(2) The President of the United States should immediately take steps to protect the interests of the United States and should not tolerate threats to those interests from the action or inaction of a foreign government or its citizens;

(3) The President should provide assistance, including financial assistance, to States and citizens of the United States seeking damages in Canada that have resulted from illegal or harassing actions by the Government of Canada or its citizens; and

(4) The President should use all necessary and appropriate means to compel the Government of Canada to prevent any further illegal or harassing actions against the United States, its citizens or their interests, which may include—

(A) using U.S. assets and personnel to protect U.S. citizens exercising their right of innocent passage through the territorial sea of Canada from illegal actions or harassment until such time as the President determines that the Government of Canada has adopted a long-term policy that ensures such protection;

(B) prohibiting the import of selected Canadian products until such time as the President determines that Canada has adopted a long-term policy that protects U.S. citizens exercising their right of innocent passage through the territorial sea of Canada from illegal actions or harassment;

(C) directing that no Canadian vessel may anchor or otherwise take shelter in U.S. waters off Alaska or other States without formal clearance from U.S. Customs, except in emergency situations;

(D) directing that no fish or shellfish taken in sport fisheries in the Province of British Columbia may enter the United States; and

(E) enforcing U.S. law with respect to all vessels in waters of the Dixon Entrance claimed by the United States, including the area in which jurisdiction is disputed.

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

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

The motion to lay on the table was agreed to.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 965

The PRESIDING OFFICER. There are 2 minutes, equally divided, on the motion to table amendment No. 965, the Durbin Amendment.

Mr. COCHRAN. Mr. President, I understand that we have 2 minutes, equally divided, on the motion to table the Durbin Amendment. I made the motion to table. The Durbin Amendment seeks to do away with crop insurance payments for tobacco farmers and any disaster assistance payments that might fall due under the law. I moved to table it. It carried with it a second degree amendment by the Senator from Kentucky [Mr. FORD], which limits crop insurance payments to farms 400 acres or smaller.

So, as you may see, unless we table the DURBIN amendment, you are going to cause a lot of disruptions in agriculture for two reasons. I hope that the Senate will vote to table this amendment. This is an agriculture appropriations bill. Both of these amendments would change the law, not funding levels. Let's stick to the purpose of our bill and please vote to table the Durbin amendment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this amendment eliminates the Federal subsidy for tobacco. How many times have we faced that question?

Senators, the Federal Government says that tobacco is dangerous. Why do the taxpayers continue to subsidize it? We subsidize it in the form of crop insurance.

Senator GREGG and I are offering this amendment to eliminate once and for all crop insurance for tobacco. Some Senators have said that is unfair. Every crop gets insured. Right? Wrong. Sixty-seven crops are presently ensured. Sixteen hundred are not.

The list goes on and on and on. I am about to drop them.

What is this about? It is about a crop that is perfectly legal and perfectly lethal. Tobacco is the No. 1 preventable cause of death in America today.

Let's get our public health policy and our subsidies straight.

So, to vote against the crop insurance for tobacco, the appropriate vote is ''no'' on the motion to table and ''no'' on more subsidies.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the motion of the Senator from Mississippi to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—53

Akaka	Enzi	Leahy
Allard	Faircloth	Lott
Ashcroft	Feingold	McConnell
Baucus	Ford	Mikulski
Biden	Frist	Moynihan
Bond	Graham	Murkowski
Breaux	Grams	Nickles
Bryan	Grassley	Robb
Burns	Hagel	Roberts
Campbell	Helms	Roth
Cleland	Hollings	Sarbanes
Cochran	Inhofe	Sessions
Conrad	Inouye	Shelby
Coverdell	Jeffords	Stevens
Craig	Kempthorne	Thompson
Daschle	Kerrey	Thurmond
Domenici	Kohl	Warner
Dorgan	Landrieu	

NAYS—47

Abraham	Collins	Gregg
Bennett	D'Amato	Harkin
Bingaman	DeWine	Hatch
Boxer	Dodd	Hutchinson
Brownback	Durbin	Hutchison
Bumpers	Feinstein	Johnson
Byrd	Glenn	Kennedy
Chafee	Gorton	Kerry
Coats	Gramm	Kyl
Lautenberg	Murray	Snowe
Levin	Reed	Specter
Lieberman	Reid	Thomas
Lugar	Rockefeller	Torricelli
Mack	Santorum	Wellstone
McCain	Smith (NH)	Wyden
Moseley-Braun	Smith (OR)	

The motion to lay on the table the amendment (No. 965) was agreed to.

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

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, what is the pending business before the Senate?

AMENDMENT NO. 969, AS MODIFIED

The PRESIDING OFFICER. The pending business is the Helms amendment No. 969.

Mr. COCHRAN. Mr. President, the issue here was joined with the offering of the amendment by the distinguished Senator from Iowa. It is an amendment related to the Food and Drug Administration's funds for an antismoking regulatory program that has been developed and put out by the Food and Drug Administration. The issue is whether or not there is sufficient funds in the FDA account to help pay the cost of this regulatory program.

Some Senators may not be aware of the fact that we have increased in this legislation the proposed funding for FDA by over $20 million. As a matter of fact, I think the total is around $30 million—$24 million for the FDA account for this next fiscal year. This is in comparison with this current year's funding level. So there are funds available to carry out the additional food safety initiatives that the Food and Drug Administration has proposed. There is a specified $4.9 million available, the same amount as last year, for the FDA's smoking regulatory program, or antismoking regulatory program.

One thing that has to be kept in mind, I think, to try to understand, get a perspective on this issue is that litigation is underway. There was a lawsuit filed in North Carolina. Some of the regulatory initiatives of the FDA were upheld and some are on appeal.

Mr. President, the other aspect of this issue is that there has been a negotiated settlement among attorneys general and the tobacco industry that involves the commitment of the tobacco industry to make certain payments to help pay health costs and Food and Drug Administration activities in connection with the use of tobacco and trying to convince people that smoking tobacco is bad for you.

This bill does not in any way try to adversely affect or take away from any initiative of that kind. We did say, when we were discussing this legislation in the subcommittee and at the full committee, that we assumed some funds could be made available from the tobacco industry to help pay costs that might not be fully funded in this legislation, costs of the Food and Drug Administration. So we see nothing wrong

with making that assumption in our bill. The Harkin amendment imposes an assessment on tobacco companies that would cause funds then to be created that could then be given to the FDA for additional program costs.

The Senator from North Carolina has offered a second-degree amendment changing the source of the funding from the assessment to an ethanol assessment, so that the funds would come from the ethanol program, in effect, for the antismoking program of FDA. And so there is where we stand now.

The yeas and nays have been ordered on the Helms amendment. The yeas and nays have been ordered on the Harkin amendment. And so that is the situation as I understand it. There was a suggestion that one way to deal with this is to put it before the Senate in the form of a motion to table the Harkin amendment.

Now, I could make that motion, but I do not want to make that motion and cut off the right of Senators who want to speak on this issue. And I understand from the Senator from Iowa that he might want to speak further on it. The Senator from Rhode Island is a cosponsor of the Harkin amendment and he wanted to speak. So I am reluctant to make that motion. But it would be my hope that we could resolve the issue in that way. If that is not satisfactory to the Senate, the Senate can work its will. But that is the suggestion that I have for dealing with the issue, of wrapping it all up in one vote, if the motion to table is approved. If the motion to table is not approved, then we have a vote on the Helms amendment and we have a vote on the Harkin amendment. So that is my suggestion for how we can wrap it all up.

Mr. HARKIN. If the Senator will yield.

Mr. COCHRAN. I am just one Senator. I am trying to help get this bill passed and get this issue resolved, and I hope that that can be embraced by the proponents of both sides.

Mr. HARKIN. Will the Senator yield for a question?

Mr. COCHRAN. I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. HARKIN. Mr. President, first of all, I say to my friend from Mississippi that the amendment I offered is an entirely separate matter the proposed tobacco settlement that is being worked out with the attorneys general and the tobacco companies. In fact, I submitted for the RECORD earlier a copy of a letter from 33 attorneys general involved in the tobacco settlement supporting full funding for FDA's tobacco initiative. I have also a letter here from Michael Moore, who is the attorney general of the State of Mississippi who is the lead attorney general in the negotiations. He stated here, ''I would like to express my strong support for your amendment.'' Dated July 21. That would be 2 days ago.

And he said, ''There has been some confusion regarding your amendment and whether it would interfere or conflict with the proposed settlement with the tobacco industry.'' He went on to say that he supported it.

So this has nothing to do with the proposed tobacco settlement whatsoever. What this has to do with is the part of the proposed FDA rule that was upheld by the court in Greensboro, NC. The court upheld the authority of FDA to regulate tobacco sales to minors. The FDA promulgated the rule. It was upheld by the courts.

Now, the administration has requested $34 million to implement the rule. It needs this amount to carry out the rules upheld by the court. However, in the Agriculture appropriations bill there is only $4.9 million to implement it. So we cannot reach out to all 50 States to get this rule implemented to cut down on sales of tobacco to young people. And due to the involvement, I might say the good involvement, of the Senator from West Virginia, a provision was added to our amendment that says that in carrying out the responsibilities under the Food and Drug Administration initiative, States are encouraged to coordinate enforcement efforts with the enforcement of laws that prohibit under-age drinking. That is, I might add, a very worthwhile addition to this amendment. So I hope Senators are not confused. This has nothing to do with the tobacco settlement whatsoever. This has everything to do with whether or not we are going to have enforcement of the FDA rule to prevent sales of tobacco to kids.

I would also point out there is some talk that somehow this FDA initiative is duplicative of the SAMHSA regulations. I am informed that it is not. This is because SAMHSA is not an enforcement program but FDA is. SAMHSA provides no incentives for retailers to stop illegal sales to kids. FDA will educate retailers about their responsibility and penalize retailers if they repeatedly sell to kids. And so SAMHSA is a lot different than FDA's tobacco initiative.

Now, why does the FDA need the full $34 million? Well, basically, the Court provided FDA with full authority to regulate cigarettes and smokeless tobacco products and with full authority to continue implementing provisions of the FDA initiative that sets a minimum age of 18 for buying tobacco and requires retailers to check the photo ID of consumers seeking to purchase tobacco.

Given that there are more than a half a million retailers in this country, it will be a big task to educate retailers about their responsibilities. Funds are also needed to conduct periodic compliance checks. So the $34 million is not that much money given the task at hand. The Court did strike down parts of the FDA rule, but resources are needed to enforce the minimum age and ID check rules that were fully upheld by the Court.

Mr. President, $34 million is a very small investment when you realize that tobacco use drains more than $50 billion from our health care system each year. So this is a very small amount of money.

Now, Mr. President, I have a parliamentary inquiry. Might I inquire of the Chair, what is the business before the Senate? I make a parliamentary inquiry.

The PRESIDING OFFICER. The question before the Senate is the Helms amendment. I believe that is 969.

Mr. STEVENS addressed the Chair.

Mr. HARKIN. Mr. President, I still have the floor.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. Well, Mr. President, I think that we are all very clear on this. Now, I had in good faith with the Senator from North Carolina made an agreement earlier that I would be permitted the yeas and nays on my amendment, which required unanimous consent at that point, that the Senator would then be allowed to modify his amendment, which he did, and then we asked for the yeas and nays on the amendment of the Senator from North Carolina.

We could then have a vote on his amendment and then have a vote on my underlying amendment—in other words, a vote first on the amendment of the Senator from North Carolina. If that prevailed, well, that would be the end of it. If it went down, then there would be an up-or-down vote on my amendment. And the Senator can correct me if I am wrong, but I believe that was the agreement and we shook hands on it.

Mr. BUMPERS. Mr. President, will the Senator from Iowa yield for a question?

Mr. HARKIN. I yield only for a question.

Mr. BUMPERS. I think it might be helpful if we engaged in a few questions and answers to understand precisely what this amendment is. I have not been sure all along I understood it.

There is presently a Federal law which prohibits the sale of cigarettes to anybody under 18 years of age, is that correct?

Mr. HARKIN. Yes, that is true.

