The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I join my friend from Arkansas in thanking the distinguished Senator from West Virginia for his comments today. It is always a pleasure to hear him recount the history of our country. In doing so, I can't help but remember the time and effort and diligence he put to the task of writing the ''History of the U.S. Senate,'' which we have in our offices and others have had an opportunity to enjoy and appreciate over the last several years. It is one of the remarkable acts of scholarship that has been turned in by a U.S. Senator and probably ranks No. 1 in the list of books written by active Members of the U.S. Senate, for all of which I think we owe a deep expression, and sincere expression, of gratitude to the Senator from West Virginia.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, there is just one final little anecdote that I would like to share with the Senate.

When my former colleague, Senator Pryor, left the Senate last year, he went home to the University of Arkansas to teach. He is sort of a roving professor. He taught one day at the school of business, and the next day the school of agriculture, and so on. He was at the law school one day. He said that some smart law student got up and said, ''Why don't you deliver a lecture someday on the comparison of our democracy and the Athenian democracy?'' Senator Pryor said he didn't know what to do. So he went back to his office and he called the Senate historian and he told him what he was up against. The historian said, ''You are lucky. Senator BYRD has just delivered about 15 speeches on Athenian democracy.'' He sent those to him, and he said everybody in the university thinks he is an Athenian scholar.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. COCHRAN. Mr. President, I am hopeful that we can continue now with consideration of amendments of Senators who wish to offer them on the agriculture appropriations bill. We sent word out through the cloakrooms at 3 o'clock that we were prepared to conclude consideration and approve amendments, recommend acceptance of Senators' amendments, which have been brought to the attention of the managers, and those that could not be agreed upon, we would offer them for Senators and get votes on them if they wanted us to do that, or move to table them and dispose of them in that way, so that we could complete action on this bill. We need to complete action on the bill today and move on to other matters.

I notice the distinguished Senator from Iowa is on the floor. He has an amendment to offer. I am happy to yield the floor to permit him to do so.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent the privilege of the floor during the debate on the agriculture appropriations bill be granted to Sarah Lister, a member of my staff.

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

AMENDMENT NO. 3175

(Purpose: To provide funding for the Food Safety Initiative with an offset)

Mr. HARKIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for himself, and Mr. LEAHY, Mr. KENNEDY, Mr. TORRICELLI, Mr. DURBIN, Mr. WELLSTONE, Ms. MIKULSKI, and Mrs. MURRAY, proposes an amendment numbered 3175.

Mr. HARKIN. 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:

On page 67, after line 23, insert the following:

SEC. 7. FOOD SAFETY INITIATIVE.

(a) IN GENERAL.—In addition to the amounts made available under other provisions of this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, to carry out activities described in the Food Safety Initiative submitted by the President for fiscal year 1999—

(1) $98,000 to the Chief Economist;

(2) $906,000 to the Economic Research Service;

(3) $8,920,000 to the Agricultural Research Service;

(4) $11,000,000 to the Cooperative State Research, Education, and Extension Service;

(5) $8,347,000 to the Food Safety and Inspection Service; and

(6) $37,000,000 to the Food and Drug Administration.

1. Amendment of the No Net Cost Fund assessments to provide for collection of all administrative costs not previously covered and all crop insurance costs for tobacco. Section 106A of the Agricultural Act of 1949, as amended, 7 U.S.C. 1445–1(c), is hereby amended by, in (d)(7) changing ''the Secretary'' to ''the Secretary: and'' and by adding a new clause. (d)(8) read as follows:

''(8) Notwithstanding any other provision of this subsection or other law, that with respect to the 1999 and subsequent crops of tobacco for which price support is made available and for which a Fund is maintained under this section, an additional assessment shall be remitted over and above that otherwise provided for in this subsection. Such additional assessment shall be equal to: (1) the administrative costs within the Department of Agriculture that not otherwise covered under another assessment under this section or under another provision of law; and (2) any and all net losses in federal crop insurance programs for tobacco, whether those losses be on price-supported tobacco or on other tobaccos. The Secretary shall estimate those administrative and insurance costs in advance. The Secretary may make such adjustments in the assessment under this clause for future crops as are needed to cover shortfalls or over-collections. The assessment shall be applied so that the additional amount to be collected under this clause shall be the same for all price support tobaccos (and imported tobacco of like kind) which are marketed or imported into the United States during the marketing year for the crops covered by this clause. For each domestically produced pound of tobacco the assessment amount to be remitted under this clause shall be paid by the purchaser of the tobacco. On imported tobacco, the assessment shall be paid by the importer. Monies collected pursuant to this section shall be commingled with other monies in the No Net Cost Fund maintained under this section. The administrative and crop insurance costs that are taken into account in fixing the amount of the assessment shall be a claim on the Fund and shall be transferred to the appropriate account for the payment of administrative costs and insurance costs at a time determined appropriate by the Secretary. Collections under this clause shall not effect the amount of any other collection established under this section or under another provision of law but shall be enforceable in the same manner as other assessments under this section and shall be subject to the same sanctions for nonpayment.''

2. Amendment of the No Net Cost Account assessments to provide for collection of all administrative cost not previously covered and all crop insurance costs. Section 106B of the Agricultural Act of 1949, as amended, 7 U.S.C. 1445–2, is amended by renumbering subsections ''(i)'' and ''(j)'' as ''(j)'' and ''(k)'' respectively, and by adding a new subsection ''(i)'' to read as follows:

''(i) Notwithstanding any other provision of this section or other law, the Secretary shall require with respect to the 1999 and subsequent crops of tobacco for which price support is made available and for which an Account is maintained under this section, that an additional assessment shall be remitted over and above that otherwise provided for in this subsection. Such additional assessment shall be equal to: (1) the administrative costs within the Department of Agriculture that are not otherwise covered under another assessment under this section or under another provision of law; and (2) any and all net losses in federal crop insurance programs for tobacco, whether those losses be on price-supported tobacco or on other tobaccos. The Secretary shall estimate those administrative and insurance costs in advance. The Secretary may make such adjustments in the assessments under this clause for future crops as are needed to cover shortfalls or over-collections. The assessment shall be applied so that the additional amount to be collected under this clause shall be the same for all price support tobaccos (and imported tobacco of like kind) which are marketed or imported into the United States during the marketing year for the crops covered by this clause. For each domestically produced pound of tobacco the assessment amount to be remitted under this clause shall be paid by the purchaser of the tobacco. On imported tobacco, the assessment shall be paid by the importer. Monies collected pursuant to this section shall be commingled with other monies in the No Net Cost Account maintained under this section. The administrative and crop insurance costs that are taken into account in fixing the amount of the assessment shall be a claim on the Account and shall be transferred to the appropriate account for the payment of administrative costs and insurance costs at a

time determined appropriate by the Secretary.Collections under this clause shall not effect the amount of any other collection established under this section or under another provision of law but shall be enforceable in the same manner as other assessments under this section and shall be subject to the same sanctions for nonpayment.''

3. Elimination of the Tobacco Budget Assessment. Notwithstanding any other provision of law, the provisions of Section 106(g) of the Agricultural Act of 1949, as amended, 7 USC 1445(g) shall not apply or be extended to the 1999 crops of tobacco and shall not, in any case, apply to any tobacco for which additional assessments have been rendered under Sections 1 and 2 of this Act.

Section 4(g) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(g)) is amended in the first sentence by striking ''$193,000,000'' and inserting ''$178,000,000''.

Amend the figure on page 12 line 20 by reducing the sum by $13,500,000.

Amend page 12 line 25 by striking ''law.'' and inserting in lieu thereof the following: ''law, and an additional $13,500,000 is provided to be available on October 1, 1999 under the provisions of this paragraph.''

Mr. HARKIN. Mr. President, my cosponsors on this amendment are Senators LEAHY, KENNEDY, TORRICELLI, DURBIN, WELLSTONE, MIKULSKI, and MURRAY. I want them all added as cosponsors of this amendment.

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

Mr. HARKIN. Mr. President, the amendment that I just offered would restore $66 million for the President's Food Safety Initiative, the funding of which I believe should be a national priority. I understand the constraints faced here on this subcommittee on spending. But food safety is an increasing problem in this country. As the President has pointed out, I think we ought to make food safety a priority. If there is one thing we all do, it is that we all eat. And there are few things more important than knowing that the food you are going to eat isn't going to make you sick.

So this amendment really is to ensure that the health and safety of American consumers is protected, and protected even better than it has been in the past.

Again, Mr. President, I don't know the reason why this is happening. But more and more frequently we are getting outbreaks of pathogens and foodborne illnesses in this country.

Just last month, in June of 1998, there were 12 outbreaks of foodborne illnesses in this country. Here is the chart that depicts that. I know there are more dots here than 12. But there are 12 different outbreaks. Some outbreaks occurred in more than one State. So we had 12 different outbreaks. It affected consumers in 41 States and caused more than 7,000 illnesses.

That is in the month of June of this year. That is one month. That is just the tip of the iceberg. It is estimated that there are millions of cases and over 9,000 deaths per year in this country from foodborne illnesses, including a lot of kids who need dialysis, or kidney transplants, after eating food contaminated with what now has become a well known pathogen, E. coli 0157H7. We all know that kids get it. They get deathly ill from it. Many die. Those who do not go on kidney dialysis have kidney transplants.

Here is the interesting thing. This pathogen, E. coli 0157H7, we all read about. And you can talk to persons on the street and they know about E. coli 0157H7. It didn't even exist 20 years ago. So we are seeing new mutations. Twenty years ago, E. coli 0157H7 didn't even exist, and today thousands of people are getting sick and dying from it throughout the United States.

The E. coli 0157H7 are the blue dots. The white dots, the green dots, and all these others—about six different ones here—E. coli 0157H7 outbreaks throughout the country in June.

One other outbreak, which affected hundreds of people in 12 States, involved an unusual strain of Salmonella that came in breakfast cereals. That is the one in the red dots here you can see all over the United States.

I happen to be a cereal eater. I have eaten cereal—Cheerios, Wheaties, and everything else—since I was a kid, obviously, and I am sure everyone else has. If there is one thing that you think is really safe, it is cereal. It is dry. It is roasted, toasted, baked, or something. You get it in a box, you open it, put it in the bowl, put milk on it, and you think it is safe. This is the first time that we have ever had Salmonella occur in a dry cereal. Usually you get Salmonella in raw eggs, or things like that, but not from cereal.

So, as I said, there is something happening that we have not seen before in terms of the kinds of foods and the numbers of outbreaks and the new pathogens that are affecting our country.

I always like to ask people when I talk about this in meetings in Iowa and other places. I say, ''How many people here have ever gone out to a restaurant to eat and you come home, you have had a nice meal out, you watch the evening news, you go to bed, and at 2 o'clock in the morning you wake up and there is a railroad train going through your stomach, and you make a bee-line for the bathroom?''

