permanent legislation, and did enact compromise legislation, on the farm bill. That farm bill compromise was not what I wanted, because what I

wanted was a flat prohibition in law against extorting water from people as payment for renewing their easements.

What we did get, though, at the request of the Secretary, is a compromise, and that compromise allows for the appointment of a seven-member water rights task force to study the problem and report back. That report will be a year following the date of the enactment of the act, and the moratorium will run out in 18 months.

The danger with agreeing to that on my part is that if they simply stalled on appointing the task force, the moratorium would run out and the Forest Service would then be in the position of cutting off people's water, and they would have no further protection. But I believed in the good faith of the parties involved, and we went ahead with that compromise.

Now what has happened is the administration has failed to appoint their member to the task force. Moreover, in violation of the law, they have failed to allocate resources to the task force to do their job. Certainly, some modest travel fees are important and other fees are vital to have that task force act. In other words, what is happening, even though the act was passed on April 4 and all the task force members were supposed to be appointed by June 4, the administration has not acted to even appoint the members of their task force, nor have they acted to allocate funds for the task force.

Obviously, this is of enormous concern. Going on the background of the Under Secretary misleading Congress in testimony about the problem, it is even of greater concern. The concern is flatly that instead of dealing with this problem and developing a compromise, they will simply stonewall it, allow the moratorium to run out and wreak havoc upon people's drinking water.

Let me be clear about this. The primary people impacted by this action are not private developers, they are not agriculture, because they have a separate provision of law that flatly prohibits this kind of activity in agriculture that was instituted years ago. Those impacted by this are the cities and the towns and the taxpayers of the State, and, I might say, Mr. President, in cities and States across the Nation as well. The precedent this establishes is devastating.

Let me say that the forfeiture required is a forfeiture of a third of your water—at least that is what they have asked for in some cases—a third of your water just for the temporary renewal of the permit. This is not a permanent easement. This is simply for its temporary renewal. Presumably when it comes up in 5 years or 20 years, they can again ask for additional water.

This is a problem that is not going to go away and cannot be ignored by either Democrats or Republicans in the State of Colorado or other States where the impact is felt.

As Members may recall, the senior Senator from Nebraska and I had

worked hard to find a compromise on this. His first inclination was not to support this measure. I had drafted and intended to offer this morning an extension of that moratorium for 5 years. A 5-year extension of the moratorium would give us plenty of time to work on it and plenty of time for Congress to act on it.

The senior Senator from Nebraska has indicated to me that he felt very strongly that 5 years was inappropriate. I must say, I think what is appropriate is for the task force to settle down and find an answer. I believe personally there is an answer. We ought to do more to encourage and support minimum stream flow in our streams and rivers.

I have been a strong advocate of minimum stream flow all of my political life. I was a prime sponsor of Colorado's minimum stream flow bill that addresses this problem specifically. I believe there are a number of things the task force can recommend for Congress that will help.

One of the things is to buy water rights and to use the water rights that are owned for that purpose when dry seasons come along. It is worth exploring. It is worth developing. It does have a positive impact.

But one of the ironies of all of this is that the forfeiture of water rights that the Forest Service has called for in this case would destroy minimum stream flow, not help it. Our stream flow comes in the spring when there are floods. The function of the reservoirs and storage projects is to save that spring flood flow so it is usable year round. Increasing the flood flow will not only cause damage to property, but the Forest Service policy will mean there is less water in the river to mitigate the dry periods in the year.

Mr. President, in the interest of saving the Senate time and of reaching a fair compromise on this, I have tried to work with the Senators from Nebraska. The amendment that is before the Senate this morning is one that is a compromise. Instead of the 5 years I had asked for, it is only an extension of 2 months. So we have gone from 5 years to 2 months in the way of an extension. But there is an added provision.

That added provision addresses additional delays. If there are any delays beyond the time set forth in the original bill, that is 2 months to appoint people and the time required to submit the report, there will be a day-for-day extension of the 20-month moratorium that is in the legislation.

So while this is not as strong an amendment as I hoped for, it at least attempts to make up for the parts that are lost.

Having said that, let me add this thought. This is a terribly important issue, and it is one that cannot be swept under the rug. It is one that needs the full cooperation of all parties if we are going to find an answer. It has gotten off on a bad foot by the administration refusing even to appoint their

member to the task force and refusing to allocate the money that the law required them to allocate.

My hope is not only that the amendment is adopted, which I believe has the support of Senator KERREY, the junior Senator from Nebraska, but that it is a sign of a new attitude in the Department of Agriculture and the administration. Dan Glickman is an honorable person who knows how to work problems out and solve problems. This is not his style. He is a problem solver, not a problem maker. My hope is that the Glickman attitude, the Glickman approach to these problems will prevail in the Department of Agriculture in the months and the years ahead, or, I should say, at least the months ahead.

Mr. President, I do not know if the compromise amendment has any opposition. I had been assured by Senator KERREY's office that he supports it. At least I don't know of further opposition to it. Our office is trying to check with Senator EXON's office, but pending hearing from Senator EXON, I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I hope we can accept the amendment offered by the Senator from Colorado. He has made a substantial change in the proposal that he is making to accommodate concerns of others, including the administration and other Senators who expressed concerns earlier. We are trying to clear the amendment. We are not able at this time to announce whether or not we will be able to take it on a voice vote.