Mr. BUMPERS. And does the Federal Government provide any funds to the States for enforcement of that law at present?

Mr. HARKIN. I understand that that is, indeed, what the FDA initiative is for, is to provide funds to the States to implement it and to carry it out.

Mr. BUMPERS. The question is, do we provide any money for them at this moment for the enforcement of this law?

Mr. HARKIN. This Senator is not aware of any. However, I would not unequivocally state there is not.

Mr. BUMPERS. I understand there is $4.9 million available for that purpose, is that correct?

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. The Senator from Arkansas is correct with respect to the $4.9 million. As I understand it, the $4.9 million is what is expected to be spent this year for the first step in this initiative, this FDA initiative to cut down on tobacco sales to minors under the age of 18. The $4.9 million is the first step in that process.

Mr. BUMPERS. Now, the administration has asked for an additional $34 million?

Mr. HARKIN. No, they have asked for $34 million. That includes the $4.9 million.

Mr. BUMPERS. That includes the present 4-plus million.

Mr. HARKIN. Yes. It raises the 4.9 up to 34.

Mr. BUMPERS. This money will be distributed to the States to assist them in the enforcement of this law?

Mr. HARKIN. Yes.

Mr. BUMPERS. Now, if we do not provide—we have imposed, in effect, a law that we are requesting the States to enforce. We passed a law saying to the States, you can't allow sales of cigarettes to anybody under 18, and we have not given them any money to enforce it. How does that play with the law we passed here either last year or the year before on mandates to the States with no money?

Mr. HARKIN. I am sorry.

Mr. BUMPERS. The Senator will recall the distinguished Senator from Idaho, [Mr. KEMPTHORNE], led the fight here to provide that the Federal Government in the future must pay the States for any mandates we impose on them and for which we do not provide any money. I am asking the Senator, why doesn't this come under the category of a violation, as long as we required them to enforce the ''18-year-old'' prohibition, but we haven't given them any money? Why is that not a violation of the law we passed here prohibiting mandates on local jurisdictions without money?

Mr. HARKIN. As I understand it, what the Senator is suggesting is that this money is to help the Federal Government meet its obligations of ensuring that we do not mandate States to do things which we do not fund.

Mr. BUMPERS. Well, essentially that is right, but what I am saying is at present we do not give the States but I think maybe $4-plus million, which is not nearly enough.

Mr. HARKIN. If I might respond, that $4.9 million only covers 10 States. We want to cover 50 States. Thus the need for the $34 million.

Mr. BUMPERS. Let me ask the Senator this question, changing gears just a little bit. Could the Senator tell us, is there a figure available as to what it would take to effectively enforce this law in all 50 States?

Mr. HARKIN. I am told that figure is $34 million. And that is what they are requesting. They are requesting $34 million to expand it from 10 States to 50 States.

Mr. BUMPERS. Under the rule of thumb, I come from a State that has 1 percent of the Nation's population. When I was Governor of that State we used to always assume that under all the formulas, welfare and otherwise, we would get 1 percent, because we have 1 percent of the population. In this case, if we had $34 million and we put it out on that basis, Arkansas would get $340,000.

I don't think that would be enough to even get the water hot, in enforcing this law.

Mr. HARKIN. If I may respond again to the Senator, I think there is a bit of confusion here. It is my understanding that the FDA rule does not impose a mandate on States. It imposes an obligation on retailers who sell tobacco or tobacco products not to sell them to anyone under the age of 18. In fact, the rule says that anyone under the age of 27 must provide a valid photo ID to prove their age is over the age of 18. The money that we are seeking here is to go out to the States and local communities to help them, and to help retailers, enforce and comply with the FDA rule.

The FDA rule does not apply to a State. It applies to retailers, and not to a State.

Mr. BUMPERS. Let me ask the Senator this question. If the amendment of the Senator fails and there is no money going to the States and the States simply take the position that they are not going to enforce this rule because they don't have the money to do it, then there will be no enforcement?

Mr. HARKIN. That is true.

Mr. BUMPERS. And there would be no way for the Feds to make them enforce it?

Mr. HARKIN. The Senator is absolutely correct, there is no way we could make them enforce it.

Mr. BUMPERS. If we develop a formula along the lines I mentioned a moment ago, where say my State of Arkansas would get 1 percent, what if we were to say to the Federal Government: We don't like the rule and we are not going to enforce it. Keep your $340,000. Would the Federal Government have any recourse against the State of Arkansas?

Mr. HARKIN. No, because the States will contract with FDA to help carry out the FDA rule. But there is no mandate that the States have to enforce the FDA rule. We are seeking, with this amount of money, $34 million, a way of implementing the rule through the use of State and local governments to help enforce this rule. But there is no mandate that they have to do so; absolutely none whatsoever.

Mr. BUMPERS. I thank the Senator.

Mr. STEVENS addressed the Chair.

Mr. FORD. Could I get in here just a minute?

The PRESIDING OFFICER (Mr. ALLARD). Does the Senator from Iowa yield to the Senator from Alaska, who is asking to be recognized?

Mr. HARKIN. I will yield for a question.

Mr. FORD. May I ask the Senator a question?

The PRESIDING OFFICER. The Senator from Iowa controls the times.

Mr. HARKIN. I yield for a question from the Senator from Kentucky.

Mr. FORD. You are talking about funding a regulation and not a statutory provision, isn't that correct?

Mr. HARKIN. That is true.

Mr. FORD. Isn't it true, under SAMHSA and the so-called Synar amendment, that the enforcement is there and there is about $1 billion in this particular area as block grants? Isn't that true?

Mr. HARKIN. I respond to the Senator this way, and we had this discussion earlier. The Synar regulation of SAMHSA is not an enforcement program. FDA is. SAMHSA provides no incentives for retailers to stop illegal sales to kids. Through its tobacco initiative, FDA will educate retailers about their responsibility, and can assess penalties and penalize retailers if they repeatedly sell to kids. SAMHSA does not provide enforcement power or enforcement money.

Mr. FORD. Under SAMHSA, as I understand it, the States are required to certify to SAMHSA that they are carrying out these laws and one of the requirements under SAMHSA, in the so-called Synar amendment, is sting operations. So the enforcement is there from the States certifying to SAMHSA that they are complying with the law. And $1 billion is there, as I recall, for the enforcement because, if you don't enforce it and you don't certify it, then you lose your block grants. And that is pretty tough enforcement, in my opinion.

Mr. HARKIN. I might respond to my friend from Kentucky, that, under the Synar amendment it is true that SAMHSA—SAMHSA imposes an—

Mr. FORD. That's Japanese.

Mr. HARKIN. Sets targets for the States to cut illegal sales to minors.

Mr. FORD. That is correct.

Mr. HARKIN. If they do not do so, then the State could lose block grant funding—

Mr. FORD. That is correct.

Mr. HARKIN. If they do not reduce smoking.

Mr. FORD. That is correct.

Mr. HARKIN. But here is the catch. The tobacco industry was successful in pulling the teeth from this provision. Synar has no teeth because there are no hard targets. It is discretionary whether any State will lose its block grant. That is why SAMHSA is not an enforcement program, no one is going to lose their block grants, because there are no teeth in the targets. If States miss their targets, they are not going to lose their block grants. To my knowledge, no State has.

Mr. FORD. I say to my good friend—

Mr. HARKIN. I yield further without losing my right to the floor.

Mr. FORD. Under the Synar amendment, the States have passed laws to comply with SAMHSA. And, under that

compliance they are required to enforce the law. And they are to so certify. They are to so certify to HHS that they are doing it. And part of that requirement is the so-called sting operations, that you wouldn't notify an operation that you are going to inspect them.

So, this to me is double jeopardy on the States. You are taking SAMHSA that can take away their block grants and you have FDA, that you are trying to give money to, to enforce something that you already have the enforcement mechanism to do.

We may disagree on this, but $1 billion is a lot of money. It is not an unfunded mandate.

Mr. HARKIN. I would reply to the Senator from Kentucky again in this way. SAMHSA does in fact provide that States should or must enforce this and reduce smoking by passing laws that would do that, to take action to do that. However, there are absolutely no teeth at all in this SAMHSA provision because, if States don't do it, there are essentially no effective penalties that apply.

Mr. FORD. Senator, losing their block grant is a penalty.

Mr. HARKIN. A State could conceivably lose its block grant but there are no hard targets that hold the states accountable to enforce laws that cut teenage smoking.

Mr. FORD. They passed a law saying what you have to do.

Mr. HARKIN. But there are no teeth saying if you don't meet the requirements of law that you lose their block grants. There are no teeth in it.

Mr. FORD. It reminds me of the military, the teeth and the tail. I believe the teeth here have been pulled.

Mr. HARKIN. The teeth have been pulled out of SAMHSA. But nonetheless, I say to the Senator from Kentucky, that SAMHSA applies to the States. The States do their thing. What the FDA initiative goes to are the retailers. The FDA rule goes directly to retailers. And what this money is used for is to go out and contract with State and local jurisdictions to enforce the rules to prevent teen smoking and to help retailers understand what they have to do. And the FDA can absolutely set up penalties for retailers who do not comply, who are repeat offenders in selling tobacco to underage kids. That is not the case under the SAMHSA rules. I am sorry.

Mr. FORD. Mr. President, without the Senator losing his right to the floor, I would like to ask him another question.

Mr. HARKIN. I will yield for a question.

Mr. FORD. How can States regulate the purchase of cigarettes without dealing with retailers? There is no way. Because that is where the tobacco is sold. So, therefore, they do deal with retailers. Under the SAMHSA rule they have, based on their law in their State, under that statute, to comply with SAMHSA. And you have funded it by $1 billion and that is a block grant to the States.

Mr. HARKIN. Mr. President, again, let's be clear what we are talking about when we are talking about SAMHSA. SAMHSA and the States can pass a law and they can deal with retailers. But there are no hard targets in SAMHSA to say: Here is what you have to do or you will certainly lose your block grant. The State can pass all kinds of laws but, if the State laws don't meet a target, then SAMHSA has no way of going to the State and saying, ''Look, you didn't meet the requirements of the law and therefore we will take away your mental health and substance abuse block grants.''

If there were, in the Synar amendment, a provision that said that, if a State, for example, cannot show that by year one they have taken this step and this step and this step, and that they have met the target—if in that case they then would lose their block grants, I would then agree with the Senator from Kentucky.

That is not the case in the Synar amendment. It is a lot of nice words, but it doesn't really get to the heart of it, because there are no effective penalties, there is no real trigger, there is no hard target that, if a State doesn't do something, they then will lose their block grant.

On the other hand, the proposed FDA rule upheld by the courts goes to the retailers, and FDA can—not must—but can contract with States and contract with local jurisdictions for enforcement of the FDA rules. FDA will also provide information, resources, support and help through outreach. A lot of times the small businesses don't really know what they have to do, and outreach can help them carry out this rule requiring the photo ID under age 27.

So I don't want to get this FDA initiative confused with SAMHSA at all. This is something entirely different. I don't know if the Senator from Alaska wanted me to yield for a question.

Mr. STEVENS. The Senator from Alaska would like to have the floor, Mr. President.

Mr. HARKIN. Mr. President, as I was saying earlier before I yielded to the Senator from Arkansas, I was talking about the situation that we had agreed to, that I thought I agreed to. I might just also say that the Helms amendment provides no funds to reduce tobacco smoking in any way. It creates a 3-cent tax on each gallon of ethanol. It puts it in a trust fund to be used for programs within the Substance Abuse and Mental Health Services Administration, but it doesn't allow the money to be spent unless funding is included in some appropriations bill. So it really doesn't provide an alternative source of funding. It just sets up a trust fund that you take money out of ethanol and put in there. But it really doesn't do anything.

As I understood it, I had agreed with the Senator from North Carolina that I would not object to a unanimous consent request to have the yeas and nays on my amendment, which was required at that point in time; then he would modify his amendment; and then we would have the yeas and nays on his amendment; and if we could have an up-or-down vote on his amendment, which I thought was fair, and if we could have an up-or-down vote on my amendment, which I thought would be fair.