Usually people start laughing. But they are nodding their heads. A lot of those aren't even reported. And people are a little sluggish the next day, they don't feel quite right the next day, productivity goes down, but after 24 hours they are over it and move on. That is what I mean. A lot of these aren't even reported, but it happens to people every single day.

If that happens to me, and I get a little upset stomach, I get a little sick, a little diarrhea the next day, or I feel a little down, I move on, think what happens to a kid. What about a child? What about someone 12, 13, or 10 years old? They are affected a lot worse than that. Or an elderly person whose immune system may not be as strong as someone my age. They are the ones who are getting hit harder and harder by these foodborne pathogens.

This is really an appropriate time to be talking about this, during the middle of a hot summer, because there is another interesting thing about foodborne pathogens.

In 1997, and we know in previous years the same is true, the number of foodborne illnesses always peaks in the summer, and they come down in the winter. May to September is when we get our peak. Pathogens flourish on the foods and any foods that aren't handled properly in the summer heat. So during the summertime, we see the number of incidents of foodborne pathogens going up. So this is a proper time to be talking about it, in the summer months.

We can reduce the number of foodborne illnesses that we have in this country.

We can reduce the incidence and severity of foodborne illnesses, and the Food Safety Initiative that the President announced will provide funding for necessary inspection, surveillance, research, and education activities at both the USDA and the FDA to improve the level of food safety in this country.

I will go over each one of those. First, inspection. The amendment that I sent to the desk provides for increased spending to improve inspection. Now, what kind of inspection are we talking about? Well, the FDA inspects the 53,000 domestic food processing plants on the average of once every 10 years. That is right, on the average of once every 10 years, FDA inspects the plants that can our fruits, can our vegetables, handle our produce and fresh fruits and things like that—about once every 10 years. Right now, FDA inspects only about 2 percent of imported produce, although consumption of these products is increasing and imported produce has been linked to several outbreaks of illnesses in recent years. So only 2 percent of imported produce is even inspected by the FDA.

This amendment funds 250 new inspectors at FDA for this purpose. It will also fund a program at USDA to implement the new inspection procedures for meat inspection in State-inspected meat and poultry plants. Right now, we have a Federal system. We also have State-inspected meat and poultry plants, and this amendment would help fund the implementation of these new—HACCP, as it is called—meat inspection systems in our State-inspected meat and poultry plants.

So that is the first part, inspection.

The second part has to do with research and risk assessment. The Food Safety Initiative seeks new funds for research and risk assessment. The funding will lead to new rapid-testing methods to identify pathogens before they can be spread far and wide. Funding for on-farm testing will help determine where simple solutions such as vaccines can make major improvements in the safety of food. So risk assessment and research can point to

practical solutions that will get to it early on and make high-risk foods a lot safer—I mean foods that are handled a lot, foods that are used a lot in the summertime, maybe are handled and cooked outdoors, that type of thing.

The third aspect of this amendment deals with education. This amendment calls for funding for education programs for farmers, food service workers, and consumers. I might just point out that consumer food safety education is crucial as traditional homemaker education in schools and at home is increasingly rare. Educating food service workers is also important as more and more of us eat out or eat take-out foods.

The last part is surveillance. In the case of these outbreaks in June, extensive investigations were necessary before tainted products could be identified and recalled. The Food Safety Initiative provides new funds for the USDA and FDA to coordinate with the Centers for Disease Control and Prevention in identifying and controlling outbreaks of illnesses from food; in other words, get better surveillance out there to coordinate with CDC, USDA, and FDA—and that is not taking place right now—so that if you do have an outbreak, you can contain it and keep it in one locality without it spreading to other States. And that is really important.

I will take this chart and again put it up here to show the outbreaks that happened in June. What you can see is, you have an outbreak of E. coli here in one State, and you see it spreading to other States, the same strain, the same packages. Why would it be in Ohio, then in Kansas, and then out here in Utah? Why would it be in those States all at the same time? We know how fast we move food around this country. You could have something slaughtered, processed, produced, and packaged in one State and 24 hours later it is being eaten halfway across the country. That is why you need good surveillance. If you find something that has happened in one locality, you can coordinate with the CDC down here in Atlanta, GA, and put the brakes on right away. We don't have that kind of in-depth coordination and surveillance right now, and this amendment would provide that.

Last October at a hearing before the Senate Ag Committee, numerous producer, industry, and consumer groups called on the Federal Government to increase resources for food safety in research, education, risk assessment, and surveillance. I thought I might just quote a couple of these.

Mike Doyle, Ph.D., on behalf of the American Meat Institute, the Grocery Manufacturers Association, National Broiler Council, National Food Processors Association, and the National Turkey Federation, testified last October, and he said:

> The problem we should be facing is how to prevent or reduce pathogens in the food supply. Research, technology and consumer education are the best and most immediate tools available. Government can be most helpful by facilitating the aggressive use of these tools to find new ways to protect consumers.
>
> A strategic plan for a prevention-oriented, farm-to-table food safety research technology development and transfer that engages the resources of the public and private sector must be developed and fully funded.

Alan Janzen on behalf of the National Cattlemen's Beef Association.

Gregg Page, President, Red Meat Group, Cargil, Inc., on behalf of the American Meat Institute, said:

> Congress can help ensure that there is reality in the laws and regulations governing food safety by endorsing educational activities focused on proper cooking and handling practices and a comprehensive, coordinated and prioritized approach to food safety research.

C. Manly Molpus, Grocery Manufacturers of America, in a letter dated January 19, 1998, said:

> With new, emerging food pathogens, FDA must have the resources to recruit scientists and fund research and surveillance. Increased resources will mean better, more focused and planned scientific research programs.

So we have a lot of comments from the industry about the need to make sure that this Food Safety Initiative is, indeed, fully funded.

Now, lastly, let me just point out where we get the offset for this amendment. The offset has several components. The principal one would complete the job of getting the U.S. taxpayer out of the business of supporting the production of tobacco. It is a common question I hear: If smoking is so bad and we are trying to get this tobacco bill passed around here, then why is the Government subsidizing the production of tobacco?

Well, it is not supposed to be. Under the 1982 No Net Cost Tobacco legislation, the cost of the tobacco price support program is covered by assessments made by tobacco companies and growers. But that is only for the price support program. These assessments do not cover the cost to the taxpayer of crop insurance on tobacco, nor do they cover the administrative costs of the tobacco program or the various other tobacco-related activities at the USDA. The total cost of these USDA tobacco activities is about $60 million a year. Under this amendment, tobacco companies will cover the cost of these USDA tobacco activities. After all, it is the tobacco companies that benefit from having a dependable supply of tobacco available to them.

So I think it is about time that we close this last little loophole and have the tobacco growers and companies pay the $60 million that the taxpayers are paying today.

So that is the first part of the offset. The second one is that we get $15 million from the mandatory CCC computer account. These funds are available to the USDA to be spent for data processing and information technology services. Cutting this account will in no way reduce the ability of the USDA to prepare for the Y2K problem at all. So there is $15 million from this computer account.

And, lastly, we cut $13 million from the ARS buildings and facilities account. Again, we do not propose to eliminate any building projects. Rather, we propose to delay the money that would be obligated but not spent during the fiscal year 1999.

In other words, the money would be obligated, but it would not be spent. All projects would be allowed to continue development and planning of these facilities. But there is no point in appropriating money in fiscal year 1999, money that will not be spent, when there is a critical need for food safety funds to fund the Food Safety Initiative.

I see two of my colleagues on the floor who have worked very hard on this Food Safety Initiative, who are strong supporters of it. I yield the floor at this time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I yield to the Senator from Illinois.

PRIVILEGE OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that Kevin Mulry, a Brookings fellow in my office, be granted the privilege of the floor during consideration of the Harkin amendment on the agriculture appropriations bill, S. 2159.

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

Mr. DURBIN. I make a second unanimous consent request, if there is no objection from the chairman, the Senator from Mississippi, since it does not appear there is another Senator on the floor, I ask unanimous consent to follow the Senator from New Jersey in making remarks in support of the Harkin amendment.

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

The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I rise in support of the Harkin amendment to fund President Clinton's Food Safety Initiative. In supporting this effort to fund food safety in our country, I must admit to some surprise about the debate. Through the years in this Congress, we have had controversial debates with legitimately and strongly held different views. This is a difference of opinion that I just do not understand.

It is now estimated that there are 9,000 Americans per year losing their lives because of food safety. There is a rising cost in human life and suffering because of compromises in the quality of food consumed in America. In a nation where we are accustomed to automobile accidents and crime, the leading reason in our country to visit an emergency room is because of food that you purchased and consumed. It is not

an insubstantial cost to our economy. Mr. President, 6.5 million people suffering from foodborne illness; $22 billion in cost to our economy.

Two years ago, on a bipartisan basis, across philosophical lines as a national community, we came to recognize that this cost was not sustainable and mostly was not necessary. This Congress began to fund, under President Clinton's leadership, an initiative to ensure the quality and safety of our Nation's food supply. We are now about to enter into the second year of that program, which has included hiring more inspectors, enhancing surveillance and early warning, increasing research into pathogens like the E. coli bacteria, and to develop more fast, cost-efficient, and more modern detection methods. The second year is about to begin, but a preliminary judgment has been made on the budget of the Government to abandon the effort: No research, no new technology, no new inspectors—nothing.

It would be a legitimately held view to come to the floor of this Senate and say, ''The President's plan has been tried and has been evaluated, it is understood, but there is a better idea.'' There may be better ideas. There is no monopoly of wisdom in constructing this plan. But to argue, in the U.S. Senate, in the face of this rising problem, that the better answer is to do nothing, confounds logic. I do not understand it—governmentally or politically.

The American people may be under the impression that their food supply is safe. It is certainly true by world standards; compared with many nations, it is safe. But it is not what they believe. Mr. President, 9,000 deaths is unconscionable, but it is not even the full extent of the problem. Some years ago, like most Americans not recognizing the full extent of this problem, I heard testimony from a constituent of mine named Art O'Connell. His 23-month-old daughter, Katie, had visited a fast-food restaurant in New Jersey. The next day she wasn't feeling well. Two days later she was in a hospital. By that night her kidneys and her liver began to fail. A day later, she was dead.

I thought it was about as bad a story as I could hear, and then in the same hearing I heard mothers and fathers from around America whose children had also been exposed to the E. coli bacteria, and realized that sometimes the child that dies can be the fortunate child. The E. coli bacteria will leave an infant blind, deaf, paralyzed for life. In the elderly, it can strike more quickly and also result in death.

It is a crisis in our country, but it is one that will not solve itself. Indeed, it is estimated over the next decade, the death toll and the suffering from foodborne illness in America will increase by 10 to 15 percent per decade.