I hope other Senators will come to the floor and offer their amendments. We have a number of amendments that should be offered and resolved. We would appreciate very much the cooperation of the Senators in that regard. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, in an effort to clarify the situation we have two amendments that had been offered and debated last night by the Senator from Pennsylvania [Mr. SANTORUM]. And to advise Senators of a specific time when they can expect a vote to occur under the order there was to be no vote this morning before the hour of 11 a.m. But it will be my intention to have votes on motions to table the Santorum amendments beginning at 11 a.m. Under the order entered last night by the majority leader there was to be 4 minutes of time available for debate on those peanut amendments before the votes would occur.

So, hoping to clarify when these votes will occur, I am going to propound a unanimous-consent agreement which has been cleared.

I ask unanimous consent that time between now and 11 a.m. be equally divided on Santorum amendments Nos. 4995 and 4967, and at 11 a.m. I be recognized to move to table amendment No. 4995, as under the previous order, to be followed immediately by a motion to table amendment No. 4967.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COCHRAN. I thank the Chair.

This means that there is opportunity for further debate on these amendments between now and 11 a.m. So it protects that right. If other Senators want to talk about other amendments they can certainly do that as well.

Mr. BUMPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HEFLIN. 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. HEFLIN. Mr. President, last evening, Senator SANTORUM laid down two amendments that were to be voted on, as I understand, around 11, but because of some problems with some of the Senators, it probably will be delayed for a while. But as I understand it, unanimous consent has been granted for us to debate between now and that time the peanut amendments that have been laid down. So I want to take advantage of it. I understand that the author and proponent of the amendments knows of the unanimous consent, and I will be glad to divide time if he wants it. But whatever it is, we can accommodate Senators equally with the time.

There are two amendments. The first amendment, I understand, that will be called up is one in which he alleges there is a conflict of interest in regard to the peanut program by the fact that co-ops and marketing associations which are run by farmers are involved in the administration of the peanut program. We understand there has been filed with the Department of Agriculture various letters by a law firm or law firms here in Washington in which it is anticipated there would possibly be some lawsuit pertaining to this matter. We feel that is an issue which ought to be determined by the courts.

We have contacted the Department of Agriculture. The Department of Agriculture tells us they have authority and they constantly monitor it. They have a responsibility that is carried out to see that there are no conflicts of interest. The idea that farmers participate in carrying out the program is universal. You have committees composed of farmers that are elected at the county level to carry out the program.

There are State committees composed of farmers that carry out the program. It is a matter that farmers participate in, the theory here being that at the local level they know the local problems and that they are better equipped than Washington.

This seems to me to be a program that has been carried out for years to allow for those who are closest to the farmers to understand the individual problems of farmers and to work them out. Therefore, the concept of contracting out, the concept of local government, the concept of no big Government in Washington is carried out in regard to the present program if there is any problem that is involved.

The Department says this is entirely unnecessary. They administer the program. There is no conflict of interest. They audit. They monitor. They carry on in a very proper and businesslike manner if there is a matter that ought to be determined, such as a court case that may arise in regard to this program.

Certainly, right now we have a situation where we are in the middle of a growing season. We saw that the peanut program was reformed. There was some matter pertaining to a substantial cut, some cut that amounts to about 30 percent of the revenues that go to the peanut farmers, and we ought to allow it to work.

So I think this is a matter that is unnecessary. If it is, then it is across the board in every commodity because the farmers are on committees. The conservation committees have local participants in every county.

I see that Senator SANTORUM is here, and if he wants some time—and I see also Senator COVERDELL is here—I will be glad to yield the floor at this time. I will reserve my 2 minutes before the vote is taken as we had in the previous unanimous-consent agreement.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I want to share my feelings on this amendment with those of my distinguished colleague from Alabama. The Senator has made an eloquent case against the amendment which he began last night and has echoed again this morning.

I am going to be reasonably brief. I understand that the chairman, the Senator from Mississippi, will move to table this amendment, and I will support that motion. I think it is entirely appropriate. These issues were fought extensively in the early part of this year when we dealt with the farm bill. Farm policy was settled by the passage of that landmark bill.

At the time we were debating that bill, Mr. President, we were hearing from the farm community not only from my State and the State of the Senator from Alabama but across the Nation that we had to get the farm policy settled so that people could get

into the fields, so that they could make their financial transactions and deal with the planting season and the farm season. We were already late. We passed this in early April, but that was late into the spring. Nevertheless, we got it done. In the ensuing 4 months, the entire farm community, including those who deal with peanuts extensively in my State and the State of the Senator from Alabama and others, everybody has been to the bank. Everybody has made their financial transactions. Everybody made their plans according to what the Congress of the United States and the President said the rules of the road would be for the next 7 years. Here we are 3 to 4 months later and we are talking about, through these amendments, changing the rules of the road. I have argued that this Congress, this Government does that in far too many ways every time it engages in retroactivity—retroactivity on the minimum wage, retroactivity on taxes, and now retroactivity on farm policy.