Now I understand that that may not be the case; that now there may be a motion made to table the underlying amendment without a vote happening on the Helms amendment. I think there should be a vote on the Helms amendment to see whether or not people want to take the money out of ethanol and put it into a trust fund which doesn't go anywhere, or whether Senators would rather raise the assessment, as the amendment by Senator CHAFEE and I, and others, does: to raise the marketing assessment now from 1 percent to 2.1 percent, remove the half a percent that farmers have to pay now, make tobacco companies pay the full 2.1 percent, in order to offset the $34 million needed to fund the FDA's youth tobacco initiative.

That really is the essence of the two amendments, and I believe we ought to have a vote on the two amendments. So, therefore, Mr. President, I move to table the Helms amendment, and I ask for the yeas and nays.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the pending amendment is the amendment offered by the Senator from North Carolina to raise a tax. The underlying amendment is an amendment to raise a fee, and then it turns around and spends the fee. I view my job as chairman of the Appropriations Committee—I beg your pardon, did he make a motion to table?

The PRESIDING OFFICER. If the Senator will suspend for just a moment, apparently we have a motion to table, which is a nondebatable motion.

Mr. STEVENS. I am sorry. I apologize. I did not hear that motion. When was the motion made?

The PRESIDING OFFICER. It apparently was made just prior to the Senator from Iowa taking his seat.

Mr. STEVENS. Parliamentary inquiry. Is it in order to table the underlying amendment now?

The PRESIDING OFFICER. Not at this point in time.

Mr. STEVENS. I regret that, and I apologize to the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the Helms amendment No. 969, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 76, nays 24, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—76

Abraham	Dorgan	Lugar
Akaka	Durbin	Mack
Allard	Enzi	McCain
Ashcroft	Feingold	Mikulski
Baucus	Feinstein	Moseley-Braun
Biden	Glenn	Moynihan
Bingaman	Gorton	Murray
Bond	Graham	Reed
Boxer	Grams	Reid
Breaux	Grassley	Robb
Brownback	Hagel	Roberts
Bryan	Harkin	Rockefeller
Bumpers	Hatch	Santorum
Burns	Inouye	Sarbanes
Byrd	Jeffords	Sessions
Chafee	Johnson	Shelby
Cleland	Kempthorne	Smith (NH)
Coats	Kennedy	Smith (OR)
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Coverdell	Kohl	Thomas
Craig	Landrieu	Torricelli
Daschle	Lautenberg	Wellstone
DeWine	Leahy	Wyden
Dodd	Levin	
Domenici	Lieberman	

NAYS—24

Bennett	Gregg	McConnell
Campbell	Helms	Murkowski
Cochran	Hollings	Nickles
D'Amato	Hutchinson	Roth
Faircloth	Hutchison	Stevens
Ford	Inhofe	Thompson
Frist	Kyl	Thurmond
Gramm	Lott	Warner

The motion to lay on the table the amendment (No. 969), as modified, was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

AMENDMENT NO. 968

Mr. STEVENS. Mr. President, I want to appeal to the Senate on this bill. It is my hope that we can finish this bill tonight and move on to State, Justice, Commerce bill tomorrow and finish it before we recess for this week. We still will have two more to do or three more to do next week, in terms of appropriations bills. Our goal has been to try and finish all that we can before the recess.

Mr. President, this amendment that is pending, the Harkin amendment, as I understand it, would require that this bill be referred to Ways and Means when it goes to the House. I do not believe that we should be handling this amendment on this bill. The Senator knows that has been my feeling. I am grateful to the Senator for bringing it to the floor rather than having a prolonged discussion of it in the Appropriations Committee. But it is my hope that the Senate will understand this motion I am about to make and support it, so that we can keep the momentum we have for our appropriations bills and finish this bill tonight. I do not think the bill will be able to be finished tonight unless we do get this motion of mine agreed to.

Mr. HARKIN. Mr. President, will the Senator yield for a question?

Mr. STEVENS. Mr. President, I move to table the Harkin amendment.

Mr. HARKIN. Will the Senator yield for a question?

Mr. STEVENS. Mr. President, I move to table the Harkin amendment and I will yield in a minute.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. Mr. President, I move to table the Harkin amendment, and I ask unanimous consent that I be able to yield to the Senator from Iowa, and I also ask unanimous consent that my motion then be set aside so that the two leaders can arrange the balance of the program for this evening. There are Senators who have problems, as I understand it. The two leaders will address that. I have made the motion to table, right?

The PRESIDING OFFICER. The motion has been made to table.

Is there objection to the request?

Mr. HARKIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The question is on the motion to table.

Mr. STEVENS. I made a motion to table, and I asked unanimous consent that I be able to listen to the Senator from Iowa.

Mr. HARKIN. I can't hear anything. What is the pending business?

The PRESIDING OFFICER. The pending question is the motion to table the Harkin amendment.

Mr. HARKIN. Mr. President, I asked the Senator to yield for a question.

The PRESIDING OFFICER. The Senator didn't choose to do that. He moved to table.

Mr. STEVENS. What is the question, Senator?

Mr. HARKIN. The Senator from Alaska stated that this amendment would mean that the bill would be referred to the Ways and Means Committee of the House. However, the amendment that Senator CHAFEE and I offered is on an assessment that was passed by the Agriculture Committee in 1990, not the Ways and Means Committee. The Ways and Means Committee never had any jurisdiction over this.

I am somewhat perplexed as to why this would then go to the Ways and Means Committee, since it was the Agriculture Committee that passed the assessment in 1990.

Mr. STEVENS. I just want to say that my information was that that committee of the House has taken one of our bills previously.

I do ask for the yeas and nays and renew my request that the leaders be recognized.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

The Senate will please come to order.

The majority leader is now recognized on the leader time.

Mr. LOTT. Mr. President, we have a unanimous consent request that we have been working on for the past few minutes with the members of the Appropriations Committee and the leadership on both sides of the aisle. This will give the Members some clear understanding of what they can expect for the balance of the evening and first thing in the morning.

I ask unanimous consent that the vote on the motion to table the Harkin amendment occur at 6:30 p.m. this evening and, between now and 6:30, Senator BRYAN be recognized to offer an amendment regarding market promotion and there be 30 minutes for debate to be equally divided in the usual form and the vote occur in relation to that amendment following the motion to table at 6:30 and no amendments be in order to the Bryan amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Reserving the right to object. I ask that you might include in the request that I be recognized to offer an amendment tonight—it won't be voted on tonight—after the votes on tabling the Harkin and Bryan amendments.

Mr. LOTT. Will the Senator repeat the question?

Mr. WELLSTONE. I was asking whether or not you would modify the request that I be able to offer an amendment after we have those 2 votes tonight. It won't be voted on tonight, I say to colleagues.

Mr. LOTT. Mr. President, I had hoped to do that. I would be willing—well, if I could get an agreement to what I have asked, and then I would like to propound a second unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. BURNS. Mr. President, reserving the right to object, and I don't think I will. I have not seen the Bryan amendment and I think in your unanimous consent you stated that there could be no second-degree amendments, is that correct?

Mr. LOTT. The Bryan amendment is available and we do have 30 minutes reserved for debate equally divided, and I don't believe—under the request we asked for, no second-degree amendments would be in order.

Mr. BURNS. I lift the objection. That will be fine.

Mr. HARKIN. Reserving the right to object.

The PRESIDING OFFICER. Objection is still heard.

Mr. HARKIN. Reserving the right to object, I ask the majority leader, because there is some, I think, misunderstanding here about going to the Ways and Means Committee, which I don't believe is correct, since customs fees are normally within the jurisdiction of the Ways and Means Committee in any event. There are in this bill more provisions that deal with authorization in

the agricultural area. I have a letter from Senator LUGAR here saying that he supports our amendment, and he finds it fully consistent with his views. So this amendment would not be referred to the Ways and Means Committee of the House. There is other language in the bill that is in the authorizing level of the Agriculture Committee. This assessment was created in the reconciliation bill of 1990, under the jurisdiction of the Agriculture Committee. It is not a customs fee. I was wondering whether we could have a few more minutes to discuss this issue so we can clear it up.

Mr. LOTT. Mr. President, we are working very feverishly trying to accommodate a number of Senators that have very important meetings and matters they need to go to. We will have 35 more minutes here in which discussions or clarifications can be worked out, I hope, or at least an understanding of what is going on. I personally am not aware of what jurisdictions are involved. We are just trying to get a time schedule here that would accommodate everybody. I am sure that the Senators will continue discussing this issue in the meantime.

Mr. HARKIN. As I understand the UC, there was to be a vote on the Harkin amendment at 6:35.

Mr. LOTT. That's correct. Between now and 6:30, Senator BRYAN will offer his amendment, with 30 minutes of debate. During that time, you can continue to talk.

Mr. HARKIN. Can we have 5 minutes to discuss my amendment before the vote, from 6:30 to 6:35?

Mr. LOTT. Mr. President, I modify my unanimous consent request that between 6:30 and 6:35 we have 5 minutes of debate, 2½ on each side.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Hearing no objection, it is so ordered.

Mr. LOTT. Mr. President, I will propound another unanimous-consent request.

Mr. President, I ask unanimous consent that after these two votes, a Grams amendment with regard to compact language be in order, followed by a Wellstone amendment, followed by the managers' amendment, with the vote or votes on those amendments and final passage to occur in the morning at 9:30.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Reserving the right to object, Mr. President. I had said to the minority leader that I know colleagues have a schedule tonight and are willing to do the amendment. I wanted to have at least 5 minutes tomorrow to summarize this amendment before people vote. That would be 10 minutes—in other words, 5 minutes equally divided.

Mr. LOTT. I modify my unanimous consent request that there be 10 minutes, equally divided, before the votes in the morning on the Grams amendment, if necessary, and the Wellstone amendment, if necessary, and then final passage.

The PRESIDING OFFICER. Is there objection to the unanimous consent request, as modified?

Mr. DASCHLE. Reserving the right to object, is it my understanding that the compact amendment deals with the dairy matter? It is my understanding that, if it does deal with the dairy matter, there are Senators on our side that would object to any time agreement. So we will have to work out additional time agreements in regard to the Grams amendment before we can agree on this particular—

Mr. LOTT. I didn't ask for any time agreements on the Grams amendment or the Wellstone amendment, thinking that Senators could have a full time opportunity tonight to discuss their amendments, without time limit. The only time limit would be that we would come in at 9:30 and have 10 minutes on Wellstone, equally divided, and then go to final passage.

Mr. DASCHLE. Unfortunately, the Grams amendment reopens the question of the dairy compact, as described to me. That is an extraordinarily controversial issue involving the Northeast as well as the Midwest. I am told that Northeastern Senators would not agree to any time agreement so long as this amendment is pending.

Mr. LOTT. So that we can get the train underway, we have one UC agreed to. Let's have the debate and we will have the votes at 6:30 and, in the meantime, we will see if we can work out the final agreement that would get us to final votes tonight.

I have to say that because we don't have this agreement, then we have no conclusion about whether or not there would be additional votes after 6:30. We will try to clarify that when we get through with those votes, sometime shortly before 7.

Mr. BIDEN. Mr. President, I wish to comment on my vote on tobacco farmers' eligibility for Federal crop insurance. I begin by noting that no substance rivals tobacco in its negative impact on our Nation's health: It is estimated that tobacco use is responsible for the premature deaths of 400,000 people annually.

Caught up in the battle between elected and public health officials and tobacco companies are the tobacco farmers, whose honest labor is spent raising this dangerous but unfortunately often lucrative crop. It is contradictory at best—and irrational at worst—for the American taxpayers to on the one hand pay for the medical costs associated with tobacco use, and on the other, pay to subsidize tobacco production through reduced-rate crop insurance. For this reason, I oppose continuing to provide tobacco farmers with taxpayer-subsidized crop insurance.

I do, however, believe that tobacco growers ought to be given reasonable warning that they stand to lose their Federal insurance, enabling them to find comparable coverage in the private insurance market. To me, it is simply an issue of fairness. I was troubled by the immediacy of the Durbin amendment's provisions, and, though I supported its objective, voted against it for this reason.