There are, to be certain, a number of reasons—the sources of food supplies, a more complex distribution system, failures to prepare food properly, and almost certainly because of rising imports of food. Food imports since 1992 have increased by 60 percent. Yet, notably, inspections have fallen by 22 percent. There are 53,000 potential sites in America involved in the production of food for the American people—53,000. The United States has 700 inspectors. To place this in context, in the State of New Jersey where we operate a gaming industry, in Atlantic City, we have 14 casinos. We operate with 850 inspectors. What my State government in New Jersey is doing to assure that the roulette wheels and gaming tables of Atlantic City are safe for gamers, the United States of America is not doing for the food supply of the entire country. Mr. President, 700 inspectors for this country.

To be honest, I do not argue that, even if Senator HARKIN's amendment is accepted, that the Members of this Senate can face their constituents honestly and claim that this problem is being solved, no less managed. It would, in truth, require much more. Over the years, in working with Senator DURBIN, we have outlined legislation that is far more comprehensive, in my judgment, much more attuned to what is required—to create a single food agency to replace the current 12 Government agencies involved in food safety, to remove agencies whose principal mission is to prevent the consumption and sale of food from inspection—to remove an inherent conflict of interest in the management of the Nation's food supply; and certainly to give the Department of Agriculture a mandatory recall authority so the moment we know there is a problem and health is endangered, we can eliminate the distribution problems.

All these things are required, but we are asking for none of that today. All that Senator HARKIN is asking is to fund at the commitment levels we decided on a year ago, to do the second half of a 2-year program to provide for the inspections, the technologies of this food safety program.

Mr. President, many of us years ago learned of a different period in American history through the words of Upton Sinclair in his writing, ''The Jungle.'' At a time when the Federal Government was not doing little to ensure the safety of our food supply for our people, it was doing nothing.

Most Americans will be surprised to learn that, as they read as a student of Upton Sinclair, the technology of food inspection has not really changed in these several generations. The principal instrument used by the U.S. Government to ensure that meat is safe is the human nose of an inspector. The second line of defense is his eyesight. As food comes down the assembly line, assuring that it is safe is based on the instinct of those inspectors, albeit inspecting 2 percent of the Nation's imported food supply.

Part of this program is to advance the technologies which we are using in every other aspect of American life, the extraordinary technologies of our time which uniquely, incredibly and inexplicably are not being used on a very item of life and death of our citizens—our food supply. This program will develop and advance those technologies.

New pathogens are being found all the time. The E. coli bacteria itself is changing. This program will research to understand those pathogens, to use our technology to defeat them in biomedicine.

As the Senator from Iowa has said, we also need enhanced surveillance. Because we live in a time when the food supply of one State can appear in another State within hours, a single source of contaminated food can be across America in days. We need to track it through surveillance to find it and eliminate it.

Of course, as I suggested, we need more inspectors to also ensure the presence of the Government is there.

All we are doing is attempting to fulfill what the American people believe they already have. Most Americans, if you were to ask them today, would tell you: ''Yes, there's a Federal inspector where that meat is produced, those fruits and vegetables, that syrup, they are there, and we are using the best technology and we are understanding the pathogens.'' We are asking that this Senate help fund that which we committed to 2 years ago and that which the American people already believe exists.

Finally, there is ample time for us to disagree on many issues. There are legitimate concerns about which we can differ. If ever there was an issue about which we could come together in common cause, this is that issue. This is not an expansion of Government power, it is a power which the Government has had for all the 20th century. It is not draining significant resources we do not have. It is $100 million in a modest program.

I am proud to join with Senator HARKIN, Senator DURBIN and Senator KENNEDY in offering this amendment. I hope we can receive an affirmative vote and proceed with this program and avoid all that suffering, which is just so unnecessary, and begin to turn the corner on dealing with this very important problem.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, first I thank my colleague from New Jersey for his fine statement, as well as my colleague from Iowa. The Senator from New Jersey and I have introduced legislation which attempts to streamline this entire process. It is mind-boggling to try to come to grips with the many different agencies and laws that apply to food safety inspection in America. Though that is not the object of the amendment of the Senator from Iowa, it is something which I hope on another day the Senate will address. To

think that there are some six different Federal agencies with the responsibility of food inspection, some 35 different laws and a crazy quilt of jurisdiction which not only wastes taxpayers' dollars, but creates risk for consumers is unacceptable.

What we address today is more immediate, different than a change of jurisdiction within agencies. It is to address the immediate need to assure the consumers of America that its Government is doing all in its power to protect them at their family tables.

This issue first came to my attention about 3 or 4 years ago. I certainly heard about the E. coli outbreaks in Jack-in-the-Box and the others that were well publicized, but I received a letter when I was a Member of the House of Representatives from a lady in Chicago. I didn't represent the city, but she sent me a letter when she heard we were debating modernizing our food inspection system.

In this handwritten letter, Nancy Donley of Chicago told the tragic story of going to the local grocery store to buy hamburger for her 6-year-old son Alex, coming home and preparing it. Alex ate the hamburger and within a few days was dead, dead from E. coli-contaminated hamburger, which led to one of the most gruesome episodes one can imagine.

Your heart breaks to think of a mother and father standing helplessly by a hospital bed wondering what is taking the life away from this little boy whom they love so much. She tells in graphic detail how Alex's body organ by organ shut down until he finally expired because of contamination in a food product.

It brought to my attention an issue which I had not thought about for a long time, because you see, unlike some Members of the Senate, I have some personal knowledge when it comes to this issue, not just because I eat, which all of us do, but 30 years ago, I worked my way through college working in a slaughterhouse in East St. Louis, IL. I spent 12 months of my life there, and I saw the meat inspection process and the meat processing firsthand.

I still eat meat, and I still believe America has the safest food supply in the world, but I am convinced that we need to do more. The world has changed in 30 years. The distribution network of food in the United States has changed. When I was a young boy, it was a local butcher shop buying from a local farmer processing for my family. Now look at it—nationwide and worldwide distribution, sometimes of a great product but sometimes of a great problem. That some contaminated beef last year led to the greatest meat recall in our history is just a suggestion of the scope of this problem. A contamination in one plant in one city can literally become a national problem.

This chart that Senator HARKIN of Iowa brought before us doesn't tell what happened across the United States in 1 year. It tells us what happened in 1 month, June of 1998. These were the outbreaks and recalls in the United States of America. I am sorry to say, with the possible exception of New York, my home State of Illinois was hit the hardest, for you see, we had over 6,000 people in the Chicago area who were felled by some food-related illness that might have been associated with potato salad—6,000 people. We are still searching to find exactly what caused it.

We had a hearing with Senator COLLINS of Maine just a few days ago in the Governmental Affairs Committee which took a look at the importation of fruits and vegetables. She focused—and I think it was an excellent hearing—on Guatemalan raspberries that came into the United States contaminated with cyclospora, and, of course, caused illnesses for many people across the United States.

The fascinating thing, the challenging part of that testimony was that if you look at our inspection process today, there is no way for us to detect the presence of that bacteria, nor is it easy for any doctor to diagnose a person as having been stricken by that illness.

As we trace those imports in the United States of fruits and vegetables, we find that we face a new challenge in addition to this broadening distribution network. It is a challenge where our appetites have changed, and where we enjoy the bounty of produce from all over the world. So our concerns which used to be focused on the United States and partially on imported fruits and vegetables have expanded dramatically. Now we worry about imported fruits and vegetables from the far corners of the world.

We worry about contaminations which we never heard of before which could, in fact, affect literally millions of Americans. The challenge of food inspection is changing dramatically.

Let me give you another illustration about what is happening. Most of us can recall, when we were children, when mom would bake a cake or make cookies, and she finished putting it all together, and you were standing dutifully by waiting for the cookies or the cake, she would hand you the mixing bowl—and you would reach in with a spoon or spatula and taste a little bit of the dough, cake batter, whatever it might be. As you see, I did that many times; and I appreciated it very much.

You know, now that is dangerous. You know why it is dangerous? Because of the raw eggs that are part of the mix. It used to be that the salmonella was traced to the shell of the egg, so if the shell fell in the batter, you would say, ''Oh, that's something we need to be concerned about.'' But, sadly, within the last few years they have found the salmonella inside the egg. So you can never be certain handing that mixing bowl to a tiny tot in the kitchen that you are not inviting a foodborne illness that could be very serious.

Things are changing. We need to change with them. When President Clinton stepped forward and said, ''America's concerned about this problem and American families realize they can't protect themselves as individuals, they're counting on us to do the job,'' he challenged us to fund it. Sadly, we are not funding it in this bill.

That is why the Senator from Iowa, Senator HARKIN, Senator KENNEDY, Senator TORRICELLI, and I are offering this amendment to increase the funds.

What will we do with them?

First, increase the number of inspectors. We clearly need more people on the borders taking at look at the process and the fresh food coming into the United States. I have been there. I have been to Nogales, Mexico, Nogales, AZ. I have seen that border crossing.

I have followed the FDA inspection all the way from the trucks to the samples taken into the laboratory in Los Angeles, CA, to be tested; and I can tell you that, though it is good, it is far from perfect.

In most instances, by the time they have tested that sample of fruits or sample of vegetables, and if they find anything wrong with it, it is long gone, it is already on the grocery shelves somewhere in America. Oh, they are going to be more watchful the next time around, but they cannot protect us with the resources presently available.

President Clinton said we can do more, and we should do more. We also need to look into this whole question of surveillance. As we noted here, this distribution system around the Nation really calls on us to move quickly. If we find a problem at a processing plant in my home State of Illinois, we need to know very quickly whether or not it has been spread across the United States so that recalls can take place.

We need more research, too, research on these foodborne illnesses, how they can be averted and avoided. I think we can achieve that, as we should. The Senator from New Jersey had the most telling statistic: 53,000 different food production sites around America, 700 inspectors. We will never have an inspector for every site. We certainly can do better than we have at the present time.

Let me also say that the offset that the Senator from Iowa is offering to us is a very good one. I am personally aware of it because a large part of it represents an amendment which I have offered for several years, first in the House and then in the Senate. It answers a question which virtually all of us, as politicians—Senators and Members of Congress—face.

How many times I have gone into a town meeting and someone raises their hand and says, ''Senator, let me ask you a question. If you tell us that tobacco is so dangerous, why does the Federal Government subsidize it?'' Well, I will tell you, there is not a very good answer to that question.

This amendment being offered by the Senator from Iowa finally puts to rest and answers that question. We are going to stop subsidizing the growing of tobacco in America. We are going to stop asking taxpayers across the United States to pay for a subsidy to the tobacco-growing industry.

I have offered this amendment before. I have never had a better use of it than what the Senator from Iowa is offering today. Take the taxpayers' money now being invested in the cultivation and growth of this deadly product, tobacco, take that money, put it into food safety.