So, I would argue that policy should be set in the farm bill. It was debated and passed in early April and the farming community, no matter what their goals or products, engaged their financial decisions, made their family decisions, made their business decisions, and this is neither the appropriate place nor the appropriate time to alter that policy.

I thank the Chair for allowing me a few moments to express my agreement with this motion, to come and to share my remarks with the Senator from Alabama.

I yield the floor.

The PRESIDING OFFICER. Under the previous agreement, time has expired. The hour of 11 o'clock having arrived, the Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I ask unanimous consent the distinguished Senator from Pennsylvania be recognized for up to 5 minutes.

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

The Senator from Pennsylvania is recognized.

AMENDMENT NO. 4967

Mr. SANTORUM. Mr. President, the second amendment we will be voting on today is not a peanut amendment. It is an ethics amendment. It has nothing to do with the peanut program. It does not change the peanut program. It does not retroactively or prospectively alter anything in the peanut program. This is an ethics amendment. This amendment is very simple. It says the people who are the quota holders, the people who benefit from the program, should not also be the people who manage the program, who operate the program, who help promulgate regulations to oversee the program, who also do the enforcement for the program. That is virtually unprecedented in ag policy.

I am not changing anything in the peanut program with this amendment, not one thing. All I am saying is the

Secretary of Agriculture—this is what the amendment says—the Secretary of Agriculture shall determine whether these co-ops who oversee the program, who also are the beneficiaries of the program, violate the Federal ethics law. That is all this amendment says. That is not a change in the peanut program. That is just saying we should have some ethics in dealing with this issue.

There have already been letters filed, to the Secretary of Agriculture, back on June 5 requesting the Secretary to take action. The Secretary has not responded. What we are suggesting is the Secretary should respond. They should make a determination whether these co-ops, that—again I remind my colleagues—they oversee the program, they enforce the program, they help promulgate regulations on the program, and they are also the beneficiaries of the program. That is apparent, to me, a conflict of interest. But I am not suggesting that. I am not saying that it is. I am saying the Secretary should determine it. That is all this amendment does.

So we can have all this debate, as I am sure you will hear from others that this is an amendment that hurts the peanut program, that changes the rules of the game halfway through—it is just not the case. The case is this is an ethics amendment about how the Federal Government should run its ag programs and I hope we could get very strong support for something that is, I think, a relatively simple amendment that I was hoping we could have agreed to.

AMENDMENT NO. 4995

The first amendment I am going to talk about is another equity amendment. This is an amendment that simply says that peanut quota holders, unlike any other ag commodity, should be limited as to the amount of Government largess that they receive. Historically, all of the other crop programs, and now in the future all the other payments to farmers under the new freedom to farm bill, are limited to \$40,000 per person. There is no limit in the peanut program. There are peanut farmers who can put their peanuts on loan and collect \$6 million from the Federal Government. And we are saying they should be limited to \$125,000.

The limit on the subsidy payments to all other crops is up to \$40,000. I am saying \$125,000. That affects less than 2,000 quota holders. Mr. President, 2,000 quota holders are affected by this, the wealthiest, the biggest. If you hear the argument, as you will from the other side: Wait a minute, this program is designed to help these small- to medium-size peanut growers who are really struggling, who are in poor areas—fine. We do not touch them. All we say is those who are the big quota holders, many of whom do not even farm their own land, they rent their quota to someone else to do the work for them—what we are saying is they can only avail themselves of the largess of get-

ting twice what the world pays for peanuts for their peanuts up to \$125,000.

I think that is, again, a very minor adjustment to the program. I will admit that is an adjustment to who benefits from the program. But we do not fundamentally restructure the peanut program here. All we are doing is redefining how much people can benefit from it. We do not change the program. We just change how much people benefit from it. I think \$125,000 of guaranteed income from the Federal Government at twice the rate of what people will get paid everywhere else in the world for peanuts, is a pretty good deal for most of these quota holders and they should be happy with that limitation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, under the order, I now move to table amendment No. 4995.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4967

Mr. COCHRAN. Mr. President, under the previous order I now move to table amendment No. 4967.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4995

Mr. HEFLIN. Do I get my 4 minutes?

The PRESIDING OFFICER. There now is 4 minutes debate equally divided on the first motion to table, on amendment 4995. Who seeks recognition?

Mr. HEFLIN. Does the proponent seek to go first with his 2 minutes?

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, there is a little confusion as to which vote will be held, but I have to call this Santorum amendment the confusion amendment. We have, of course, argued in the past that we reformed it. And we have reformed it, the peanut program. But now we are having here, where the Senator from Pennsylvania argues that, since other commodities have a payment limitation, therefore peanuts ought to.

First, the confusion is that peanuts have never had a payment. They have not had a payment. The confusion here is that he is confusing a loan program with a payment program. You had deficiency payments, which were based upon a target price in all the commodities. But peanuts never had that. And that is where the limitation was on, was on the payments. Now you have, under the new farm bill, direct payments. You do not even have to plant in order to get your payment. You preserve your history. But the limit there is on the direct payment, the money

that comes to you, the mailbox money, regardless of whether you plant or not plant. And there is a confusion there.

The loan program is a program which has been designed over the years to help temporarily. When a farmer says, "All right, I need the money, I have to pay my bills, I put it in loan and therefore I take the chance. If the price goes up, I will sell it at the time I think is the most appropriate time in order to sell." That is a loan basis.