AMENDMENT NO. 970

(Purpose: To limit funding for the market access program)

Mr. BRYAN. 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 Nevada [Mr. BRYAN], for himself, Mr. KERRY, Mr. GREGG, Mr. GRAMS, and Mr. REID, proposes an amendment numbered 970.

Mr. BRYAN. 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:

Beginning on page 63, strike line 24 and all that follows through page 64, line 5, and insert the following:

SEC. 718. None of the funds made available by this Act may be used to provide assistance under, or to pay the salaries of personnel who carry out, a market promotion or market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623)—

(1) that provides assistance to the United States Mink Export Development Council or any mink industry trade association;

(2) to the extent that the aggregate amount of funds and value of commodities under the program exceeds $70,000,000; or

(3) that provides assistance to a foreign person (as defined in section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508)).

Mr. BRYAN. Mr. President, as I understand the unanimous consent, it is 30 minutes equally divided, if I might inquire of the Chair.

The PRESIDING OFFICER. The Senator is correct.

Mr. BRYAN. I yield myself 7½ minutes.

Mr. President, the amendment I am offering today, along with Senator KERRY, Senator GREGG, and Senator GRAMS, addresses a continuing misuse of taxpayer dollars by the now infamous Market Access Program, which has previously been known as the Market Promotion Program, and before that the Targeted Export Assistance Program.

As most Senators know, I have worked to eliminate this unjustifiable program for more than 5 years. But the resilient program keeps coming back to life under different names and without the consent of the full Senate. When efforts to eliminate the program have been blocked, I have tried to reform the program and end its subsidies to large corporate and foreign interests. Twice now the Senate has voted to reduce funding for this program to a level of $70 million annually, and twice the funding has been restored off the Senate floor.

Today, I am asking the Senate to join me once again to put an end to this program's abuses. It is inexcusable to allow this program to continue to funnel Americans hard-earned tax dollars to foreign companies to subsidize their advertising budgets. When the Market Access Program was created more than 10 years ago it was called the Targeted Export Assistance Program and was intended to be used by trade organizations to counter unfair trading practices by foreign competitors to disadvantage U.S. exports, and reduce funds from the Department of Agriculture's Commodity Credit Corporation to promote U.S. goods in foreign markets. I don't think that anyone would disagree that expanding foreign markets for U.S. products is an important part of the overall competitive trade strategy. However, as this program evolved over the past 10 years the program was no longer limited to exporters facing unfair competition. Even as this body labored to cut back on Federal expenditures, scarce U.S. tax dollars continued to flow to major U.S. corporations as well as to foreign companies.

Make no mistake. We are talking about more than $1.5 billion given away to corporate entities over the past decade. Unlike the Promotion Assistance Program provided through the Department of Commerce, these are grants. So they are never repaid.

From 1986 to 1993, nearly $100 million of Market Promotion Program funds went to foreign companies. From 1993 to 1995, the program gave roughly $10 million to $12 million each year to foreign corporations.

Many of my colleagues will recall that I joined with the distinguished ranking member of this subcommittee, Senator BUMPERS, to try to end this blatant waste of taxpayer dollars, and the Senate backed us in our efforts. During consideration of the 1996 farm bill, the Senate voted 59 to 37 in favor of my amendment to prevent Market Access Program funds from flowing to foreign companies. The amendment provided that only ''small business,'' as defined by the Small Business Administration, and Kapra Vaultsted Cooperatives, would provide for assistance through programs.

In addition, funds for the program which were at that time set at $110 million were capped at $70 million. So the Senate has been on record to limit the amount of money in this program at $70 million and to eliminate money from this program going to foreign companies.

I make it clear. My preference would be to eliminate the entire program because I believe this is corporate welfare in its worst form. That has not been the will of the Senate. But twice the Senate has been on record capping this program and preventing money from going to foreign companies.

In reviewing the action of the Foreign Agriculture Service since the 1996 farm bill changes took effect, it is clear however, that the Foreign Agriculture Service has not carried out the intent of the Senate in spite of the Senate's action to bar the distribution of Market Access Program funds to foreign companies. Companies based in the United Kingdom, Australia, and Saudi Arabia received more than $475,000 in fiscal year 1996 through this same program.

There is a partial list of foreign companies that received funds after the Senate added in the 1996 agriculture bill a prohibition against money going to foreign companies. They did it by an ingenious but somewhat convoluted definition of what constitutes a foreign company.

The purpose of this amendment is simply to do what the Senate has gone on record to do twice before, and that is to cap the amount of money going into the program at $70 million and to prevent money from going to foreign companies.

I ask my colleagues to be supportive of this amendment.

If I might cite an example. The Alaska Seafood Marketing Institute has received $55 million through this program since 1987. Supporters of this corporate giveaway would no doubt point out the importance of supporting Alaskan industry in foreign markets. But the Alaskan Seafood Marketing Institute gave at least $724,000 to USDA-listed foreign corporations in 1996 alone.

So I must say it boggles the mind to imagine how much money has gone to these same companies since the program began in 1986.

The National Peanut Council in 1996 distributed $50,000 to Internut Germany, $60,000 to Felix Polska, and $30,000 to the Basamh Trading Company of Saudi Arabia. All three of these companies were openly listed as foreign on the USDA list in past years. Yet, they continue to receive funds from the Market Access Program.

The PRESIDING OFFICER (Ms. COLLINS). The Senator has used 7½ minutes.

Mr. BRYAN. I thank the Chair.

I reserve remainder of my time.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, I yield myself such time as I may consume.

One part of the amendment of the distinguished Senator from Nevada suggests that foreign corporations should not be eligible for funds under this provision of our bill.

Our bill does not contain any language relating to this program because we are not limiting the spending of funds that are directed by the legislative language in the farm bill. The last farm bill that was passed directs that funds be made available by the Department of Agriculture for this program in the amount of $90 million. Our bill does not limit the use of those funds. It does not any further restrict the use of those funds.

The amendment the Senator has offered will change existing legislative language. I want to read the amendment.

Funds made available to carry out this section shall not be used to provide direct assistance to any foreign for-profit corporation, or the corporation's use in promoting foreign-produced products. It shall not be used to provide direct assistance to any for-profit corporation that is not recognized as a small business concern described in section 3(a) of the Small Business Act, ''excluding a cooperative . . . an association described in the first section of the act,'' et cetera—''. . . a nonprofit trade association.''

So the whole point is that this program has been reformed, reformed, and reformed. The Senator from Nevada just cannot be pleased that this program continues to be authorized and funded and funded. Our committee is simply letting the funds be used, as directed by law, by the Department of Agriculture.

So what he is suggesting is cut the funds that are directed by law to be spent by the Department of Agriculture on this program, and to further restrict them with additional legislative language.

What amount of reform is going to be enough? I mean it gets to the point where I suggest we are nit-picking this program now. Once upon a time there were charts in here with McDonald's hamburger signs saying that they were benefiting from this program, and we were appropriating money that was being used by huge corporations to increase their sales. All the program was ever designed to do was to combat unfair trade practices overseas in foreign markets where we were trying to compete for our share of the market in the sale of agriculture commodities and food products. We were giving the Department of Agriculture money. It was called the Targeted Export Assistance Program first. Then it was the Market Promotion Program. Now it is the Market Access Program. We can't even get the right name so that it is acceptable. So the Senator continues to make changes.

I think we ought to just say this program is working. It is increasing sales of U.S. farm-produced commodities in overseas markets. There is a limited amount of money available. It is prescribed by law.

Everyone here had a chance to debate the farm bill. We had a chance to debate all of the limiting language that any Senator wanted to offer. And that was done. It is over with. It is not being abused anymore, if it ever was. It is not being subjected to any kind of abuse that I know anything about.

So my suggestion to the Senate is to table this amendment and get on with the consideration of the rest of the bill. It is not necessary to adopt it to seek any reforms that need to be made.

So I am hoping the Senate will reject the amendment and vote for the motion to table.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. I yield myself another 4 minutes, and I would certainly provide whatever time the distinguished ranking member would like to speak if he chooses to comment on this.

Madam President, let me just point out that this program ought to be eliminated. The Senate has been resistant. But the Senate has gone on record twice as having said the program ought to be limited to $70 million. The present level would be $90 million.

So this amendment seeks to in effect do what the Senate twice has gone on record as trying to accomplish.

Second, my colleagues will recall that the other part of the amendment that we offered was passed by a vote of 59 to 31, which, I believe, was to eliminate money going to foreign companies.

The bureaucracy is extraordinarily creative and ingenious. So companies that have historically since the advent of this program back in the 1980's were designated as foreign companies miraculously under a new definition after the Congress—this is the current law—went on record as saying not to allow this money to go to foreign companies. They have redefined ''foreign companies'' as ''nonforeign'' or ''domestic companies'' for purposes of this legislation.

So one of the reforms that we thought that we got enacted in the last Congress—that is, to eliminate the flow of money to companies like this to Saudi Arabia, to France, to the Netherlands, to Germany, to Canada, the United Kingdom, and other companies. We thought we had closed that door. But the Foreign Agriculture Service had redefined what constitutes a foreign company.

So what this amendment tries to do is to reinstate the intent of the Senate as passed by an overwhelming margin, and is currently the law to prohibit the flow of money in this program, the taxpayer dollars to foreign companies.

I hope my colleagues will be supportive of this amendment as they have on two previous occasions.

I yield the floor but reserve the remainder of my time.

Mr. COCHRAN. Madam President, I know of no other Senators who are seeking recognition on this issue.

Might I inquire how much time remains under the order on the amendment?

The PRESIDING OFFICER. The Senator from Mississippi has 10 minutes, and the Senator from Nevada has 5 minutes remaining.

Mr. COCHRAN. Madam President, I yield myself the additional 10 minutes.

I was just handed a chart that shows how much money comparatively is being spent on export or market promotion by the European Union as compared with how much we are spending in the United States of taxpayer funds for the same purpose.

I do not have one of these big charts on an easel, and I don't know if everybody can see this, but this big colored part of the chart here is how much is spent by the European Union, and it is $10.11 billion. This is this year. You cannot see anything on the other side except white, but if you look very, very carefully, you can see just a little bit of a line here and it is $0.15 billion. And the Senator is trying to cut that further.

Now, think about it. The European Union is spending more money promoting the sale of wine than we are spending as a nation in our Federal programs on all of our United States-produced commodities and foodstuffs that are being sold in the overseas markets. Think about it. And this program is available only to trade associations, cooperatives and small businesses. Think about it.

Now, this is getting ridiculous. We have changed this program every time it has come up, or changes have been attempted every time it has come up. It has been reformed and modified and refocused. We are trying to give the Department of Agriculture some funds to use in situations where our exporters are being denied access to markets or are being unfairly treated in some way by barriers that are being erected to prevent the sale of United States-produced agriculture foodstuffs and commodities.

Whose side are we on, for goodness sakes? Think about this. We are being asked to cut the program more and to limit it more so it is tied down tighter than you can imagine.

Finally, I think those who ask for access to these funds, these market access program funds are going to finally give up. It is going to be so much red-tape, so many new rules and regulations, that it is going to take a whole firm of lawyers to figure out how to get some of these funds to use if you need them.

I am hoping that the Senate will say OK, enough is enough. In the farm bill of last year—year before last—language was used to try to define as carefully as could be the authority for using these funds, and the amount of money was not given any discretion at all in terms of the appropriations process. It was directed in the farm bill that $90 million be spent or made available to the Department of Agriculture to spend under these tightly constricted and restrained definitions. Now the Senator is saying the appropriations bill, because it does not limit the expenditure of these funds that are directed, ought to be amended so that it will, and that there ought to be further limitations on the spending. I say I think enough is enough. We have reformed the program.

There is a coalition of exporters that has written me a letter again saying that the Senate, they understand, may have to consider another amendment to further reduce or eliminate funding for the Market Access Program. A similar amendment was defeated last year, they point out in this letter. The program has been substantially reformed and reduced; it is targeted toward farmer-owned cooperatives, small businesses and trade associations; it is administered on a cost-share basis with farmers and ranchers and other participants; they are required to contribute as much as 50 percent toward the program costs; on and on and on.