There is a real justice to this amendment and what the Senator is offering so that we can say to people, we are not only stopping this Federal subsidy of the cultivation of tobacco, we are trying to protect children, the elderly, and those who have some health problems that may make them particularly vulnerable. So I heartily support the offset which is being offered by the Senator from Iowa.

Mr. HARKIN. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. HARKIN. I want to make it clear for the RECORD that the Senator from Illinois, Senator DURBIN, has been the leader in going after this aspect of the taxpayer funding of tobacco at USDA for years. So I just thank the Senator for letting me capitalize on that and use this money that he has tried so valiantly over the years to stop—to use that for this offset for the Food Safety Initiative.

I appreciate the Senator's support and his willingness to let us use the offset that he has been trying to kill for years, because it really is unfair for the taxpayers of this country to spend $60 million every year in support of USDA activities that go to help grow more tobacco in this country. If they want to do it, let the tobacco companies fund it themselves. I thank the Senator for his years on this effort in this regard.

Mr. DURBIN. Let me say to the Senator from Iowa, I am happy to join him in this effort. We could not think of a better investment of this money than to take it away from the promotion of a product which causes so much death and disease and put it into the kind of health initiative which the Senator from Iowa has suggested.

Let me just say this: Mark my words. Within a few weeks we will read in the newspapers again of some outbreak of food contamination and food illness. We will be alarmed and saddened by the stories of the vulnerable—the children, the elderly, and those who are in a frail medical condition who have become victims because of it.

Each of us, in our own way, if it affects our State will express our outrage, our disappointment; and we will promise that we will do something about it. Well, let us be honest. This is the amendment that might do something about it. We can give these speeches—and we will—but the real question is, Are we prepared to back up our concern in front of a television camera with our votes on the floor of the U.S. Senate?

The Senator from Iowa is offering us an opportunity to really be certain that the American people understand what our commitment is to this important issue. I thank him for his commitment. I am happy to join him as a cosponsor of this amendment.

I yield back the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that floor privileges during the debate on the agriculture appropriations bill be granted to Diane Robertson, Stacey Sachs, and Mary Reichman.

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

Mr. KENNEDY. Mr. President, I join in thanking my friend and colleague from Iowa, Senator HARKIN, and Senator DURBIN, and others, for providing the leadership in what I consider to be one of the most important amendments introduced as part of this legislation. I hope that we will be successful, because it addresses a problem that has been outlined by my colleagues on the floor of the Senate about what has been happening in our food supply over recent years.

What we have seen, Mr. President, over the period of the last 5 years, has been the doubling of imported food into the United States. We expect that the food that has come into the United States will double again over the next 5 years.

We are finding that a third of all of the fruit, and over half of the seafood consumed in this country is being imported into the United States. And those figures are going to grow over the next 5 years. At the same time, we have seen a significant reduction in resources dedicated to inspections. Over the period of the last 5 years, there has been a 22-percent reduction of support for inspections and food safety in the Food and Drug Administration.

The Department of Agriculture has primary responsibility for meat and poultry. The Food and Drug Administration has primary responsibility for inspection of all other food. The increase in imports in these other food categories—produce, seafood, etc.—inspected by FDA would be one factor which could justify the increase that is included in the Harkin amendment. But that really does not tell the whole story, Mr. President.

To understand the whole story, we have to understand the very dramatic changes which have taken place in terms of our food supply.

For example, let's look at E. coli, which occurs naturally in our bodies. In the last 20 years, E. coli has mutated to be more virulent and even deadly. This was illustrated today by my friend and colleague from Illinois, Senator DURBIN, and illustrated by the food disease outbreaks that we have seen from January to July of 1998.

We are not just saying that the appropriations haven't kept up with the need, as important as that is, and that ought to justify it, but there are dramatic differences in the eating habits of the American people. More people are eating out. More people are eating products that are coming from different countries. More Americans are storing their food over longer periods of time. All of this is having an impact in terms of the increased risk from foodborne pathogens and the increased occurrence of foodborne illness.

The bottom line, Mr. President, is that foodborne diseases are much, much more dangerous today than they were 3 years ago, 5 years ago, 10 years ago. You are getting a change in quantity and the severity of the illnesses, the virulence of foodborne pathogens and their impact on human beings.

Antimicrobial resistance contributes to this phenomenon, and those in the pharmaceutical industry see it every single day. They believe that this is one of the very significant new phenomena in the whole area of health science. It is reflected in the severity of these illnesses. They are deadly today. They don't just give you a stomach ache; they kill you.

That is why I believe this amendment is of enormous importance. We need to have the kind of support that this amendment provides, to make sure that we, as Americans, are going to have the safest food supply in the world. We do. But it is threatened. For us not to understand the risk is foolishness. I believe this amendment, with its offsets, is justifiable and of enormous importance.

I thank the Senator from Iowa for his leadership in this area. I commend him for his legislation and for the seriousness with which he has approached it and for his constancy in pursuit of it. We are very much in your debt.

Even with this, Mr. President, I think all of us have a responsibility of watching, and watching carefully, what is happening to our food supply as we move ahead in these next months and years. Tragically, if we fail to do this, and we see the kind of tragedies that are bound to take place, we will have, once again, I think, in an important way, failed to meet our responsibilities to provide protections for the American people in the most basic and fundamental way.

Every day, more Americans are stricken with food poisoning. Children and the elderly are especially at risk.

Outbreaks of foodborne illness are increasing. The toxicity of bacteria is increasing. Yet resources to combat these festering problems are decreasing. Without additional resources, FDA and the Department of Agriculture cannot act effectively to prevent these illnesses. The American public deserves better.

In the last two months: over 400 people became ill and 74 were hospitalized in 21 states from *Salmonella* in dry cereal; 6,500 people in Illinois became ill from salad contaminated with *E. coli*; 40 people became ill and almost half were hospitalized because of an outbreak of *E. coli* in cheese; and over 300 people became ill in six states from bacteria in oysters.

These cases are a small sample. According to the Congressional General Accounting Office, foodborne illnesses affect up to 80 million citizens a year and cause 9,000 deaths. Medical costs and lost productivity are estimated at $30 billion. This is not a problem that we can ignore.

Michael Osterholm, state epidemiologist for the Minnesota Department of Health, condemned the lack of action after a recent outbreak in the state. He said that, ''If we don't do better, and we don't give the FDA more money, more events like this are going to happen. Right now, we don't seem to have the resources or the will to keep something like this from happening again. As long as we don't, we will have other outbreaks.''

The old wisdom does not apply. You can't just cook your food more thoroughly to avoid these illnesses. Harmful bacteria are appearing in virtually all food products—juice, lettuce, even cereal.

Our amendment will provide $73 million in additional funds to support greater monitoring, education, research, and enforcement to address this growing problem.

We have the ability to prevent most foodborne illnesses. Improved monitoring allows earlier detection and an earlier response to outbreaks. Increased food inspections are needed to keep unsafe food out of our stores and off our dining room tables.

Expanded research is needed to detect and identify dangerous organisms likely to contaminate food. The need is especially great with respect to imports of fresh produce and vegetables.

Our amendment will provide the resources needed to perform these essential activities. It will mean 150 new inspectors for FDA to focus on food imports, which have more than doubled since 1992. Yet during that same period, FDA resources devoted to imported foods dropped by 22 percent. As a result, FDA now inspects less than 2 percent of imported food. Clearly, we have to do better.

Our amendment would also provide funds to enhance ''early warning'' and monitoring systems needed to detect and respond to outbreaks. These systems will also provide information to prevent future outbreaks. Early detection and control are essential to ensure the safety of every American.

In addition, our amendment will fund research essential to understand dangerous organisms in food. Many cannot be identified today. Others have developed resistance to traditional methods of preserving food. Still others have developed resistance to antibiotics. Clearly, additional research is needed to protect the food supply.

We have broad support for this amendment. The food industry, consumer groups and the public all favor increased funding. Food safety affects every American every day.

Without additional resources, we will continue to see the escalation of these outbreaks. Congress must act to ensure the safety of the food supply for all Americans. The American people deserve to know that the food they eat is safe, no matter where it is grown, processed, or packaged.

I thank the Senator and urge our colleagues to support this amendment.

Mr. HARKIN. I want to thank the Senator from Massachusetts for his kind words. But more than that, I want to thank him for his efforts through the years to make sure we had a Food and Drug Administration that was on the side of consumers in this country, a strong Food and Drug Administration that made sure that we could have confidence when we went to the drugstore or to the grocery store to get our food, drugs and medicine, that they would indeed be safe. I want to thank the Senator from Massachusetts for his leadership in that area and thank him for his kind and generous support of this amendment.

Everything he said is right on mark. It is not just the consumers, I say to my friend from Massachusetts. I earlier had some comments from people representing the Grocery Manufacturers Association, the Cattlemen's Beef Association, the Broiler Council, the National Food Processors Association, all of whom basically said we need better surveillance, we need better risk assessment, we need better education out there. That is what this amendment does. It is the processors, the wholesalers—everyone recognizes that this is a new phenomenon, as the Senator from Massachusetts said, something new we have not experienced in the past. Everyone recognizes the need to get on top of this.

Mr. KENNEDY. Will the Senator yield?

Biologically, we have E. coli in our bodies, and humankind has always had E. coli, but it was not the deadly strain we are seeing today. Twenty years ago we were not even aware of the E. coli O157:H7 strain that is deadly, and we increasingly see this deadly strain. How many more outbreaks do we have to have before we act?

This is why I think this amendment is so important, because of the increased danger that these outbreaks pose for our people. Particularly vulnerable are the children and the seniors. With the offset that you have proposed, I cannot understand the reluctance to protect the consumer, rather than taking our chances.

I find it difficult to understand why we wouldn't have it accepted.

Mr. HARKIN. You are right about E. coli. I counted up in June of this year, this last month, and we had six E. coli outbreaks of food poisoning in this country, of a strain of E. coli that didn't exist 20 years ago. It wasn't there. And now it is here. It is not only making people sick, but killing kids.

There are new pathogens that become more virulent. The surveillance systems we have in place and the risk assessment and the other inspection systems we have—the FDA, as the Senator knows, only on average inspects our food processing plants once every 10 years.

Mr. KENNEDY. It is less than 2 percent of the imported products that are being inspected; 2 percent. We are seeing a doubling of the imported foods that are coming into this country and from a greater number of countries around the world. We are looking at less than 2 percent and the number of imports will be doubling.

Mr. HARKIN. I wonder how many consumers know that only 2 percent of all the produce they eat that comes from outside this country is ever inspected—2 percent. The rest of it, who knows what is on that stuff when it comes to this country. The consumers don't know this. And as the Senator said, it will go up in the future. We will get more and more of that produce from other countries. That is why this is really needed.

I thank the Senator for his support and his comments on this.

Mr. President, there is an editorial that appeared in today's Los Angeles Times that I was just made aware, calling on us to do something about food safety. Obviously, they probably didn't know about my amendment. But they did say.