In regards to this, we show over the years—

The PRESIDING OFFICER. The 2 minutes of the Senator has expired.

Mr. HEFLIN. I ask unanimous consent for 30 seconds.

The PRESIDING OFFICER (Mr. BROWN). Is there objection? Without objection, it is so ordered. The Senator is recognized for 30 additional seconds.

Mr. HEFLIN. Mr. President, this chart shows the loan rate in blue over here. Throughout the years, the farmer's price, the market price has always been above the loan rate. So it is a matter being confused relative to this matter. Therefore, I urge that we vote against this matter and not be confused.

New farmers are coming into the program all of the time, which shows that 10,000 have come into the program over the last 10 years.

I thank the Chair for giving me the extra 30 seconds.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, the reason the market price is always above the quota price is because the peanut program is not just a price program, it is also a quota program. It limits the supply.

So, of course, the Secretary tells peanut growers how much they can plant, and they tell them to make sure that the demand is always higher than the supply. Therefore, the price, yes, is always higher than the quota price because the program makes it that way. That is No. 1.

With respect to these deficiency payments, I would be happy to meet in the back with the Senator from Alabama and would be very willing to get rid of the loan program that peanuts have and turn it into a target pricing scheme. I would love to do that. In fact, it has been offered many times to the peanut growers to do that, but they don't do that. Why? Because the system they have right now is so ridiculously lucrative, they would never opt for something like that.

Peanut quota holders get twice—twice—per ton for their peanuts than what the world market price is. They get almost \$700 a ton for their peanuts, and the world price is \$350 a ton. No wonder they don't want to go to a target pricing scheme or some other scheme. They have the best deal in town.

What we want to do is say, "OK, you've got the best deal in town." I can't beat him. The Senator from Alabama, bless his heart, whops me every

time I come to the floor on this amendment. I say, if we are going to have this program, at least limit the benefits to the folks who deserve the benefits, and that is the small- and medium-size farmers. Quit subsidizing, to the tune of—and there is a farm out there that gets \$6 million of guaranteed prices, twice what the world market is for peanuts.

Now, is that what we want to do? Is that what this program is all about? It certainly is not what the arguments of the folks who support the peanut program are all about. What they say it is all about is helping these small farmers, these poor dirt farmers in rural areas that really need this to make ends meet.

Fine, this is not going to bother them. Mr. President, \$125,000 is not a small dirt farmer. That is about 150 to 200 acres. What we are talking about here are the big guys, less than 2,000. I remind Senators that 22 percent of the quota holders in peanuts own 80 percent of the quotas—22 percent, a little over 6,000 quota holders own 80 percent of the poundage for peanuts. The big guys are what drive this program, who lobby here, who contribute the money.

What I am saying is let's get these big guys out of the picture and let them divest from some of these quotas they hold and spread it around a little bit, give it to some of these additional growers who are dirt farmers who don't get a lot of money for their peanuts, let them have a little bit of it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANTORUM. I ask unanimous consent for my additional 30 seconds.

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

Mr. SANTORUM. Mr. President, let these little guys get a little piece of the pie here. If you are really for the small- and medium-size peanut farmer in Alabama or Georgia, then what you want to do is you want these folks to divest from these big quotas and start spreading it around a little bit for the little guys to have a bite of the Federal largess.

If we are going to have a Federal largess, at least let more people benefit from it, let the little guy benefit. That is what this amendment does, this is a vote for the little guy. It actually will expand your base of support for the program and more will benefit from it.

Mr. HELMS. Mr. President, needless to say, I oppose both Senator SANTORUM's amendments, which are renewed assaults on the livelihoods of America's family farmers who produce peanuts. I should reiterate that there are more than 20,000 North Carolinians involved in various aspects of the peanut industry.

We've been down this road time and time again, Mr. President. However, this time, even the fiercest critics of the peanut program should acknowledge the extensive changes made by Congress in the 1996 farm bill. The most important change was the conver-

sion of the peanut program into a no-net cost commodity program.

Mr. President, the burden of these changes is being borne by America's peanut farmers who understood the necessity of revamping the program in order for it to survive. The support price was cut by 10 percent, from \$678 per ton to \$610 and because of many other changes, peanut farmers anticipate that their incomes will decline by more than 20 percent.

So clearly, Mr. President, America's peanut farmers have agreed to—indeed, participated in reforming the program that has served the consumers of America so well. And, by the way, in North Carolina alone, the peanut industry generates more than \$100 million in revenue. Moreover, Mr. President, the American taxpayers will save more than \$434 million as a result of the reforms in the program.

It is discouraging that opponents of the program, not satisfied with the farm bill's reforms, now seek to go further in hindering peanut farmers in making their livings.

As for the Santorum amendments, they will not—and cannot—guarantee lower prices to consumers. Instead, they will disrupt the work of Congress which constructed a farm program to produce a reasonable price, an abundant supply, and the highest quality of peanuts in the world.

Mr. President, it was clearly established during the Agriculture Committee's debates on the 1996 farm bill that even if the peanut program were to be abolished, candymakers would not reduce the price of a candy bar, nor would the price of peanut butter be reduced by one red cent.