Here is a list of all of those who are a part of this coalition, double-spaced columns here, a whole page of U.S. agriculture producers and growers trying to sell our share in the world market. Exports have become so important to U.S. agriculture. There are markets out there that are growing and expanding. There are opportunities for us. They create jobs here in the United States for our U.S. citizens. Vote for America for a change. Vote against this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. My friend and colleague from Mississippi propounded, I think, a very fair question. Whose side are you on? Those who support the Bryan amendment are on the side of the American taxpayer. I believe that whether you come from a farm State or nonfarm State, when you are told that your hard-earned tax dollars go to foreign companies, that is offensive. I think it is not only offensive, it is without justification.

How can we call upon the American people, in effect, to subsidize foreign companies with their own tax dollars. It is my view that this program is corporate welfare. It is also my view that this program ought to be eliminated. But that is not the issue today. The issue today is whether you favor cutting off money, taxpayer dollars, to foreign companies such as these that are illustrated here from Saudi Arabia, from France, the Netherlands, Germany, and Canada. We tried to do that. We tried to do that. But the bureaucrats have come up with some convoluted definition of what constitutes a foreign company that now makes it possible for foreign companies to receive these moneys notwithstanding the overwhelming vote of the Senate to express its displeasure.

I could not resist a comment when my friend from Mississippi talked about the reforms that have taken place. This is a program that is in need of elimination. But I will say to you that the General Accounting Office as recently as March of this year had this to say about this Market Access Program, and I quote:

> Adequate assurance does not exist to demonstrate that Market Access Program funds are supporting additional promotional activities rather than simply replacing company industry funds.

So, in effect, what is occurring here is a big scam, and the American taxpayer is the victim. Companies that receive these subsidies simply reduce the amount of money of their own corporate funds for their advertising budget and have it supplemented at the expense of the taxpayer. That neither encourages nor helps agricultural exports

nor helps American agriculture, but it certainly dips deep into the taxpayer pocket, as it has for many, many years.

This is the time to eliminate one of the fundamental abuses. That is money going to foreign companies. We thought we had done that in the last Congress. This definition in this amendment tightens that loophole that apparently the bureaucrats have been able to find and would put a cap which the Senate has previously voted on at $70 million.

I will yield the floor and the remainder of my time.

Mr. KERRY. Madam President, I am pleased once again to join with my friend, the distinguished Senator from Nevada, as a cosponsor of his amendment to reduce funding for the Market Access Program [MAP]. I urge my colleagues to support this effort to scale back funding for the Market Access Program by $20 million for fiscal year 1998.

I would like to eliminate totally the Market Access Program, formerly known as the Market Promotion Program. This is a subsidy program which has been roundly criticized by research institutes across the political and economic spectrum—the National Taxpayers' Union, the Progressive Policy Institute, Citizens Against Government Waste, the Cato Institute, and others.

The MAP Program makes possible some of the most obvious cases of corporate welfare to which we can point in the Federal budget today. But, as my friend from Nevada knows, we have tried year after year to terminate this program which has funneled more than $1 billion of taxpayer money into the advertising budgets of some major American corporations. Unfortunately, our efforts to eliminate this program have been unsuccessful, but we have proscribed some of the more egregious uses of MAP funds.

For example, American taxpayers no longer will be subsidizing the advertising expenses of the mink industry to promote fashion shows abroad. My amendment to the MAP passed the Senate last year and I am pleased that the distinguished chairman and ranking member of the Agriculture Subcommittee have agreed to continue this prohibition another year. In addition, last year, the distinguished Senator from Arkansas, Senator BUMPERS, and Senator BRYAN successfully led the fight to limit this program to small businesses and agricultural cooperatives. That was another giant step in the right direction—taxpayers should not be subsidizing the foreign advertising accounts of McDonald's, Gallo Wines, M&Ms, Tyson's and all the other corporate giants that have received MAP funds in the past.

American taxpayers also should not be asked to subsidize foreign firms. And this program has benefited foreign companies. From 1986–1993, $92 million of MPP funds went to foreign-based firms. Senator BRYAN successfully passed an amendment that will keep MAP funds from going to foreign corporations. Yet, as we heard while he described his amendment today, more than 40 foreign companies received funding from the MAP last year. This is outrageous, and makes obvious the necessity for the distinguished Senator's amendment.

At a time when we are asked to cut back on education funding, on Medicare, on environmental programs, how can we justify paying the advertising expenses of foreign agricultural companies?

Our work to eliminate corporate welfare from this program certainly is not finished. As long as foreign-owned companies with subsidiaries in the United States are still able to receive subsidies to advertise their products in their own countries, I will be back in this Chamber arguing against this program. I am hopeful that the Senate will pass this amendment today, because it will take us a long way toward the goal of removing the nonsensical from this program by eliminating funding for foreign-owned subsidiaries and for large corporations.

I think most Americans are not even aware that this kind of egregious subsidy is taking place, and when I discuss this program with people in my state, they express astonishment and dismay. They know it is inappropriate and unnecessary, and measured against the other choices we are making here, it is plainly and simply wrong.

I commend my distinguished colleague from Nevada, Senator BRYAN, for his continuing leadership fighting inappropriate Federal subsidies, and the MAP in particular. He and I have joined forces in this effort on so many occasions, fighting against the wool and mohair subsidy, fighting the mink subsidy, fighting wasteful subsidies in the MAP Program. I urge all my colleagues to vote for this amendment to reduce funding for the Market Access Program.

Mr. COCHRAN. Madam President, I urge that the amendment be defeated. I am prepared to yield back the remainder of my time.

I ask unanimous consent that there be printed in the RECORD a copy of a letter to me from the Coalition to Promote U.S. Agricultural Exports that I referred to in my remarks.

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

COALITION TO PROMOTE
U.S. AGRICULTURAL EXPORTS,
Washington, DC, July 22, 1997.

DEAR SENATOR: It is our understanding the Senate may consider the FY 1998 agriculture appropriations bill as early as today. Accordingly, we want to take this opportunity to urge your strong opposition to any amendment which may further reduce or eliminate funding for USDA's Market Access Program (MAP). A similar amendment was defeated last year by a 55–42 vote.

MAP has been substantially reformed and refocused. It is now specifically targeted towards farmer-owned cooperatives, small businesses and trade associations. Further, it is administered on a cost-share basis with farmers and ranchers, and other participants, required to contribute as much as 50 percent or more toward the program's cost. In addition to encouraging U.S. agricultural exports, it has helped create and maintain needed jobs throughout the economy. Over one million Americans have jobs which depend on U.S. agricultural exports.

The program is also a key part of the new 7-year farm bill (FAIR ACT of 1996), which gradually reduces direct income support to farmers over 7 years and eliminates acreage reduction programs, while providing greater planting flexibility. As a result, farm income is more dependent than ever on maintaining and expanding exports, which now account for as much as one-third or more of domestic production. The export market, however, continues to be extremely competitive with the European Union and other countries heavily outspending the U.S. when it comes to market development and promotion efforts. Recently, the European Union announced a major new initiative aimed at Japan—the largest single market for U.S. agriculture. This underscores the continued need for MAP and similar programs.

Enclosed for your use are additional fact sheets, including a table highlighting the value of agricultural exports and number of export-related jobs by state.

Again, we appreciate your leadership and support on this important issue.

Sincerely,

COALITION MEMBERSHIP—1997

Ag Processing, Inc.
Alaska Seafood Marketing Institute
American Farm Bureau Federation
American Forest & Paper Association
American Hardwood Export Council
American Meat Institute
American Plywood Association
American Seed Trade Association
American Sheep Industry Association
American Soybean Association
Blue Diamond Growers
California Agricultural Export Council
California Canning Peach Association
California Kiwifruit Commission
California Pistachio Commission
California Prune Board
California Table Grape Commission
California Tomato Board
California Walnut Commission
Cherry Marketing Institute, Inc.
Chocolate Manufacturers Association
CoBank
Diamond Walnut Growers
Eastern Agricultural and Food Export Council Corp.
Farmland Industries
Florida Citrus Mutual
Florida Citrus Packers
Florida Department of Citrus
Ginseng Board of Wisconsin
Hop Growers of America
International American Supermarkets Corp.
International Dairy Foods Association
Kentucky Distillers Association
Mid-America International Agri-Trade Council
National Association of State Departments of Agriculture
National Cattlemen's Beef Association
National Confectioners Association
National Corn Growers Association
National Cotton Council
National Council of Farmer Cooperatives
National Dry Bean Council
National Grange
National Hay Association
National Grape Cooperative Association, Inc.
National Milk Producers Federation
National Peanut Council of America
National Pork Producers Council
National Potato Council
National Renderers Association

National Sunflower Association
NORPAC Foods, Inc.
Northwest Horticultural Council
Pet Food Institute
Produce Marketing Association
Protein Grain Products International
Sioux Honey Association
Southern Forest Products Association
Southern U.S. Trade Association
Sun-Diamond Growers of California
Sun Maid Raisin Growers of California
Sunkist Growers
Sunsweet Prune Growers
The Catfish Institute
The Farm Credit Council
The Popcorn Institute
Tree Fruit Reserve
Tree Top, Inc.
Tri Valley Growers
United Egg Association
United Egg Producers
United Fresh Fruit and Vegetable Association
USA Dry Pea & Lentil Council
USA Poultry & Egg Export Council
USA Rice Federation
U.S. Apple Association
U.S. Feed Grains Council
U.S. Livestock Genetics Export, Inc.
U.S. Meat Export Federation
U.S. Wheat Associates
Vinifera Wine Growers Association
Vodka Producers of America
Washington Apple Commission
Western Pistachio Association
Western U.S. Agricultural Trade Association
Wine Institute

Mr. COCHRAN. I yield back the remainder of my time. I move to table the Bryan amendment and 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. 968

The PRESIDING OFFICER. The question now is on agreeing to the motion to table the Harkin amendment. There is 5 minutes of debate remaining.

Mr. COVERDELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. FORD. Madam President, am I correct that 5 minutes is now running on the debate on the Harkin amendment with 2½ minutes equally divided?

The PRESIDING OFFICER. It is not yet running.

Mr. FORD. May I be recognized since there is no pending business?

The PRESIDING OFFICER. The Senator is recognized.

Mr. FORD. I thank the Chair. And I might get a few more minutes here.

The motion to table the Harkin amendment is significant because the Senator from Iowa talked about the goals; there were no goals under the SAMHSA amendment or what we refer to as the Synar amendment.

The PRESIDING OFFICER. The Senator may proceed.

Mr. FORD. I thank my neighbor. I have in my hand the explanation and rationale for the budget request of FDA as it relates to tobacco. There is not a goal in here. There is not a goal in here. So if SAMHSA does not have a goal, then FDA does not have one. So if the teeth are not in the SAMHSA amendment, there are no teeth in the FDA amendment that the Senator from Iowa said there were.

So it is a little bit confusing to me for him to say that FDA has a goal and they have teeth, and yet when you look at the explanation of the program, the rationale for the budget request, there is no goal in here, none whatsoever. None whatsoever. We hear a lot about health, but the enforcement is there. The enforcement under SAMHSA is there. The ability to take from the States is there—that is enforcement—to carry out and comply with the law.

Now, this is double jeopardy. We have SAMHSA on one side telling the States what to do. They passed a law. Now we are trying to give FDA $34 million, taken directly from the farmers' pocket—whether you want to agree with that or not—and say FDA is going to get involved, also. It just does not seem fair. Then the $34 million that we have, that the Senator is asking for, is the budget request of the administration prior to the court case which threw out several of these items and, therefore, $34 million would not be needed anyhow.

So, I say to my colleagues, tobacco is something that everybody wants to shoot at. But what we forget about is the farmer. He is sitting there. He does not set a price on anything. What will you give me? So they say the manufacturers will pay all of it. They just reduce the price of tobacco, and the farmer pays for it. He pays for the warehouse; he pays for the grading; he pays the deficit reduction charge. All these are paid by the farmer before he gets the check. So now we find ourselves saying FDA has rules to go by. There are no rules. The Senator from Iowa gave me this piece of paper, and there are no criteria in here that say the States have to do anything, if they want to give them money to enforce it. Well, it is already there, and the States have already passed the laws.