> . . . the U.S. Senate can take a big step to combat food contamination by restoring all or most of the $101-million initiative the Clinton administration has proposed to improve food safety. The money would go to hire new safety inspectors, upgrade technologies, and bring coherence to disjointed oversight.
>
> So far, The Senate has allocated only a piddling $2.6 million for the initiative at the U.S. Department of Agriculture and nothing at all at the Food and Drug Administration.

The editorial went on to say that we needed more funding. I will quote the last paragraph of the editorial:

> Food safety is an unassailable cause. There are some things that only government can do, and guaranteeing the wholesomeness of our food supply is one of them.

I ask unanimous consent that the editorial from the Los Angeles Times of this morning, Thursday, July 16, 1998, be printed in the RECORD.

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

STARVING FOOD SAFETY

Americans now enjoying their summer picnics may suffer a glimmer of anxiety over recent outbreaks of food-borne illness: 6,500 people became sick in Illinois last month after eating commercial potato salad, and E. coli bacterial contamination occurred in fruit juice and lettuce that originated in California. Today, the U.S. Senate can take

a big step to combat food contamination by restoring all or most of the $101-million initiative the Clinton administration has proposed to improve food safety. The money would go to hire new safety inspectors, upgrade technologies and bring coherence to disjointed oversight.

So far, the Senate has allocated only a piddling $2.6 million for the initiative at the U.S. Department of Agriculture and nothing at all at the Food and Drug Administration. The shame of this penny-pinching is that it comes when lawmakers are spending like drunken sailors elsewhere, for instance in the pork-laden transportation bill.

The need for better food safety oversight could not be stronger. The Centers for Disease Control estimated that this year 9,000 Americans will die and millions will fall seriously ill because of tainted foods, numbers that have been growing. CDC officials aren't sure why those statistics are rising, though they suspect part of the reason may be improved detection and the increase in imported foods bearing bacteria and other pathogens to which Americans have little resistance. Food imports have doubled in the last seven years and are expected to increase by one-third in the next three years.

The administration's Food Safety Initiative would get at this problem first by hiring new inspectors. Less than 2% of imported food is inspected now because the FDA's budget has not grown along with imports. Sen. Thad Cochran (R-Miss.), the chairman of the Senate committee that decided not to fund the initiative at the FDA, suggested that some of the FDA's duties be delegated to states and local governments, but the increasing movement of food across state lines and national borders argues for just the opposite: a coordinated national strategy.

National planning, for instance, is the only way to successfully deploy new technologies like DNA fingerprinting, which within hours allows federal inspectors to trace the genetic signature of, say, a dangerous bacterium on apples marketed in the West back to the farm where the fruit was harvested in Maine. Funding the initiative would enable federal agencies to continue efforts to install such technology in sites around the country and train workers to quickly identify and track food pathogens. And Congress needs to consider pending bills to give the FDA and the USDA the power to recall food and to create a single food safety agency to consolidate scattered oversight.

Food safety in an unassilable cause. There are some things that only government can do, and guaranteeing the wholesomeness of our food supply is one of them.

Mr. HARKIN. Mr. President, one other thing. I listened to the comments made by the Senator from Illinois, Senator DURBIN, when he very poignantly told the story of the young child who died in Illinois. I just point out again that these outbreaks are growing with rapidity and showing up in the oddest of places. For example, last month, dozens of children got sick—again, with this E. coli 0157H7—in Atlanta after swimming in a public pool.

Many of these children spent time on dialysis for kidney failure. This was just last month. Now, the infection they got was the same strain of E. coli that came from a local ground beef recall in an outbreak in Atlanta 2 weeks earlier. So 2 weeks earlier, there was an outbreak of E. coli from a ground beef recall, and now it shows up in a swimming pool 2 weeks later. Children in five States were infected from this ultimately foodborne illness. So it started out as a foodborne illness and then it got into a swimming pool. Dozens of kids got sick and some spent time on kidney dialysis.

So that is how virulent some of these strains have become. Not only do they show up in the food, they are so virulent that not even the chlorine in the swimming pool could kill it.

Again, Mr. President, I think this amendment deserves widespread support. I point out again that the President asked for $101 million to fully fund his food initiative. I wish we could do it. We should do it. But because of the problem with offsets and points of order and getting 60 votes, we had to look around to find legitimate offsets that we could use. As I said, we found offsets for $66 million. So this brings the funding up to $66 million. It is not up the full $101 million, but it brings it to $68 million. Those offsets, of course, were the money that we got from taking away the Federal Government's subsidizing of tobacco, $15 million from the CCC computer account, and $13 million from the ARS buildings and facilities account.

I want to make a couple of things very clear before I close my comments. I have heard some talk around that there is some new enforcement authority here. I want to make it clear that there is no new enforcement authority in my amendment.

Secondly, there are no new user fees for the meat industry—not one bit of user fees for the meat industry in this amendment.

In the bill now, there is $2.6 million for this Food Safety Initiative. The House only put in $15 million. The President asked for $101 million. The amount that this amendment would increase it to would be $66 million.

I yield the floor.

Ms. MOSELEY-BRAUN. Mr. President, last month, more than 4,000 Illinoisans were sickened by an illness that was ultimately traced to potato salad contaminated by E. Coli bacteria. A few weeks ago, thousands of boxes of breakfast cereal were recalled after an outbreak of salmonella in the cereal infected more than 200 people, including residents of Illinois. In fact, according to the Center for Science and the Public Interest, the number of FDA-regulated food products that have been recalled due to contamination has increased fivefold over the past ten years.

Health officials say that food poisoning causes more than 30 million illnesses and thousands of deaths annually. Consequently, the American people are increasingly concerned about the safety of our food supply. In 20th century America, this is unacceptable. No American should have to fear their food.

That is why I support this amendment offered today by Senator HARKIN to restore funding for the President's Food Safety Initiative. This amendment will provide $93 million to strengthen efforts by the United States Department of Agriculture and the Food and Drug Administration to address food safety issues.

The amendment provides $33 million to recruit more scientists in the war against food dangers, and for developing new technologies for combating hazardous pathogens. $28 million is provided to check food imports at the border, increase seafood safety, and boost fruit and vegetable inspections. Twelve million is provided for consumer awareness campaigns so that children, cooks, and those who handle food at summer festivals can learn safer ways to prepare and handle food.

This is not the first proposal to come before Congress that addresses food safety. Many of our colleagues have introduced legislation to respond to this growing problem. Senator HARKIN has introduced S. 1264, which I have cosponsored, that would increase the ability of the USDA to recall tainted meat and poultry products. My distinguished colleague from Illinois, Senator DURBIN, has introduced a bill to consolidate and coordinate federal food safety improvements that are currently scattered among a labyrinth of agencies. My colleague from Maryland, Senator MIKULSKI, has proposed increasing FDA oversight on foreign produce.

Regrettably, however, no significant action has occurred on these bills in this Congress. Meanwhile, the outbreaks of food illnesses are on the rise nationwide. Mr. President, we can do better. There is a time to debate, and a time to act, and today, Congress has a real opportunity to act. Let us pass this amendment and strengthen our federal food protection system so that the citizens of our country need not worry each time they reach for a scoop of picnic potato salad, a home-grilled hamburger, or a morning bowl of cereal. Doing nothing is not an option, and that is why I urge my colleagues to vote for this amendment.

Mr. LEAHY. Mr. President, let me begin by thanking Chairman COCHRAN and his staff for pulling together this appropriations bill under very difficult circumstances. Not only was there a very low allocation, but a number of the requests were based on assumed revenue from new fees. Under these circumstances, Senator COCHRAN and Senator BUMPERS did an admirable job balancing all the agriculture programs.

However, today we are calling attention to an urgent need in our country: the increasing outbreaks of food poisoning across the country. Almost a year ago we witnessed one of the largest beef recalls in U.S. history. Fortunately, what could have been a national health disaster was caught early and stopped. But the underlying problem remained. To address this problem the Administration requested $96 million in new food safety funds for the U.S. Department of Agriculture and the Food and Drug Administration to reduce the hazards associated with bacteria, viruses and parasites in our food

supply. Although I realize the budget allocation constrains us from funding this full amount, I join Senator HARKIN to offer an amendment to fund the most urgently needed proposals of the Food Safety Initiative.

Mr. President, there are many problems that arrive on Congress's doorstep that we can do little about. This is a problem we can—and should—address. And we need to address this problem now. A year after the 25-million pound beef recall we are still seeing headlines about new outbreaks. Each year more than 30 million Americans suffer a foodborne illness, and 9,100 die. The cost to the nation is anywhere from $5.6 billion to more than $22 billion.

This is a national problem, ranging from cheese and egg contamination in the Pacific Northwest to tomatoes in Minnesota to shellfish and strawberries in the South. E. coli outbreaks in recent years have also been traced to contaminated sprouts, lettuce, salami and other products. Two summers in a row, in 1996 and 1997, thousands of illnesses were linked to imported raspberries containing a parasite, Cyclospora, that is not found in this country.

After each one of these scary outbreaks, the American public is left asking the same questions—questions that the programs to be funded by this amendment and the President's Food Safety Initiative will help answer: How do these viruses move so swiftly through our food system, how can they be prevented, and where might they show up next?

The United States enjoys the safest food supply in the world, but we can and should do better. Americans know the risk to our food supply is growing. Recent covers of Newsweek, U.S. News & World Report and newspapers across the country have asked if we can continue to trust our food supply. As a nation, we cannot afford an erosion of the public's trust in the safety of our food.

More than 44 percent of Americans think our food supply is less safe than 10 years ago. FDA-regulated plants are only inspected on average once every 10 years. FDA import inspections have declined dramatically in just the last four years, so that now less than two percent of FDA-regulated imported food is subject to any type of inspection.

Our amendment will increase inspections of imported food. It will fund development of improved inspection practices to detect threats to our food supply earlier and stop massive outbreaks from occurring.

Most of us as adults have had a case of food poisoning. Anyone who has had food poisoning can imagine how much worse it is for a child. Think of what it is like when these outbreaks of e-coli, which can be devastating to adults, but can be critical and even life-threatening to children.

Every one of us has a stake in this, whether we are involved in producing or consuming these food products, or whether or not we are parents who have to worry about what we are feeding our children. Ask people back home: Is there anything that is going to affect you more several times a day than the safety of the food you eat? Nothing else will. This is something we can and must do.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, this is an interesting part of the President's budget. When we reviewed it, we noticed, first of all, that over $400 million in new user fees were proposed by the President to be assessed on the food and poultry processing plants all around the country to generate money to pay for the inspections that are performed in those plants by Federal employees. This was a proposal for a change in the law and the legislation.