The pending after-the-fact amendments do not deserve serious consideration. The Senate should reject them unhesitatingly.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi to table amendment No. 4995. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

I also announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—64

Abraham	Cochran	Ford
Akaka	Conrad	Frahm
Baucus	Coverdell	Graham
Bennett	Craig	Gramm
Bingaman	Daschle	Grassley
Bond	Dodd	Harkin
Breaux	Domenici	Hatch
Bumpers	Dorgan	Hatfield
Burns	Exon	Heflin
Byrd	Faircloth	Helms
Campbell	Feinstein	Hollings

Hutchison	McConnell	Rockefeller
Inhofe	Mikulski	Sarbanes
Inouye	Moseley-Braun	Shelby
Jeffords	Murkowski	Simon
Johnston	Murray	Simpson
Kempthorne	Nickles	Thomas
Kerrey	Nunn	Thurmond
Leahy	Pell	Warner
Levin	Pressler	Wyden
Lott	Pryor	
Mack	Robb	

NAYS—34

Ashcroft	Frist	McCain
Biden	Glenn	Moynihan
Boxer	Gorton	Reid
Bradley	Grams	Roth
Brown	Gregg	Santorum
Bryan	Kennedy	Smith
Chafee	Kerry	Snowe
Coats	Kohl	Specter
Cohen	Kyl	Thompson
D'Amato	Lautenberg	Wellstone
DeWine	Lieberman	
Feingold	Lugar	

NOT VOTING—2

Kassebaum	Stevens
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The motion to lay on the table the amendment (No. 4995) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4967

The PRESIDING OFFICER. By previous agreement, there are 2 minutes per side on amendment number 4967.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SANTORUM. Mr. President, this is a very simple amendment that has nothing to do with the peanut program. This does not change the peanut program at all. This actually does not change anything in law. All this amendment does is ask the Secretary of Agriculture to determine whether the regulatory body that oversees the peanut program is in violation of the Government ethics statute. That is all this amendment does.

Why do I ask the Secretary to do that? The reason I ask the Secretary to do that is, unlike virtually any other agriculture commodity program, the folks who oversee the program, who manage the loan policies, who help promulgate the regulations, the very same people who regulate this program, who enforce the program, who actually impose penalties on the quota holders are, themselves, the quota holders. The people who benefit from the program run the program. That is unlike any other program, with the exception of one, in this country.

What we want to do is simply ask the Secretary of Agriculture to examine the applicable Federal statutes to determine whether there is a conflict of interest here, and then take action. Frankly, the reason I am here on the floor with this amendment, some additional growers out West in Texas, New Mexico, Oklahoma, and a lot of other places, had asked the Secretary to make this determination 2 months ago. They asked him in a letter. He has not responded to that letter. So what we are trying to do is say, Mr. Secretary,

let us look and see if there is a conflict of interest. We do not prejudice it. We ask them to examine to see whether this is a proper setup for the regulation of this program. It does not change the program. It does not alter it in mid-stream. It simply asks the Secretary to take a look at a potential conflict of interest.

I hope we can get very strong support for this.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, the largest law firm in Washington, DC, is trying to have a lawsuit, and this is in connection with the lawsuit. If there is any problem, it ought to be determined in the lawsuit. The Department, for years, has had participation by farmers in every phase of the program. You elected farm committeemen to the old ASCS, which is now the Farmers' Service, and they carry out the program. They make decisions in regard to it. The Soil Conservation Agency has district commissioners that are elected, and they carry out the various programs. That is nothing different.

The Department says this is unnecessary. They have, over the years, developed guidelines to ensure that there is no conflict of interest. This is just another attack on the peanut program with an effort to try to have a lawsuit, and these people have hired the biggest law firm in Washington to bring the lawsuit. They have filed a protest letter and involved that. The program is now in operation.

The farmers have gone to the bank, they have made their plans, and they are moving forward. Now is not the time to change it. So I urge you to vote against this amendment.

The PRESIDING OFFICER. The motion to table amendment No. 4967 offered by the Senator from Pennsylvania is now before the body.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

I also announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—61

Akaka	Daschle	Helms
Ashcroft	Dodd	Hollings
Baucus	Domenici	Hutchison
Bennett	Dorgan	Inhofe
Bingaman	Exon	Inouye
Bond	Faircloth	Jeffords
Breaux	Feinstein	Johnston
Bryan	Ford	Kempthorne
Bumpers	Frahm	Kerrey
Burns	Glenn	Leahy
Byrd	Graham	Lott
Campbell	Gramm	Mack
Cochran	Harkin	McConnell
Conrad	Hatch	Moseley-Braun
Coverdell	Hatfield	Moynihan
Craig	Heflin	Murkowski

Murray	Pryor	Simpson
Nickles	Robb	Thurmond
Nunn	Rockefeller	Warner
Pell	Shelby	
Pressler	Simon	

NAYS—37

Abraham	Grams	Reid
Biden	Grassley	Roth
Boxer	Gregg	Santorum
Bradley	Kennedy	Sarbanes
Brown	Kerry	Smith
Chafee	Kohl	Snowe
Coats	Kyl	Specter
Cohen	Lautenberg	Thomas
D'Amato	Levin	Thompson
DeWine	Lieberman	Wellstone
Feingold	Lugar	Wyden
Frist	McCain	
Gorton	Mikulski	

NOT VOTING—2

Kassebaum	Stevens
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The motion to lay on the table the amendment (No. 4967) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEFLIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4972

Mr. COCHRAN. Mr. President, at this point we are prepared to move to table the amendment previously offered by the distinguished Senator from Nevada, [Mr. BRYAN] on the Market Access program. My understanding would be that there would be 2 minutes available equally divided for discussion of that before we actually go to a vote on the motion to table.