So, Madam President, I will yield the floor and I still have the opportunity to get 2½ minutes, I understand. I thank the Chair.

The PRESIDING OFFICER. There are now 5 minutes equally divided on the Harkin amendment.

Mr. HARKIN. Madam President, I understand we have 2½ minutes. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. I just listened to my friend from Kentucky—and he is my friend, I mean that in all sincerity—talking about this amendment not being fair. Madam President, what is not fair is this: Kids all over America walking into gas stations, small retail outlets, not being asked to show an ID, buying cigarettes and getting hooked, getting hooked on tobacco. That is what is not fair. That is what is not fair, and that is what this amendment seeks to prevent.

The FDA promulgated a rule. The tobacco companies took them to court. The court in Greensboro, NC, upheld that part of the FDA rule that says FDA can set a minimum age for tobacco purchases and require that retail establishments have to card anyone who appears to be under 27. The Court said FDA can promulgate that rule. The rule is in place.

What our amendment does is provide some money to the States and local jurisdictions to enforce the rules and also money to help the private establishments meet their obligations not to sell to minors and to have an ID check on young people so they do not buy tobacco when they are under the age of 18. That is what is fair. States need the funds.

This funding for FDA's youth tobacco initiative is supported by 33 attorneys general from around the country who have been part of this tobacco settlement that they are working on. The attorney general of Mississippi, Mike Moore, wrote me a letter supporting this amendment saying it would not interfere or conflict with the proposed tobacco settlement.

Lastly, this offset is totally within the jurisdiction of the Agriculture Committee. It is supported by both Chairman LUGAR and by me, the ranking member. This amendment will not go to the Ways and Means Committee. It is under Agriculture's jurisdiction. It was in the 1990 reconciliation bill and it is today.

Mr. LUGAR. Mr. President, I strongly support Senator HARKIN's amendment to increase the tobacco deficit-reduction assessment and devote the proceeds to enforcement of the Food and Drug Administration's rules to deter underage smoking.

Senator HARKIN has discussed this amendment with me and I find it fully consistent with my own views on the urgency of preventing smoking. The increased assessment will still contribute to future deficit reduction because it will assist us in preventing smoking. When a young person makes the mistake of beginning to smoke, serious health risks are created for the individual. The problems do not end here, however. A decision to smoke is also a decision to increase potential future health care costs. Many of these costs are borne by the Federal and State governments. People who do not begin smoking will be less a burden on the Nation's health care system and on the Nation's treasury.

The primary benefit of the amendment, however, will be on the lives of individual young people. If they do not begin smoking in youth, they are unlikely to start once they attain greater maturity. Preventing smoking at an especially vulnerable age is a national priority and I commend Senator HARKIN for advancing it in this amendment.

Mr. HARKIN. Madam President, I yield the remainder of my time to the Senator from Rhode Island, and thank him for his support.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Madam President, I stand in strong support of the Harkin amendment. We know today 90 percent of the adults who are smoking started when they were children. We know, if current trends continue, 5 million kids today under 18 years old will die because of smoking related diseases. We know all this, yet we are doing nothing effective to stop the use of tobacco products by children under 18 years of age.

The Harkin amendment would actually provide resources to ensure that the FDA regulations are enforced. That, to me, is the most critical test. I believe we should support this amendment wholeheartedly.

I yield the floor.

Mr. HARKIN. Madam President, how much time do we have?

The PRESIDING OFFICER. The time of the Senator has expired. There are 2½ minutes available on the other side.

The Senator from Alaska.

Mr. STEVENS. Madam President, I have made this motion to table. We have an extraordinary procedure, having the right to debate before it is voted upon, but, in fairness, I thought that should be the case.

Let me state to the Chair and the Senate, we have checked with the Ways and Means Committee. The tax counsel for that committee has informed my staff that this provision will require a review by the Ways and Means Committee. What it is, it is a revenue-raising measure. This is an appropriations bill, a bill to spend money. It is not a bill for legislation. Until just a couple of years ago, we had a point of order about legislation on appropriations bills. That is no longer a valid technique for us to control the bill. The only way we can control a bill and keep amendments like this off is to have a motion to table.

I urge the Senate to come back to our senses concerning legislation on appropriations bills, particularly legislation that raises money. The House is the place where revenue-raising measures start, under the Constitution. They have every right to take this bill to their committee. I do not disagree with the purpose that the Senator from Iowa seeks to fulfill with this money. But if he wants to do it, he should go to the legislative committees and have the tax committees raise the money, and then we will help him spend it. Our job is to spend money, not to raise money.

This is a wrong provision on this bill. It is going to delay. We are not through tonight. I don't think we are through with this amendment unless we table it.

Beyond that, if it passes, it is going to go over and this bill will go to the Ways and Means Committee, and the Ways and Means Committee will send it back to the Senate. That is no way to handle appropriations bills.

I have tried my best as Appropriations Committee chairman to move these bills, to move them through, to be absolutely fair in consideration of provisions that could be in an appropriations bill. The Senator has part of his amendment which provides money to spend to FDA. We don't have that money. So what he does, he also puts in a provision to raise revenue. We do not have that right in an appropriations bill. The Senate doesn't have that right. Revenue-raising measures must start in the House of Representatives.

I urge the Senate to read the Constitution, read it again, and table this amendment. Because that is the only way to handle amendments like this, is to table them, now, under our procedure. I believe we should not vote on this in a substantive way. We should table it and leave it to the tax-raising committees to raise the revenue. We should handle spending.

Has my time expired?

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to table. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced, yeas 52, nays 48, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—52

Abraham	Frist	Moynihan
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Breaux	Grams	Reid
Brownback	Hagel	Robb
Bryan	Hatch	Roberts
Burns	Helms	Roth
Campbell	Hollings	Santorum
Cleland	Hutchinson	Sessions
Coats	Inhofe	Shelby
Cochran	Inouye	Smith (NH)
Coverdell	Kempthorne	Stevens
Craig	Kyl	Thomas
Daschle	Landrieu	Thompson
Domenici	Lott	Thurmond
Enzi	McCain	Warner
Faircloth	McConnell	
Ford	Moseley-Braun	

NAYS—48

Akaka	Durbin	Leahy
Baucus	Feingold	Levin
Bennett	Feinstein	Lieberman
Biden	Glenn	Lugar
Bingaman	Graham	Mack
Bond	Grassley	Mikulski
Boxer	Gregg	Murray
Bumpers	Harkin	Reed
Byrd	Hutchison	Rockefeller
Chafee	Jeffords	Sarbanes
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
D'Amato	Kerrey	Specter
DeWine	Kerry	Torricelli
Dodd	Kohl	Wellstone
Dorgan	Lautenberg	Wyden

The motion to lay on the table the amendment (No. 968) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 970

The PRESIDING OFFICER. The question now occurs on agreeing to the motion to lay on the table the amendment offered by the Senator from Nevada, amendment No. 970. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN] is necessarily absent.

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

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—59

Akaka	Feinstein	Lott
Baucus	Ford	Mack
Bennett	Frist	McConnell
Bond	Gorton	Moseley-Braun
Boxer	Graham	Murkowski
Breaux	Gramm	Murray
Burns	Grassley	Roberts
Campbell	Hagel	Santorum
Chafee	Harkin	Sarbanes
Cleland	Hatch	Sessions
Cochran	Helms	Shelby
Collins	Hutchison	Smith (OR)
Conrad	Inhofe	Snowe
Coverdell	Inouye	Specter
Craig	Jeffords	Stevens
Daschle	Kempthorne	Thomas
Domenici	Kerrey	Thurmond
Dorgan	Landrieu	Warner
Durbin	Leahy	Wyden
Enzi	Levin	

NAYS—40

Abraham	Glenn	Mikulski
Allard	Grams	Moynihan
Ashcroft	Gregg	Nickles
Bingaman	Hollings	Reed
Brownback	Hutchinson	Reid
Bryan	Johnson	Robb
Bumpers	Kennedy	Rockefeller
Byrd	Kerry	Roth
Coats	Kohl	Smith (NH)
D'Amato	Kyl	Thompson
DeWine	Lautenberg	Torricelli
Dodd	Lieberman	Wellstone
Faircloth	Lugar	
Feingold	McCain	

NOT VOTING—1

Biden

The motion to lay on the table the amendment (No. 970) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The majority leader.

Mr. LOTT. Mr. President, I have another unanimous-consent request we would like to make on the amendments that are pending and how we can get to a conclusion. Then we can advise the Members that there would be no more votes tonight if we can get this agreement worked out. I think we have talked to all the interested Senators, and we should get this agreed to.

I ask unanimous consent that the following be the only remaining amendments in order and they be limited to relevant second-degrees and votes ordered with respect to those amendments be stacked to occur beginning at 10 a.m. on Thursday, with 2 minutes for debate between each stacked vote, equally divided. Those amendments are

as follows and subject to time restraints where noted: Grams, dairy compact amendment; Wellstone, school breakfast, 1 hour equally divided; a managers' amendment; the Bingaman amendment with regard to CRP; the Robb amendment with regard to farmers' civil rights; and the Johnson amendment regarding livestock packers.

I further ask unanimous consent that following the disposition of the above-listed amendments, the bill be advanced to third reading and, if the Senate has received H.R. 2160, the Senate proceed to the House companion bill, all after the enacting clause be stricken, the text of S. 1033, as amended, be inserted, and the bill be advanced to third reading, and the Senate proceed to vote on passage of the Agriculture appropriations bill, and following the passage the Senate insist on its amendment and request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, reserving the right to object, two questions of the majority leader. When we had this discussion about how to proceed, I had asked for 10 minutes to be equally divided before the vote because I think the amendment is an important one. Colleagues will not be here tonight.

Mr. LOTT. Mr. President, the Senator is correct. That was the agreement. So we need to modify the agreement that there would be 10 minutes equally divided before the Wellstone amendment would be voted on tomorrow morning.

Mr. WELLSTONE. I thank the majority leader.

The second question was, my understanding is I will proceed next, or is there——

Mr. LOTT. The request we have here is that the Grams amendment would go first, because I think we have that worked out where it will be just a very brief period of time, and we would go right to your amendment after that with a time limit of 1 hour equally divided.

Mr. WELLSTONE. Reserving the right to object, the Grams amendment has been worked out? We are not going to have a long time on that; is that correct? Is that what you are saying?

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. Any other objection?

Mr. MCCAIN. Reserving the right to object, I have been waiting all day to make a brief statement of 3 or 4 minutes. I would like to have the opportunity.

Mr. LOTT. Is it regarding the legislation?

Mr. MCCAIN. Regarding the bill.

Mr. LOTT. Did the Senator from Minnesota have a question that I did not respond to?

Mr. WELLSTONE. No. I thank the leader.

Mr. LOTT. I thank the Senator from Minnesota for his cooperation and his understanding that these things are very difficult and sometimes we all get a little carried away in our comments. I appreciate his cooperation on this. He will have time to make his case and he will have 10 minutes in the morning. I thank him for his cooperation.

Mr. President, in furtherance of this reservation, Mr. President, I—how long does the Senator need?

Mr. MCCAIN. Four minutes.

Mr. LOTT. I also ask unanimous consent that the Senator from Arizona have 4 minutes before we begin on the amendments we have lined up.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, Mr. President. I might ask the majority leader, I understand from in the UC request that, after all these amendments are disposed of, we go to the third reading of the bill, and that there would be a vote on final passage.

Mr. LOTT. That's right.

Mr. HARKIN. After that, the UC also says that the House bill would then come in and be substituted for the Senate bill and then proceed to a third reading of the House bill at that point in time. However, it is my understanding that when the House bill is substituted for the Senate bill, it is also open for amendment at that point in time; is that not correct?

Mr. LOTT. This is the normal language that we use in this type of consent, getting the final passage. It is the normal procedure and the normal language. I guess, in theory, it is subject to amendment.