Our committee, of course, doesn't have jurisdiction to change the law. We simply appropriate the money, consistent with existing law. And so without the jurisdiction to make those changes, our committee could not consider that as a part of our bill. The legislative committees in the House and Senate have not acted on these proposed user fee impositions, and so there are no funds available to be allocated, as the President proposed, to pay for the Food Safety and Inspection Service of the Department of Agriculture.

Nonetheless, our committee approved and suggested in our legislation to fund increases in the Food Safety and Inspection Service's account. So our appropriation that is recommended by this committee for Food Safety and Inspection Service activities amounts to $605,149,000, as compared with the administration's request for funding the Food Safety and Inspection Service of $149,566,000. That is more than $350 million in additional funding that this committee has proposed than what the President recommended be appropriated for that activity.

Now, when you generate that kind of fund in your proposed budget, you have an opportunity to spread those proposed dollars around and spend it elsewhere. That is what the President has done, and that has made up for his so-called Food Safety Initiative—and more. The Food Safety Initiative—so-called ''new initiative''—calls for the expenditure of about $100 million in new funding added to a variety of different programs in the Department of Agriculture and the Food and Drug Administration.

Our committee is not critical and not, in any way, opposing these increased expenditures in the initiatives that the President has requested. Our budget allocation didn't give us the luxury, though, of an additional $350 million. Our allocation doesn't presume any increase in funding for discretionary programs this year—no increase. We are all operating under the Balanced Budget Act restrictions, under the allocation that is provided to subcommittees like the Agriculture Appropriations Subcommittee. So if we increase something, we have to take the money from other accounts.

So we did provide not only the full amount needed to continue the inspections of meat and poultry inspectors throughout the country, with no new increase—no new user fees, no new taxes on those plants. But we also provided increases in funding for the Agriculture Research Service, Food Safety Research Program, and for the Food and Nutrition Service, Food Safety Grant Program. These are additions over last year's levels. We were able to find other offsets in the budget to accommodate those increases.

So I suggest that the committee has been responsive to the need to continue to upgrade the quality and the aggressiveness of our Food Safety Research and Inspection Programs. We think, of course, that there can be more done, it can be a more efficiently operated system.

For that reason, some of us on the Governmental Affairs Committee are actively participating in the investigation that is chaired by the distinguished Senator from Maine, Senator COLLINS, who is looking into the issues presented on the imported foods—fruits and vegetables, primarily—that have to be inspected under the jurisdiction of the Food and Drug Administration. She has done a wonderful job leading the staff of that committee to try to find out what the options are for improving those activities, making sure that they are doing as good a job as can possibly be done to accommodate the needs resulting from the huge increases in imported foodstuffs that are coming into the country. These are enormous challenges.

I don't think anybody has the magic solution to the problem. I think on both sides of the aisle we are very interested in solving the problems that are presented. We have heard some very impressive speeches made today on that subject. We can continue to make speeches. But I think we should continue to work together—that is what I suggest we do—with the administration, with the Congress, to try to do the best possible job.

I think the American people can be reassured that an enormous amount of effort and an enormous amount of money is being invested to achieve that goal. If you add up the total of all of the dollars that are appropriated, we are spending more money to not only inspect the meat and poultry that is being processed in this country, but fruits and vegetables as well. Research and education programs, how to handle foodstuffs, and at the farm on how to produce the foods so they will be free from contamination, an enormous amount of effort is being invested.

So we hope this amendment can be accepted by the Senate, frankly. Offsets have been identified in a number of areas. We have tried to get the administration's reaction to these offsets. We haven't heard from them on

some of them. We have checked with the Congressional Budget Office to see if this amendment violates the Budget Act. We have been assured that it does not.

So because we are going to have to continue to work to resolve our differences with the House, there may be some adjustments in which the House insists. But we will work very hard to make sure that when we come back from conference to the Senate with our conference report that it will reflect a genuine effort and a sizable investment of discretionary funds in the food safety area, both for the Department of Agriculture's activities and the Food and Drug Administration's activities.

Mr. President, I know of no other Senators who have requested an opportunity to speak on the amendment. I am prepared to go to a vote and suggest that we agree to the amendment.

Incidentally, I have been authorized to express the support for that recommendation from the Senator from Arkansas who is the ranking member of the Agriculture Appropriations Subcommittee.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) is necessarily absent.

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

The result was announced—yeas, 65 nays 34, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—65

Abraham	Durbin	Lugar
Akaka	Feingold	Mack
Baucus	Feinstein	McCain
Biden	Frist	Mikulski
Bingaman	Gorton	Moseley-Braun
Bond	Graham	Moynihan
Boxer	Grassley	Murray
Brownback	Hagel	Reed
Bryan	Harkin	Reid
Bumpers	Hutchison	Robb
Byrd	Inouye	Rockefeller
Campbell	Jeffords	Roth
Chafee	Johnson	Sarbanes
Cleland	Kennedy	Shelby
Cochran	Kerrey	Snowe
Collins	Kerry	Specter
Coverdell	Kohl	Stevens
D'Amato	Landrieu	Torricelli
Daschle	Lautenberg	Warner
DeWine	Leahy	Wellstone
Dodd	Levin	Wyden
Dorgan	Lieberman	

NAYS—34

Allard	Bennett	Burns
Ashcroft	Breaux	Coats
Conrad	Helms	Roberts
Craig	Hollings	Santorum
Domenici	Hutchinson	Sessions
Enzi	Inhofe	Smith (NH)
Faircloth	Kempthorne	Smith (OR)
Ford	Kyl	Thomas
Gramm	Lott	Thompson
Grams	McConnell	Thurmond
Gregg	Murkowski	
Hatch	Nickles	

NOT VOTING—1

Glenn

The amendment (No. 3175) was agreed to.

CHANGE OF VOTE

Mr. DOMENICI. Mr. President, on rollcall vote No. 207 I voted ''aye.'' It was my intention to vote ''nay.'' Therefore, I ask unanimous consent that I be recorded as a ''nay.'' This would not affect the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I have an amendment which I want to send to the desk to be considered. I talked to the ranking member, but I wasn't able to talk to the floor manager of the bill. I am willing to accept a short time agreement on this amendment.

Mr. BUMPERS. Will the Senator take 10 or 15 minutes?

Mr. DODD. I will be happy to take a very brief time agreement. If you have some other agenda you want to move ahead, I say to the floor manager, I will be happy to consider some other program the floor manager may have.

Mr. COCHRAN. Mr. President, if the Senator will yield.

Mr. DODD. I am happy to yield.

Mr. COCHRAN. I appreciate the Senator's inquiry. I have no objection to your offering the amendment. I haven't seen the amendment. I asked my staff what it was about. They haven't seen it, either. We are trying to get in touch with the legislative committee. We understand it is a legislative subject, not appropriations at all. It doesn't ask for spending any more money or any less money, but it imposes a burden on an industry, and we are trying to find out what the implications are. You can offer it.

AMENDMENT NO. 3176

(Purpose: To amend the Federal Food, Drug, and Cosmetic Act to require the Secretary to ensure timely notification of certain recalls)

Mr. DODD. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 3176.

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

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

The amendment is as follows:

At the appropriate place in title VII, insert the following:

SEC. ___. NOTIFICATION OF RECALLS OF DRUGS AND DEVICES.

(a) DRUGS.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

''(o)(1) If the Secretary withdraws an application for a drug under paragraph (1) or (2) of the first sentence of subsection (e) and a class I recall for the drug results, the Secretary shall take such action as the Secretary may determine to be appropriate to ensure timely notification of the recall to individuals that received the drug, including using the assistance of health professionals that prescribed or dispensed the drug to such individuals.

''(2) In this subsection:

''(A) The term 'Class I' refers to the corresponding designation given recalls in subpart A of part 7 of title 21, Code of Federal Regulations, or a successor regulation.

''(B) The term 'recall' means a recall, as defined in subpart A of part 7 of title 21, Code of Federal Regulations, or a successor regulation, of a drug.''.

(b) DEVICES.—Section 518(e) of such Act (21 U.S.C. 360h(e)) is amended—

(1) in the last sentence of paragraph (2), by inserting ''or if the recall is a class I recall,'' after ''cannot be identified''; and

(2) by adding at the end the following:

''(4) In this subsection, the term 'Class I' refers to the corresponding designation given recalls in subpart A of part 7 of title 21, Code of Federal Regulations, or a successor regulation.''.

(c) CONFORMING AMENDMENT.—Section 705(b) of such Act (21 U.S.C. 375(b)) is amended—

(1) by striking ''or gross'' and inserting ''gross''; and

(2) by striking the period and inserting '', or a class I recall of a drug or device as described in section 505(o)(1) or 518(e)(2).''.

Mr. DODD. Mr. President, this is a very straightforward proposal and is similar to legislation that was offered by my colleague in the other body, Congressman SHAYS of Connecticut. This amendment deals with the issue of defective pharmaceutical products and medical devices that have been recalled by the manufacturer.

We almost had a very tragic case in Connecticut several months ago involving recalls, which provoked this piece of legislation. A child in Connecticut, a young boy by the name of Matthew McGarry, has food allergies to peanuts and needs a device known as an Epi-Pen to counteract the severe reactions—seizures or even death—that could result if he inadvertently eats certain foods. The Epi-Pen that Matthew relies on was recalled by the manufacturer because it was found to have substantial leaks in it, rendering it ineffective.

Matthew was fortunate that his school nurse, Betty Patterson, heard of the recall and immediately notified his parents, Karen and William McGarry, that they needed to replace the product. Had she not heard of the recall and had young Matthew had an attack, he very well could have died. The family is very well aware that a tragedy was averted.

His family and other Connecticut families brought this to the attention

of Congressman SHAYS and myself and suggested this would be an appropriate area for some thoughtful legislation to require that consumers be notified when dangerous products are taken off the market—a requirement not currently found in law.

Consumers have the right to be notified when the cars they drive or the toys their children play with are unsafe. Shouldn't they have the same right when it comes to drugs and devices found in every family's medicine cabinet?

The recall process presently relies almost exclusively on the good-faith efforts of manufacturers, wholesalers and retailers. Most of the time it works very well to protect consumers. However, a recent spate of recalls involving these Epi-Pen devices—first in October of 1997 and most recently in May of this year—has highlighted the need to better ensure that consumers, when appropriate, are directly informed that a drug or device may be dangerous.

An Epi-Pen is a device, as my colleagues, I am sure, are aware, that injects epinephrine and is used by children with severe food allergies to counteract life-threatening reactions. Due to a defect in the manufacturing process, some lots of the device were found to leak the encapsulated drug, potentially leaving patients with an amount of the drug insufficient to counter an allergic response.

A class I recall of the product was issued, indicating a reasonable possibility that the use of the product could cause serious health effects or death. Despite the severity of the defect, the recall notification failed to notify consumers whose children relied on these products, either because the retailers did not pass along the notification in a timely fashion or because the retailers themselves received notification days after the recall was first issued.