With that understanding, I move to table the Bryan amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator's understanding is correct.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Nevada.

Mr. BRYAN. Thank you, very much, Mr. President. I reserve myself 1 minute, and I will yield the remaining minute to the distinguished ranking member.

Mr. President, this is an issue that has been before the Senate for a number of years. It deals with the program formerly known as the market promotion program, now referred to as market access program. This is a program in which taxpayer dollars are provided to some of the largest corporations in America to subsidize their advertising account under the dubious proposition that this is for export of American agricultural products abroad.

In February of this year, the Senate, by a vote of 59 to 37, approved an amendment which this Senator, together with the distinguished Senator from Arkansas and others, offered that would limit the level of funding, previously at \$110 million, to \$70 million, and we did so on the basis that we were able to eliminate some \$40 million that previously had gone to foreign companies.

So the thrust of the Bryan-Bumpers amendment was to say that no longer could this money be allocated to foreign companies and by reason of the fact that we eliminated foreign company allocations \$70 million kept the program constant.

Mr. President, I hope that my colleagues will support us as they did in February, and I simply say that this will keep the program level.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BRYAN. The proposal before us is \$90 million. That is a 29 percent increase.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this is a motion that we have actually already debated. Let me point out that under the farm bill there is a prescribed mandate for \$90 million of funds to be allocated for this program. So unlike previous years, this is not a discretionary program any longer. The reforms that were made sought to address the complaints that had been made about corporate welfare and all the other allegations in previous years, but those no longer lie against the program as it is operated now. Only trade associations and small businesses are entitled to funds under this program. They are allocated by the Foreign Agriculture Service. They help break down barriers to U.S. exports. They provide us access to markets that we would not have otherwise. They are good for American jobs, the American economy. They help us export more of what we produce on our farms and in our factories in foodstuffs and the like. All the testimony shows that this program is very helpful and needed, and I urge Senators to vote yea on the motion to table.

Mr. McCONNELL. Mr. President, the Market Access Program [MAP] is critical to the success of the 1996 farm bill and to continued agricultural growth. MAP is one of the few programs specifically allowed under the Uruguay Round agreement and not subject to any reduction. Many countries are increasingly pursuing policies to help their agricultural industries to maintain and expand their share of the world market. Now is not the time for the United States to continue to unilaterally eliminate or reduce MAP.

MAP is a key to helping boost U.S. agricultural exports, strengthening farm income, promoting economic growth and creating jobs. I urge your support to ensure programs such as MAP be fully funded. Again, I urge my colleagues to vote "yes" on the motion to table the Bryan amendment.

The PRESIDING OFFICER. The question before the body is on agreeing to the motion to table by the Senator from Mississippi. Those who are in favor of that motion should vote yea. Those who are opposed to that motion should vote nay. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama [Mr. SHELBY] and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

I also announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—55

Akaka	Frahm	McConnell
Baucus	Frist	Moseley-Braun
Bennett	Gorton	Murkowski
Bond	Graham	Murray
Boxer	Gramm	Pressler
Breaux	Grassley	Pryor
Burns	Harkin	Robb
Campbell	Hatch	Santorum
Coats	Hatfield	Sarbanes
Cochran	Heflin	Simon
Cohen	Helms	Simpson
Conrad	Hutchison	Snowe
Craig	Jeffords	Specter
Daschle	Kempthorne	Thomas
Domenici	Kerrey	Thurmond
Dorgan	Kohl	Wellstone
Exon	Leahy	Wyden
Feinstein	Lott	
Ford	Mack	

NAYS—42

Abraham	Faircloth	Lieberman
Ashcroft	Feingold	Lugar
Biden	Glenn	McCain
Bingaman	Grams	Mikulski
Bradley	Gregg	Moynihan
Brown	Hollings	Nickles
Bryan	Inhofe	Nunn
Bumpers	Inouye	Pell
Byrd	Johnston	Reid
Chafee	Kennedy	Rockefeller
Coverdell	Kerry	Roth
D'Amato	Kyl	Smith
DeWine	Lautenberg	Thompson
Dodd	Levin	Warner

NOT VOTING—3

Kassebaum	Shelby	Stevens
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The motion to lay on the table the amendment (No. 4977) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRECISION AGRICULTURE

Mr. CRAIG. Mr. President, I rise to stress the importance of ongoing research in the area of precision agriculture. Precision agriculture is also commonly referred to as site specific agriculture or intelligent farm systems. Precision agriculture is an exciting area of agriculture that enables farmers to produce in a manner that conserves fertilizer, energy, fuel and water while still producing a high quality and high yield crop.