Mr. HARKIN. Yes. I would like to inform the distinguished majority leader that when this point happens, I intend to offer an amendment on the House bill. It would be subject to the Senate bill at that point in time.

Mr. LOTT. It would be what? Subject to what?

Mr. HARKIN. When the House bill takes the place of the Senate bill, when you strike all after the enacting clause and put in the House bill, at that point the House bill is then open for amendment. It is my intention to offer an amendment to the House bill at that point in time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, while the leaders are discussing this issue, I will make my brief statement at this time so that we can proceed with the business of the Senate.

Mr. President, once again, the hard work of Chairman COCHRAN and Senator BUMPERS is readily apparent in this bill and report. I congratulate them for their efforts.

This is the eighth appropriations bill to come before the Senate in these 2 weeks. And I must say that this bill and report, so far, take the cake for earmarks and set-asides for Members' special interests.

Most of these earmarks are in the report language and do not, therefore, have the full force of law. But I have no doubt that the Department of Agriculture will feel compelled to spend the funds appropriated to them in accordance with these earmarks.

These earmarks are the usual collection of add-ons for universities and laboratories, prohibitions on closing facilities or cutting personnel levels, special exemptions for certain areas, and the like. There is little on this list that would surprise any of my colleagues.

There is, however, a new type of earmark that I do not recall seeing in other appropriations bills. I am referring to the practice of earmarking funds to provide additional personnel at specific locations. For example, in the report:

$250,000 is earmarked for a hydrologist to work for the Agricultural Research Service on south Florida Everglades restoration;

$500,000 is earmarked for additional scientists to do research on parasitic mites and Africanized honeybees at the Bee Laboratory in Texas;

Language specifies funding at fiscal year 1997 levels for the peanut research unit of the Agricultural Research Service in Oklahoma to retain two scientists at the facility;

Language specifies funding at fiscal year 1997 levels to maintain the potato breeder and small grains geneticist positions at the Agricultural Research Service facility in Aberdeen, ID—the report notes that the current potato breeder is getting ready to retire;

An additional $250,000 is earmarked for an animal physiologist position at the Fort Keough Laboratory in Montana;

$1.05 million is added for additional staffing at the Rice Germplasm Laboratory in Arkansas;

$250,000 is added for additional scientific staffing at the Small Fruits Research Laboratory in Mississippi;

$250,000 is added to establish a small grains pathologist research position for the Agricultural Research Service in Raleigh, NC;

Language acknowledges the importance of the horticulturist position specializing in grape production at the Agricultural Research Service station in Prosser, WA;

$200,000 is added for 21 additional full-time inspectors at agriculture quarantine inspection facilities at Hawaii's airports;

$200,000 is added for the cattle tick inspection program to ensure current staffing levels are maintained along the border with Mexico; and

Language recommends continued staffing and operations at the cooperative services office in Hilo, HI.

Mr. President, I am amazed again. We have found a new way of earmarking. I congratulate the appropriators for doing so. I have never before seen earmarking funds for the hiring of a specialist at a particular job. So I want to again say we have broken a new frontier here and one that I am sure will be emulated by others in the appropriations bills to come.

Mr. President, I won't delay the Senate further. I ask unanimous consent that a listing of the provisions that I find objectionable in the agriculture appropriations bill be printed in the RECORD at this time.

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

OBJECTIONABLE PROVISIONS IN S. 1033 FISCAL YEAR 1998 AGRICULTURE APPROPRIATIONS BILL

BILL LANGUAGE

$24.5 million earmarked for water and waste disposal systems for the Colonias along the U.S.-Mexico border.

$15 million for water systems for rural and native villages in Alaska.

Section 725 exempts the Martin Luther King area of Pawley's Island, South Carolina, from the population eligibility ceiling for housing loans and grants.

Section 726 prohibits closing or relocating the FDA Division of Drug Analysis in St. Louis, Missouri, or closing or consolidating FDA's laboratory in Baltimore, Maryland.

REPORT LANGUAGE

Agricultural Research Service:

Earmarks and directive language for research programs—$250,000 for apple-specific E. coli research at the Eastern Regional Research Center, Wyndmoor, Pennsylvania.

$250,000 for research at the ARS Pasture Center in Logan, Utah.

$500,000 for fusarium head blight research at the Cereal Rust Laboratory in St. Paul, Minnesota.

$500,000 for research on karnal bunt at Manhattan, Kansas.

$1.25 million for Everglades Initiative, of which $1 million is for research on biocontrol of melaleuca and other exotic pests at Fort Lauderdale, Florida, and $250,000 is for a hydrologist to work on south Florida Everglades restoration.

$1 million each for Texas and Arkansas entities to perform dietary research, and $250,000 for each of five other centers proposing to do dietary research.

$250,000 each for laboratories in Colorado, Maryland, and California to do critical plant genetics research.

$50,000 each to 4 entities in Hawaii, California, and Oregon for clonal repositories and introduction stations.

Additional earmarks for clonal repositories and introduction stations at College Station, Texas ($100,000), Ames, Iowa ($200,000), and Pullman, Washington ($250,000).

Continues funding for ARS laboratories and worksites in North Dakota, Washington, Maine, and California which had been proposed for closure.

Increase of $250,000 for Appalachian Soil and Water Conservation Laboratory.

$750,000 for ARS to assist Alaska in support of arctic germplasm.

$250,000 to initiate a program for the National Center for Cool and Cold Water Aquaculture at the Interior Department's Leetown Science Center, where the national aquaculture center will be collocated.

$250,000 for high-yield cotton germplasm research at Stoneville, Mississippi.

$198,000 for center of excellence in endophyte/grass research to be operated cooperatively by the University of Missouri and the University of Arkansas.

$250,000 to support research on infectious diseases in warmwater fish at the Fish Disease and Parasite Research Laboratory at Auburn, Alabama.

$500,000 increase for the National Aquaculture Research Center in Arkansas.

4 separate earmarks for the Hawaii Institute of Tropical Agriculture and Human Resources—$298,000 to develop a program to control the papaya ringspot virus; another $298,000 to establish nematode resistance in commercial pineapple cultivars; $275,100 to develop efficacious and nontoxic methods to control tephritid fruit flies; and funding at FY 1997 levels for environmentally safe methods of controlling pests prominent in small scale farms in tropical and subtropical agricultural systems.

$250,000 for grain legume genetics research at Washington State University.

$950,000 for Hawaii Agriculture Research Center (formerly called the Hawaii Sugar Planters' Association Experiment Station) to maintain competitiveness of U.S. sugarcane producers.

$500,000 increase for additional scientists to do research on parasitic mites and Africanized honeybees at the ARS Bee Laboratory in Weslaco, Texas.

$388,000 to continue hops research in the Pacific Northwest.

$500,000 for integrated crop and livestock production systems research at ARS Dairy Forage Center in Wisconsin.

Funding at FY 1997 levels for kenaf research and product development efforts at Mississippi State University.

$14.58 million for methyl bromide replacement research, directed to ''facilities and universities that have expertise or ongoing programs in this area.''

Funding at FY 1997 levels for the National Center for Agricultural Law Research and Information at the Leflar School of Law in Fayetteville, Arkansas.

Funding at FY 1997 levels for the National Sedimentation Laboratory.

$500,000 increase for the National Warmwater Aquaculture Research Center in Mississippi.

$1 million increase for University of Mississippi pharmaceutical research.

Funding at FY 1997 levels for Northwest Nursery Crops Research Center in Oregon.

Funding at FY 1997 levels for two scientists for the peanut research unit in Oklahoma

Funding for FY 1997 levels for pear thrip control research at University of Vermont

Funding at FY 1997 level to maintain the potato breeder position at Aberdeen, Idaho, after the current person retires

Numerous earmarks at the FY 1997 funding levels for continued research on a variety of projects at the following locations [page 26–27 of report]:

$370,700 for Albany, California
$245,700 for Fresno/Parlier, California
$144,100 for Gainsville, Florida
$1.6 million for Hilo, Hawaii
$160,700 for Aberdeen, Idaho
$1.2 million for Peoria, Illinois
$350 million for Ames, Iowa
$250,000 for Manhattan, Kansas
$400,000 for New Orleans, Louisiana
$1.5 million for Beltsville, Maryland
$393,000 for East Lansing, Michigan
$147,000 for St. Paul, Minnesota
$491,500 for Stoneville, Mississippi
$393,200 for Columbia, Missouri
$208,400 for Clay Center, Nebraska
$143,100 for Lincoln, Nebraska
$50,000 for Ithaca, New York
$877,200 for Raleigh, North Carolina
$210,100 for Wooster, Ohio
$150,000 for Stillwater, Oklahoma
$930,800 for Corvallis, Oregon
$691,500 for Wyndmoor, Pennsylvania
$350,000 for Pullman, Washington
$919,800 for Washington, D.C.

$300,000 increase for Southeast Poultry Research Laboratory in Georgia

$250,000 increase for an animal physiologist position at the Fort Keough Laboratory in Montana

$1.05 million increase for additional staffing at the Rice Germplasm Laboratory in Arkansas

Funding at FY 1997 levels for Geisinger Health Systems Geriatric Nutrition Center in Pennsylvania to develop programs to assist the rural elderly population in nutrition

$250,000 increase for additional scientific staffing at Small Fruits Research Laboratory in Mississippi

Funding at FY 1997 level to maintain small grains geneticist position at Aberdeen, Idaho, ARS station

$250,000 increase to establish a small grains pathologist research position in Raleigh, North Carolina

At least $180,000 to continue program at National Center for Physical Acoustics to develop automated methods of monitoring pest populations

$144,100 for subterranean termite research in Hawaii

$600,000 for sugarcane biotechnology research at Southern Regional Research Center in Louisiana, with direction to collaborate with American Sugar Cane League to coordinate research

$1.6 million for aquaculture productivity research and requirements and sources of nutrients for marine shrimp projects in Hawaii

EARMARKS FOR UNREQUESTED BUILDING PROJECTS

$7.9 million for two projects in Mississippi (planning and design for a Biocontrol and Insect Rearing Laboratory in Stoneville, and National Center for Natural Products in Oxford)

$606,000 for a pest quarantine and integrated pest management facility in Montana

$5 million for Human Nutrition Research Center in North Dakota

$4.8 million for the U.S. Vegetable Laboratory in South Carolina

$600,000 for a Poisonous Plant Laboratory in Utah

$6 million for a National Center for Cool and Cold Water Aquaculture in West Virginia

SUPPORTIVE LANGUAGE

Notes importance of barley stripe rust research at Pullman, Washington, laboratory

Impressed with results of work at the Midsouth research unit on biological controls of cotton insect pests

Supports expansion of catfish research at Mississippi Center for Food Safety and Postharvest Technology

Urges ARS to continue cotton textile processing research at New Orleans, Louisiana

Expects ARS to provide adequate funding for ginning research at laboratories in New Mexico, Mississippi, and Texas

Acknowledges the importance of the horticulturist position specializing in grape production at the ARS station in Prosser, Washington, and urges that more resources be placed on grape production research

Urges ARS to continue needed research for meadowfoam at Oregon State University and the ARS facility at Peoria, Illinois

Urges continued funding for Poisonous Plant Laboratory at Logan, Utah

Urges continued research at the Idaho ARS station on potato late blight

Expects ARS to continue to support the South Central Family Farm Research Center in Arkansas

Expects no less than FY 1997 funding level for agroforestry research at the University of Missouri

Expects funding at FY 1997 levels for research in Iowa and Mississippi on soybean production and processing

Expects ARS to provide increased emphasis on viticulture research for that U.S. can remain competitive in the international marketplace for wine

Should continue and expand research at the Midsouth Research Center on water quality and pesticide application

Cooperative State Research, Education, and Extension Service:

EARMARKS

$47.5 million for 121 special research grants:

—Only $10 million of this amount was requested for 7 projects, and the committee eliminated funding for one requested project and reduced funding for another requested project.

—The entire $47.5 million is earmarked for particular states.