In an effort to provide the public with better and more timely notice of the most serious recalls, this amendment will, for the first time, explicitly require the Food and Drug Administration to ensure that consumers receive prompt notification of class I recalls.

How the directive will be accomplished will be left up to the FDA. We don't mandate a specific approach. The FDA could, for example, encourage distributors and pharmacies to employ more effective and rapid notification technologies, a shift that some in the industry are already advocating. We do not micromanage the notification process. We are just suggesting that better mechanisms be put in place to give consumers who use these products and rely on them a higher degree of confidence.

I hope my colleagues can support this straightforward amendment. I hope that my colleagues will recognize that if we do not take up this issue now, we run the risk that some other child won't be as lucky as Matthew and will suffer serious harm. For those reasons, Mr. President, I urge adoption of the amendment.

Mr. KENNEDY. I understand that since the Agency already has authority under the devices statute to require both recalls and notifications, amending these provisions to refer only to Class 1 recalls could be interpreted as limiting the Agency's existing authority. Am I correct that your intent is not to limit the Agency's existing authority, either with respect to recalls or notification?

Mr. DODD. That is correct. What I intend by the amendment is to make certain that in the case of every Class 1 recall FDA does provide notice to the public. I certainly would not want to do anything to suggest that such authority does not now exist, or that such authority does not exist for Class 2 and Class 3 recalls, or other actions as deemed appropriate for public notice by FDA. I just want to make certain that they use their authority in all Class 1 recalls.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Will the Senator be willing to set his amendment aside temporarily to allow the Senator from Virginia to proceed?

Mr. DODD. Yes.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Dodd amendment be temporarily laid aside to allow Senator Robb, who has been waiting patiently for about 3 days, to offer his amendment—it should not be long—and that immediately upon the adoption or disposition of his amendment, we return to the Dodd amendment.

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

The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President. I thank the distinguished Senator from Arkansas and the distinguished Senator from Mississippi.

AMENDMENT NO. 3177

(Purpose: To waive the statute of limitations barring certain discrimination complaints against the Department of Agriculture)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. ROBB], for himself, Mr. GRASSLEY, Mr. CLELAND, Ms. LANDRIEU, Mr. COVERDELL, Mr. HOLLINGS and Ms. MOSELEY-BRAUN, proposes an amendment numbered 3177.

Mr. ROBB. 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:

On page 13, line 14, strike $97,200,000 and insert $92,200,000, and on page 14, line 17, strike $437,082,000 and insert $432,082,000.

On page 18, line 1, strike $424,473,000 and insert $419,473,000.

On page 19, line 23, strike $93,000,000 and insert $88,000,000, on

On page 67, after line 23, add the following:

SEC. . Expenses for computer-related activities of the Department of Agriculture funded through the Commodity Credit Corporation pursuant to section 161(b)(1)(A) of P.L. 104–127 in fiscal year 1999 shall not exceed $50,000,000; provided, that Section 4(g) of the Commodity Credit Corporation Charter Act is amended by striking $178,000,000 and inserting $173,000,000.

SEC. . WAIVER OF STATUTE OF LIMITATIONS FOR CERTAIN DISCRIMINATION CLAIMS.

(a) DEFINITION OF ELIGIBLE CLAIM.—In this section, the term ''eligible claim'' means a non-employment-related claim that was filed with the Department of Agriculture on or before July 1, 1997 and alleges discrimination by the Department of Agriculture at any time during the period beginning on January 1, 1981, and ending on December 31, 1996,

(1) in violation of the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) in administering—

(A) a farm ownership, farm operating, or emergency loan funded from the Agricultural Credit Insurance Program Account; or

(B) a housing program established under title V of the Housing Act of 1949; or

(2) in the administration of a commodity program or a disaster assistance program.

(b) WAIVER.—To the extent permitted by the Constitution, an eligible claim, if commenced not later than 2 years after the date of the enactment of this Act, shall not be barred by any statute of limitations.

(c) ADMINISTRATIVE PROCEEDINGS.—

(1) IN GENERAL.—In lieu of bringing a civil action, a claimant may seek a written determination on the merits of an eligible claim by the Secretary of Agriculture if such claim is filed with the Secretary within two years of the date of enactment of this Act.

(2) TIME PERIOD FOR RESOLUTION OF ADMINISTRATIVE CLAIMS.—To the maximum extent practicable, the Secretary shall, within 180 days from the date an eligible claim is filed with Secretary under this subsection, conduct an investigation, issue a written determination, and propose a resolution in accordance with this subsection.

(3) HEARING AND AWARD.—The Secretary shall—

(A) provide the claimant an opportunity for a hearing before making the determination; and

(B) award the claimant such relief as would be afforded under the applicable statute from which the eligible claim arose notwithstanding any statute of limitations.

(d) STANDARD OF REVIEW.—Federal courts reviewing an eligible claim under this section shall apply a de novo standard of review.

(e) LIMITATION ON ADMINISTRATIVE AWARDS AND SETTLEMENT AUTHORITY AND EXTENSION OF TIME.—

(1) LIMITATON ON ADMINISTRATIVE AWARDS AND SETTLEMENT AUTHORITY.—A proposed administrative award or settlement exceeding $75,000 (other than debt relief) of an eligible claim—

(A) shall not take effect until 90 days after notice of the award or settlement is given to the Attorney General; and

(B) shall not take effect if, during that 90-day period, the Attorney General objects to the award or settlement.

(2) EXTENSION OF TIME.—Notwithstanding subsections (b) and (c), if an eligible claim is denied administratively, the claimant shall have at least 180 days to commence a cause of action in a Federal court of competent jurisdiction seeking of review of such denial.

Mr. ROBB. Mr. President, for over a year now I have been working with many minority farmers to address the problem of discrimination at the U.S. Department of Agriculture. I am pleased that we have finally found a

way to provide relief to these farmers. I thank, in particular, the Senator from Mississippi for his efforts and commitment to work out the details of this important amendment.

This amendment will provide long overdue relief for many minority farmers who were the victims of systematic and egregious discrimination by USDA officials—discrimination which has been acknowledged by Secretary Glickman and the USDA.

This amendment, which is very similar to language which has already passed in the House, seeks to remedy this problem by imposing a new statute of limitations for farmers who experienced discrimination between 1981 and 1996 and who filed complaints to seek redress.

As I discovered about a year or so ago, many farmers were denied credit opportunities and were discriminated against when seeking housing loans, and obtained no relief from USDA when they complained of such discrimination.

These farmers filed discrimination complaints with the USDA's Office of Civil Rights in the early 1980's. However, they were never told that, in 1983, the Office of Civil Rights at USDA was abolished. Furthermore, they had no notice that their claims were not even being investigated despite being led to believe otherwise.

These farmers are barred, only by the statute of limitations, from obtaining relief from this mistreatment. Whether it is a racial slur or a denial of credit opportunities, discrimination is unconscionable and it is intolerable, and it is particularly appalling when such discrimination is exhibited by Government officials—officials employed by our Government to serve all Americans, as was the case with the USDA.

Studies, reports, and task forces in 1965, 1970, 1982 and 1990, have all documented the same inherent problems at USDA—continued discrimination and mistreatment of minority and socially disadvantaged customers.

It is estimated by the Congressional Budget Office that the relief for these farmers' claims is approximately $15 million in fiscal year 1999 and $42 million over the next 3 years. That means that the Congressional Budget Office believes that the Government legitimately owes $15 million in order to provide relief to farmers who were discriminated against by our Government officials.

The statute of limitations is now the only obstacle standing in the way of these farmers getting the relief they deserve. And this amendment simply removes that obstacle.

Inexplicably, the discrimination that many minority farmers suffered at the hands of USDA officials still has not been punished or mitigated. This amendment will mitigate for the farmers who were discriminated against.

Too many farmers and communities have been affected by this travesty, Mr. President. I am pleased that the U.S. Senate has chosen not to remain silent.

In reaching a resolution, I particularly thank Senator COCHRAN, Senator BUMPERS, Senator GRASSLEY, Senator LUGAR, and their staffs, and my staff for their hard work. I also thank Secretary Glickman and his staff at USDA and the staff at the Department of Justice for their commitment and hard work on this amendment.

Finally, I especially acknowledge and thank the White House for its unwavering support of this amendment and of these farmers. While it has been a challenge to work on the spending issues, and reach agreement on the offsets, I believe the result was well worth the effort. What we have done today, Mr. President, is right, just, and long overdue.

With that, I yield the floor and seek action on the amendment.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, in deciding on the offsets for this amendment, one of the offsets for $5 million in savings is from funds that would be used by the Department of Agriculture for information technology. These funds are provided through the Commodity Credit Corporation. I have a letter from the Secretary of Agriculture responding to that offset and suggesting that the Department supports it. I want to be sure that we understand one provision in this letter and its implications. He says:

> The statute of limitations waiver is one of my highest priorities in this legislation, and this amendment and its offset have my support. If enacted, USDA will not seek to restore the computer spending reduction through future appropriations.

With that understanding, Mr. President, I am able to support the amendment. It has been my intention to assist the author of the amendment in his effort to get this passed in the Senate.

What it does is to waive, as a legal defense, the statute of limitations that had run on claims that were going to be filed, or that had been filed by certain persons who claim to be the victims of discrimination by the U.S. Department of Agriculture.

This amendment does not guarantee that everybody who has a claim on the basis of discrimination is going to win or is going to prevail if the Department decides to resist. It gives the Department, though, an opportunity to negotiate those claims, to make decisions about which ones are meritorious and which ones are not.

But it does not permit the Department to use as a defense the fact that the statute of limitations has run. It was a peculiar and unique statute of limitations when it was first granted under the authority of previous legislation. It permitted claims to be filed on this basis within a window of opportunity of about 2 years. Most of them fell within this 2-year period.

Some farmers did not understand that they had to file a claim in writing and go through certain steps in order to keep that statute from running, and so there was a lot of misunderstanding about the fact that this statute had been imposed and limited to the duration within which claims could be filed.

Some lawsuits have been filed now contesting the statute. This is an effort to say to those claimants that we are not going to let you have your claim fail on the basis of not having complied with that early 2-year statute of limitations. So that is going to be removed. Your claim will be decided now on its merits. And that is up to the Department; and that is up to the claimants.

That is my understanding of the amendment. I congratulate the Senator for his initiative and his hard work in getting us to this point. We support the amendment and hope the Senate will approve it.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from the great State of Arkansas.

Mr. BUMPERS. Let me again echo the very eloquent words of the chairman, and for the purposes of the RECORD state this has been sort of a festering sore down at the Department of Agriculture for some time. I know the President is personally—very personally—interested in the extension of the statute of limitations so nobody who has a meritorious claim will be denied that claim simply because he did not understand the intricacies affecting his claim.