In a bill that Mr. MCCONNELL recently introduced, precision agriculture is given additional attention. I commend Senator MCCONNELL for his efforts and note for the RECORD that myself, Senator KEMPTHORNE and Senator COCHRAN are all original cosponsors. I ask Senator COCHRAN, is this his understanding?

Mr. COCHRAN. Yes, I am very supportive of precision agriculture and Senator MCCONNELL's legislation.

Mr. KEMPTHORNE. Mr. President, in addition, I would like to clarify the intentions of the Fund for Rural America [FRA] under the Federal Agriculture Improvement and Reform Act. The FRA specifically designated one-third of the funding go toward research, extension, and education grants that, among other goals, will increase international competitiveness, efficiency, and farm profitability, and conserve and enhance natural resources. Further, the FRA research section clearly encourages interdepartment and interagency cooperation by allowing Federal agencies and national laboratories to be eligible. This is a solid step toward making the most efficient use of limited Federal research resources, and will facilitate new and unique applications of technologies to the agriculture industries.

I would like to clarify that research to develop precision agriculture, to apply remote sensing and information management technologies to agriculture, is an example of the type of research that the Secretary of Agriculture should support under the FRA. I ask the chairman, is that the case?

Mr. LUGAR. It is, and I look forward to working with my colleagues from Idaho and Mississippi to find appropriate ways to support development of precision agriculture.

VALUE-ADDED PRODUCTS

Mr. PRESSLER. Mr. President, South Dakota farmers and ranchers are looking to value-added products as one way to better market their commodities and products. By adding value to the basic commodity, farmers and ranchers can realize higher prices and improved income. This is being witnessed for all of agriculture, from grain farmers to livestock producers.

South Dakota is a leading State in finding innovative ways to add value to agricultural products. For example, South Dakota is a leader in the production of ethanol and more ethanol facilities are being planned to be built in South Dakota.

By the end of the year a new soybean processing plant will begin production in a new facility in Volga, SD. Currently there are serious negotiations underway for a new beef packing plant which would service South Dakota and regional livestock producers.

Another venture in western South Dakota is a plan for the Nation's first lamb packing facility that would combine slaughtering, breaking, packing, and shipping under one roof. The facility would provide fresh lamb products to wholesalers and distributors within the food industry. The facility would be called Monument Meats and be located in Belle Fourche, SD.

This effort would be a producer cooperative where producers would be contracted to provide lambs. The facility, when completed, would include and incorporate the suppliers of lamb with

the distributors of the final product into the overall process of the proposed facility.

One area where Federal taxpayer dollars are efficiently spent is the Rural Business Enterprise Grants Program. These grants can be used to finance and facilitate development of small and emerging business enterprises. Promotion and support of a viable U.S. lamb industry by establishing the proposed facility would certainly meet the objectives of these grants.

The proposed lamb processing facility for Belle Fourche, SD, certainly meets the test of a promising breakthrough in promoting U.S. lamb production. A key role of the Federal Government is to promote innovative and new business opportunities. A \$50,000 grant for a feasibility study of the proposed lamb processing plant would be helpful to demonstrate to producers and distributors the benefits that could be accrued from such a facility.

Supporters of this facility are only looking for assistance from the Federal Government just for the feasibility study. Once completed, there are no intentions of further requests for Federal funding. This seems to me to be a worthwhile investment.

If I could, I would like to ask a few questions to my distinguished colleague from Mississippi, the chairman of the Appropriations Subcommittee on Agriculture.

I recognize that the bill currently under consideration does not contain funding for a feasibility study for the lamb processing plant conceived to be built in Belle Fourche, SD. However, is it the chairman's belief that this is the type of venture where rural business enterprise grants could come into play?

Mr. COCHRAN. That is correct.

Mr. PRESSLER. Is it also correct to say that the U.S. Department of Agriculture could utilize this type of grant to establish value-added processing plants in the United States, like the one planned for in Belle Fourche, SD?

Mr. COCHRAN. That is my understanding.

Mr. PRESSLER. Finally, I would like to ask the chairman if he would work with me to secure future funding for a feasibility study to be done for a lamb processing facility in Belle Fourche, SD.

Mr. COCHRAN. I will continue working with my colleague from South Dakota to find funding for projects like the proposed lamb processing facility in South Dakota.

Mr. PRESSLER. I thank my colleague and friend.

Again, Mr. President, the proposed lamb processing plant can bring higher prices to lamb producers. The facility can bring economic growth and jobs to the community of Belle Fourche, SD. Finally, the facility can go a long way to promote the entire U.S. lamb industry. I will continue working to secure \$50,000 for a Federal feasibility study for this much needed project.

Mr. COCHRAN. Mr. President, we are working to accommodate Senators by

working on amendments that have been proposed that we hope can be resolved without rollcall votes. There are some which may require a rollcall vote if Senators insist on a vote.

Senator BUMPERS and I are here and available to discuss these proposals. We hope those who want to offer their amendments will come forward. We would like to complete action on this bill. I suggest this is a good time to resolve differences, if we can, and then proceed to vote on those we can't agree on and finish the bill. We are not going to stay in all afternoon sitting and waiting. For those who want to present amendments, we will offer them for you and vote on them, and then we can get to the end of the bill, if we can get the cooperation of Senators at an early time this afternoon.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I don't have anything to add to what the distinguished Senator from Mississippi said. It is very frustrating, frankly, to sit here hoping somebody will show up with an amendment you know has an amendment and is going to come charging in at the last minute if you try to go to third reading.