$7.7 million for unrequested administrative costs in connection with 13 research programs in specific states [pages 33–37 of report], including:

—$200,000 for the Center for Human Nutrition in Baltimore, Maryland

—$844,000 for the Geographic Information System program in Georgia, Chesapeake Bay, Arkansas, North Dakota, Washington, and Wisconsin

—$200,000 for the mariculture program at University of North Carolina at Wilmington

$5.8 million for 10 unrequested special grants for extension activities in specific states [page 40 of report]

$400,000 of pest management funds for potato late blight activities in Maine

$2.6 million for unrequested rural health programs in Mississippi and Louisiana

Animal and Plant Health Inspection Service:

EARMARKS AND DIRECTIVE LANGUAGE

$200,000 increase for 21 additional full-time inspectors at agriculture quarantine inspection facilities in Hawaii's airports

$200,000 increase in the cattle tick inspection program to ensure current staffing levels for U.S.-Mexico border control

Directs that vacancies at Gulfport APHIS office be filled once the Southeast Regional Office is transferred to the eastern hub

Funding at FY 1997 levels to continue cattail management and blackbird control efforts in North and South Dakota and Louisiana

$150,000 increase for the beaver damage control assistance program for the Delta National Forest and other areas in Mississippi

Funding at FY 1997 levels for Hawaii Agriculture Research Center for research into rodent control in sugarcane and macadamia nut crops

Funding at FY 1997 levels for depredation efforts on fish-eating birds in the mid-South

Funding at FY 1997 levels for Jack H. Berryman Institute of Wildlife Damage Management in Utah

$115,000 increase for coyote control program in West Virginia

Directs use of available funds to control spread of raccoon rabies in the Northeast

$455,000 increase for the Texas Oral Rabies Vaccination Program

Funding at FY 1997 levels for imported fire ant research at University of Arkansas at Monticello

$50,000 increase to initiate a demonstration project on kudzu as a noxious weed

$1 million increase for construction of a bison quarantine facility in Montana to hold and test bison leaving Yellowstone National Park

SUPPORTIVE LANGUAGE

—Supports plans by APHIS to assist producers who have suffered losses due to karnal bunt

—Expects APHIS to maintain animal damage control office in Vermont at FY 1997 levels

—Expects APHIS to use reserve funds for management of western grasshopper and Mormon cricket populations

—Expects APHIS to continue funding eradication of orbanche ramosa in Texas

Agricultural Marketing Service:

EARMARKS

$1.05 million increase for marketing assistance to Alaska

Supportive language:

—Expects AMS to continue to asses existing inventories of canned pink salmon, pouched pink salmon, and salmon nuggets made from chum salmon and determine whether there is a surplus in FY 1998; encourages Agriculture Department to purchase surplus salmon

National Resources Conservation Service:

EARMARKS

$250,000 for agricultural development and resource conservation in native Hawaiian communities serviced by the Molokai Agriculture Community Committee

$250,000 for Great Lakes Basin Program for soil and erosion sediment control

$3.5 million increase for technical assistance in Franklin County, Mississippi

$4.75 million for continued work on Chesapeake Bay

Funding at FY 1997 levels for Mississippi Delta water resources study to move into next phase

Funding at FY 1997 levels for Golden Meadow, Louisiana, Plant Materials Center, in collaboration with Crowley, Louisiana, Rice Research Station, for development and commercialization of artificial seed for smooth cord grass to prevent coastal erosion

$40,000 to continue development of techniques to address loess hills erosion problem in Iowa

$120,000 increase for a poultry litter composting project utilizing sawdust in West Virginia

$300,000 to carry out a long-range grazing lands initiative to reduce current erosion in West Virginia

Directs Agriculture Department to work with Hawaii Department of Agriculture in securing environmentally safe biological controls for alien weed pests introduced into Hawaii and to provide funding

$200,000 increase to develop a feasibility study for a watershed project in Waianae, Hawaii, to alleviate and prevent flood disasters

$500,000 for West Virginia Department of Agriculture to continue operation and testing of concepts, such as the Micgas methane gas process, at the poultry waste energy recovery project in Moorefield, West Virginia, and to study the feasibility of resource recovery at Franklin, West Virginia, to reduce poultry-related pollution in the South Branch of the Potomac River

SUPPORTIVE LANGUAGE

Expects NRCS to continue support of groundwater activities in eastern Arkansas and programs related to Boeuf-Tensas and Bayou Meto

Expects continuation of planning and design activities for the Kuhn Bayou, Arkansas project

Supports and encourages Agriculture Department to provide technical assistance and funding to assist Great Lakes watershed initiative

Supports work of GIS Center for Advanced Spacial Technology in Arkansas in developing digital soil maps, and supports continuation of the National Digital Orthophotography Program, and urges NRCS to maintain its strong relationship with the center

Notes the economic potential of expanding aquaculture in West Virginia and supports development of water treatment practices for wastewater from aquaculture

Supports needed financial assistance to complete the Indian Creek Watershed project in Mississippi

Urges NRCS to provide additional support to initiate work on Poinsett Channel main ditch no. 1 in Arkansas

Expects NRCS to find necessary resources to complete innovative community-based comprehensive resource management plans for West Virginia communities devastated by floods

Encourages the Agriculture Department to raise the priority of developing greater capacity water storage systems and improving the efficiency of water delivery systems in Hawaii and Maui

Encourages Agriculture Department to give consideration to emergency watershed needs in 41 of the 52 counties in the State of Mississippi, and 3 counties in Oregon, Pennsylvania, and New York [page 70 of report] when allocating watershed and flood prevention funds to states

Is aware of need for a pilot flood plain project for the Tygart River basin in West Virginia

Encourages Agriculture Department to finish 5 river projects in Vermont, 1 project in North Dakota, and 1 project in Mississippi [page 71 report]

Encourages NRCS to assist FEMA in flood response and water management activities in Devils Lake basin in North Dakota

Rural Community Advancement Program:

EARMARKS

Directs Agriculture Department to assist in financing Alaska Village Electric Cooperative work to alleviate environmental problems of leaking fuel lines and tanks

SUPPORTIVE LANGUAGE

Encourages Agriculture Department to give the utmost consideration to a grant application from the Native Village Health Clinic in Nelson Lagoon, Alaska, for community facility funding

Encourages Agriculture Department to give consideration to rural business enterprise grant applications from 11 entities listed in the report [page 76 of report]

Encourages Agriculture Department to consider applications from 7 cities in Pennsylvania, Mississippi, and Alaska for water and waste disposal loans and grants [page 77 of report]

Rural Business Cooperative Service:

EARMARKS AND DIRECTIVE LANGUAGE

Directs RBCS to develop and implement a pilot project to financing new or expanded diversified agricultural operations in Hawaii because of the closure of sugarcane plantations

$250,000 for an agribusiness and cooperative development program at Mississippi State University

Recommends continued staffing and operations of the cooperative services office in Hilo, Hawaii, to address the demand for cooperatives for the expanding diversified agricultural sector

SUPPORTIVE LANGUAGE

Encourages RBCS to work with Union County, Pennsylvania, to explore options to facilitate construction of the Union County Business Park

Encourages RBCS to consider cooperative development grants to New Mexico State University for rural economic development

through tourism and to America's Agricultural Heritage Partnership in Iowa

Rural Utilities Service:

Encourages Agriculture Department to give consideration to the following applications for distance learning and medical link program funds:

University of Colorado Health Science Center telemedicine project

Demonstration project with Maui Community College

Hawaii Community Hospital system

Nutrition education activities of the University of Hawaii's Tropical Agriculture and Human Resources College

Vermont Department of Education proposal to provide high schools in rural areas with two-way audio/video connections

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I want to renew my unanimous-consent request, with the modifications that we think are appropriate at this time. So I will begin again.

I ask unanimous consent that the following be the only remaining amendments in order, and limited to relevant second-degree amendment and votes ordered with respect to those amendments be stacked to occur beginning at 10 a.m. on Thursday, with 2 minutes for debate between each stacked vote, equally divided, except that there will be 10 minutes prior to the Wellstone amendment.

Those amendments are as follows and subject to time restraints where noted:

Grams, on dairy compact; Wellstone, on school breakfast; a manager's package; a Bingaman amendment on CRP; Robb, concerning farmers' civil rights, and a Johnson amendment with regard to livestock packers.

I further ask that following disposition of the amendments, the Senate then proceed to vote on S. 1033 and, following passage, the bill remain at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Therefore, there will be no further rollcall votes this evening. The next rollcall votes will be a series of votes completing action on the Agriculture appropriations bill occurring at 10 a.m.

I yield the floor.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to proceed for 3 minutes.

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

Mr. BUMPERS. Mr. President, I am sorry the Senator from Arizona, Mr. MCCAIN, left the floor. He listed a number of what he called earmarks, and the implication was that any money in this bill earmarked for specific kinds of research or specific kinds of personnel in a particular State was—he didn't say it in these words, but that it was pork and that earmarks are automatically bad. I could not disagree more. Every earmark the Senator from Arizona mentioned tonight, listed tonight in the bill, he was absolutely correct about it. Every one of them were for research projects.

I said in my opening statement this morning that it is a tragedy that in this country we have become complacent about our food supplies, and, yet, we are adding 2 million people a year in this Nation alone to feed, and almost 100 million people a year worldwide to feed. And at the same time in this Nation, as we add 2 million people to feed, we are also taking between 2 million and 3 million acres of arable land out of cultivation for airports, urban sprawl, housing, you name it.

Now, it is quite obvious to me that when you spend about $1.2 billion for research—I don't know precisely how much is in this bill, but when you consider the fact that we spend $13 billion a year on medical research, which I applaud, $13 billion a year for NASA, all of which I applaud—except space station, of course—and $36 billion to $40 billion—I believe $40 billion we approved the other day to make things explode in the Defense authorization bill, without so much as a whimper from one person in this body—about $40 billion in research and development.

I am not saying it is all bad. All I am saying is here is poor old agriculture which is going to be charged with the responsibility—and is charged with the responsibility—of providing a good, safe, reliable food supply for this country. The American housewife spends 10 cents of every dollar for food, the lowest of any nation on Earth. And to suggest that somehow or other these items in here simply because they earmarked are bad and a waste of money—I can tell you, for example, that the new poultry and meat inspection system which is being implemented right now as the ultimate in providing safe food for us to eat is the result of a very small appropriation to a consortium of the University of Arkansas, Kansas State, and Iowa State—one of the best bargains we ever got. And every dime of it was earmarked to start that program several years ago.

Mr. President, I am about to get exercised. And I could go on with all the earmarks that have provided great research for this country that we have all benefited from.

I know there is some pork in this bill, as there is in every bill. But I can tell you just because someone says it is for the State of Mississippi or the State of Arkansas doesn't mean it is bad. The truth of matter is we have reaped tremendous benefits from some of these earmarks.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I must say that I agree with the Senator from Arkansas on the last part of his comments.

THE INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT —MOTION TO PROCEED

Mr. LOTT. Mr. President, I have a motion that I need to file. I believe that there is a Senator who will want to object on this.

Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar 109, S. 39, regarding the International Dolphin Conservation Program.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Yes. With some reluctance, Mr. President, I must object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. LOTT. Mr. President, in light of the objection, I now move to proceed to S. 39, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 109, S. 39, the International Dolphin Conservation Program Act:

Trent Lott, Fred Thompson, Larry Craig, Don Nickles, Chuck Grassley, Christopher Bond, Pete Domenici, Alfonse D'Amato, Thad Cochran, James Jeffords, Bill Frist, Olympia Snowe, Rick Santorum, Lauch Faircloth, Daniel Coats, and Ted Stevens.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote will occur on Friday at a time to be determined by the majority leader after consultation with the Democratic leader.

I understand that there is a good likelihood that a compromise agreement has been worked out on this. If it has, that would be what I really want to do.

I am pushing this issue at the request of the President of the United States. I think it is a good conservation policy.

But if an agreement has been worked out between the differing sides, that would be our preference. If that is the case we would vitiate, of course, the cloture, and not have a vote.

But as it now would stand we would have the opportunity for this vote on Friday.

So I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. It will be the intention of the leadership to schedule this vote to occur on Friday.

I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

Mr. LOTT. I yield the floor.

I believe we are ready to proceed with the order.