So we have about four amendments here, and I might just mention, there is a Mikulski amendment on crab meat study by FDA, which I think is agreeable; there is a Wellstone amendment on wild rice under the farm bill of last year, which I think has been agreed to; there is an emergency drought assistance and Hurricane Bertha assistance by Senator DOMENICI, which I think has been cleared on both sides; Senator LUGAR on double cropping. I am told that is not quite worked out. The Brown amendment I think has about been worked out. A Hatfield amendment on rural development has been worked out.

So we can offer those on behalf of those people if they do not want to offer them themselves. But I would like for those people to know that they need to get over here. If they have been cleared, they need to offer them unless they want to bring them to us and let us offer them for them.

The amendments that are probably going to require rollcall votes are one by Senator KENNEDY dealing with Medguide. I do not know if Senator SANTORUM has any more peanut amendments or not. I understand he had eight. He has offered two so far. But anyway, the Kennedy amendment, an amendment by Senator SIMPSON dealing with wetlands, an amendment by Senator LEAHY on northeast forestry, and the barley amendment by the Senators from North Dakota. So that leaves us about four amendments that could possibly require rollcalls unless we get them worked out.

But if we can get those we have agreed on passed, and which will just leave us those four that could require rollcall votes, we ought to be through here by close to the middle of the after-

noon or late afternoon. So with that admonition and plea to our colleagues to get over here to offer their amendments, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT—S. 1936

Mr. LOTT. Mr. President, I am very happy to say we have a unanimous-consent agreement with regard to how we handle the nuclear waste issue. There has been a lot of discussion and give and take.

I ask unanimous consent that, notwithstanding the consent agreement with respect to S. 1936, the cloture vote scheduled to occur on Thursday, July 25 be vitiated and the Senate proceed to the bill at 9 a.m. on Wednesday, July 31 under the following time agreement: 8 hours total for debate on the bill and all amendments, to be equally divided in the usual form: That there be four first-degree amendments in order to be offered by the Democratic leader for his designee; that there be 4 first-degree amendments in order to be offered by the majority leader or his designee; that all amendments be limited to 1 hour to be equally divided in the usual form; that all amendments be in order notwithstanding the adoption of any earlier amendment and all amendments must have been filed by the close of business on Thursday, July 25; provided further, that no amendment dealing with the storage of nuclear materials on Palmyra Atoll or some other U.S. Pacific island be in order; that all amendments must be germane to S. 1936 and in accordance with rule 22, and not subject to second-degree amendments, with no motions to refer in order; and following the conclusion or the debate time and the disposition of the amendments, the bill be immediately advanced to third reading and final passage occur all without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BRYAN. Mr. President, I indicate to the majority leader that this has been cleared on this side of the aisle. We have no objection.

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

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I will take but a brief moment. Let me thank the majority leader and our colleagues from Nevada for the kind of work that has produced this unanimous-consent agreement. I trust now that we will be

able to move expeditiously on the issue of nuclear waste.

While it is an issue of great contention on the part of some of our Members—and certainly our colleagues from Nevada have great concern about what ultimately occurs here—I think we have, with this UC, an opportunity for a final conclusion and to express the will of the Senate—and, hopefully, the House—on an issue that is of national importance. I thank the Senators for their cooperation.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I would like to add, as chairman of the Energy and Natural Resource Committee, my satisfaction with the negotiations. I know the agony associated with this issue relative to Nevada. Unfortunately, we simply have to put this waste somewhere, and this question will now be resolved with a vote, at least in this body. I think, further, the willingness to try and work toward a solution enables the majority leader to move on with the business of the Senate, rather than tie it up in an extended filibuster, which, obviously, every Member has a right to proceed with. Nevertheless, we have a responsibility to resolve these issues in a manner that suggests some expeditious process.

I thank the Senators for their cooperation, ensuring that they will leave no stone unturned to pursue their convictions, but yet allowing the Senate majority leader to proceed. That is indicative of not just their good nature, but a recognition of what this body is all about.

I thank the majority leader.

Mr. LOTT. Mr. President, I want to make certain. No objection was heard, so the agreement was reached, is that correct?

Mr. REID. Mr. President, first, if I could briefly say something. I want to personally extend my appreciation to our leader, who spent a great deal of time with the majority leader trying to work this out. I think it shows good faith that we are trying to move things over here. We feel comfortable with the agreement and especially appreciate the work of the leadership.

Mr. LOTT. Mr. President, I believe there was no objection heard, is that correct? Has this been agreed to?

The PRESIDING OFFICER. Yes, that is correct.

Mr. LOTT. I want to thank all the parties involved, including the two Senators from Nevada, for their fairness and knowing how important this is to them, and for the involvement of the Senators from Alaska and Idaho, for their work.

My colleague from Nevada is absolutely right to say that Senator DASCHLE was helpful in this. In fact, he first initiated the idea on how this might be handled. It took a lot of discussion and coordination on your part.