By the same token, I think it is well, for the RECORD, to say—and I think this is precisely what has been said by the chairman; I will simply repeat it—we are not making a judgment on the merits of a single claim. We are simply saying that if you have a claim that has merit, we are going to give you a chance to present it; and hopefully it will be decided in a very judicial way and a justifiable way.

So with that little caveat, I congratulate Senator ROBB. He has worked diligently to try to find offsets in order to offer this. He has done a magnificent job. I thank the Department of Agriculture and the White House for their cooperation.

With that, on this side of the aisle we are prepared to accept the amendment, Mr. President.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I thank the Senator from Mississippi and the Senator from Arkansas for their long-suffering understanding and help on this amendment.

I add, lest anyone be concerned—or to add to the discussion which was right on the money—that any claims that exceed $75,000 will actually be reviewed by the Justice Department. So in addition to the claims being reviewed by the Department of Agriculture, the Justice Department would review a claim in excess of that particular amount. This gives an additional screen for claims that might be

viewed as excessive in any way, shape or form. But the bottom line is, as both Senators have suggested, this removes an impediment that otherwise would bar a meritorious claim. And it does nothing more than that.

Mr. COCHRAN. Mr. President, I ask unanimous consent that a copy of the letter from Secretary of Agriculture Dan Glickman to me that I referred to be printed at this point in the RECORD.

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

DEPARTMENT OF AGRICULTURE,
Washington, DC, July 16, 1998.

Hon. THAD COCHRAN,
Chairman, Subcommittee on Agriculture, Rural Development, and Related Agencies, U.S. Senate, Washington, DC.

DEAR THAD: During the Senate's consideration of the fiscal year 1999 agricultural appropriations bill, I understand the Senate may consider an amendment waiving statute of limitations preventing the Department of Agriculture (USDA) from properly resolving certain civil rights complaints. I understand further, to offset the additional spending that would result from such a provision, the amendment may reduce spending for Farm Service Agency and other USDA information technology funded through the Commodity Credit Corporation by as much as $5 million.

The statute of limitations waiver is one of my highest priorities in this legislation, and this amendment and its offset have my support. If enacted, USDA will not seek to restore the computer spending reduction through future appropriations.

I appreciate your consideration of my views and your support for this amendment.

With best personal regards, I am

Sincerely,

DAN GLICKMAN,
Secretary.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3177) was agreed to.

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

Mr. ROBB. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3176

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me return to the amendment to mention several people here who deserve a great deal of credit for bringing this issue to the attention of Congressman SHAYS and myself.

Betty Patterson is the nurse at St. Theresa's School in Trumbull, CT. There are thousands and thousands of school nurses all across America who probably don't get enough credit for the work and job they do every day, caring for our children while they are away at school. It was Betty Patterson who came across the notification that the EPI-PEN had been recalled, and knew that one of the students in the St. Theresa school, Matthew, would need to get a safe and effective replacement.

First, I want to congratulate Betty Patterson for the tremendous job she did.

Second, I'd like to commend Karen McGarry, Mathew's mother, who, discovering that her pharmacist had not notified his patients, contacted the Connecticut Post, a major newspaper in my home State of Connecticut, to look into the matter. And I'd like to commend Michael Mayko of the Connecticut Post who wrote stories on this incident and did the checking to discover that there was no Federal law or State law that required that consumers be notified. So I want to thank him for doing so much to highlight this important story.

Of course, I want to thank Matthew himself, who is one of 1.47 million people in this country who suffer from severe allergies and must rely on products like the Epi-Pen, for telling his story.

Mr. President, I'd like to once again restate that this amendment simply says that the Food and Drug Administration, when working with manufacturers to plan a class I recall, should take all appropriate measures to ensure that consumers are directly and promptly notified. I think most would agree this should be a commonsense requirement.

For those reasons, Mr. President, I hope my colleagues will feel confident in supporting this amendment. I don't seek any recorded votes on it. If the majority and minority can accept it, I am prepared to conclude the debate and go to other amendments. I don't know what their pleasure is.

I see my distinguished floor manager rising. I yield to him.

The PRESIDING OFFICER. The distinguished floor manager.

Mr. COCHRAN. Mr. President, I appreciate the Senator's indulgence. We are trying to get the reaction of the Food and Drug Administration and the legislative committee that has jurisdiction over this subject. I don't have an answer from them yet as to whether they want me to move to table the amendment or try to amend it to make it consistent with their wishes, or to suggest that we accept it.

The Senator said that a Member of the House, the other body, has offered this as an amendment over there. Has it been passed in a freestanding bill, or is it on this bill, does the Senator know?

Mr. DODD. I say to my colleague, I am informed the bill has been introduced by Congressman SHAYS, whom I know my colleague and friend from Mississippi knows. I don't believe they have moved the bill over there.

By the way, we have checked with the FDA and the words they use—we have included and incorporated the comments of the FDA in the legislative proposal.

Mr. COCHRAN. I thank the Senator.

Mr. DODD. If my colleagues want to move to another amendment, I am more than happy to set this aside.

Mr. BUMPERS. I ask unanimous consent that the Dodd amendment be temporarily laid aside while we deal with some amendments that are agreed to, at the conclusion of which, we will automatically return to the Dodd amendment.

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

Mr. COCHRAN. Mr. President, let me thank the distinguished Senator from Connecticut for his agreement to set aside his amendment while we proceed to other business so we can near the time we are ready to conclude action on this bill. We hope that will be soon.

We have nine amendments that I think have been cleared on both sides. My proposal would be that we consider them en bloc and that they be approved en bloc, and statements relating to the amendments be printed in the RECORD, and that motions to reconsider the votes and to table the motions to reconsider be considered as passed. That will be my request. I want to be sure that we do have the list, and I will read the list for the benefit of my comanager of this bill.

There is a Brownback amendment on the census of agriculture, a Levin amendment on tree assistance, an amendment for Senators KERREY and ROBERTS on farm policies studies.

Mr. BUMPERS. Mr. President, would the Senator yield just a moment. What was the Levin amendment?

Mr. COCHRAN. The Levin amendment is regarding tree assistance—disaster assistance for tree plants.

Mr. BUMPERS. I have fire blights.

Mr. COCHRAN. It is fire blights.

A Graham amendment for country-of-origin produce labeling, a Bumpers amendment relating to sense of the Senate on program funding levels, a Feingold and Jeffords amendment on small farms, a Dorgan amendment relating to planting penalty limitation, a Craig and Lugar amendment on biodiesel fuel, and a Bumpers amendment on Rural Housing Service Award.

We had cleared a Hatch amendment on interstate meat distribution, and we understand a question has been raised by a colleague.

We understand the question has been answered, so we can now add the tenth amendment to the list, by Senator HATCH, interstate meat distribution plan, and a colloquy that would go along with that.

Those are 10 amendments that have been cleared on this side. If the distinguished comanager of the bill agrees, I am prepared to offer a unanimous consent request that they be considered en bloc and agreed to en bloc.

Mr. BUMPERS. Mr. President all of those amendments have been cleared on this side.

AMENDMENTS NOS. 3178 THROUGH 3187, EN BLOC

Mr. COCHRAN. Mr. President, I ask unanimous consent that those amendments that I read in the list be considered en bloc, agreed to en bloc, that motions to table the motion to reconsider be laid upon the table.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes amendments No. 3178 through 3187, en bloc.

The amendments agreed to en bloc are as follows:

AMENDMENT NO. 3178

(Purpose: To direct the Secretary of Agriculture to improve the Census of Agriculture by eliminating redundant questions and removing penalties)

On page 67, after line 23, add the following:

SEC. 7 . CENSUS OF AGRICULTURE.

(a) IN GENERAL.—Section 2 of the Census of Agriculture Act of 1997 (7 U.S.C. 2204g) is amended—

(1) in subsection (b) by inserting at the end the following: ''In fiscal year 1999 the Secretary of Agriculture is directed to continue to revise the Census of Agriculture to eliminate redundancies in questions asked of farmers by USDA.'';

(2) in subsection (d) by deleting in paragraph (1) ''who willfully gives'' and inserting in its place ''shall not give'', and deleting '', shall be fined not more than $500'';

(3) in subsection (d) by deleting in paragraph (2) ''who refuses or willfully neglects'' and inserting in its place ''shall not refuse or willfully neglect'', and deleting '', shall not be fined more than $100'';

AMENDMENT NO. 3179

(Purpose: To authorize the Secretary of Agriculture to use certain funds to carry out a tree assistance program and to clarify the eligibility of certain producers for assistance under the program)

On page 67, after line 23, add the following:

SEC. ___. TREE ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture may use funds for the assistance made available under Public Law 105–174, to carry out a tree assistance program to owners of trees that were lost or destroyed as a result of a disaster or emergency that was declared by the President or the Secretary of Agriculture during the period beginning May 1, 1998, and ending August 1, 1998, regardless of whether the damage resulted in loss or destruction after August 1, 1998.

(b) ADMINISTRATION.—Subject to subsection (c), the Secretary shall carry out the program, to the maximum extent practicable, in accordance with the terms and conditions of the tree assistance program established under part 783 of title 7, Code of Federal Regulations.

(c) ELIGIBILITY.—A person shall be presumed eligible for assistance under the program if the person demonstrates to the Secretary that trees owned by the person were lost or destroyed by May 31, 1999, as a direct result of fire blight infestation that was caused by a disaster or emergency described in subsection (a).

AMENDMENT NO. 3180

(Purpose: To require the Secretary of Agriculture to assist the Commission on 21st Century Production Agriculture to conduct a study to guide the development of future Federal agricultural policies)

On page 67, after line 23, add the following:

SEC. 7___. STUDY OF FUTURE FEDERAL AGRICULTURAL POLICIES.

(a) IN GENERAL.—On the request of the Commission on 21st Century Production Agriculture, the Secretary of Agriculture, acting through the Chief Economist of the Department of Agriculture, shall make assistance and information available to the Commission to enable the Commission to conduct a study to guide the development of future Federal agricultural policies.

(b) DUTIES.—In conducting the study, the Commission shall—

(1) examine a range of future Federal agricultural policies that may succeed the policies established under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) for the 2003 and subsequent crops, and the impact of such policies on farm income, the structure of agriculture, trade competitiveness, conservation, the environment and other factors;

(2) assess the potential impact of any legislation enacted through the end of the 105th Congress on future Federal agricultural policies; and

(3) review economic agricultural studies that are relevant to future Federal agricultural policies.

(c) REPORT.—Not later than December 31, 1999, the Commission shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate the results of the study conducted under this section.

AMENDMENT NO. 3181

(Purpose: To require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements)

On page 67, after line 23, add the following:

SEC. ___. INDICATION OF COUNTRY OF ORIGIN OF IMPORTED PERISHABLE AGRICULTURAL COMMODITIES.

(a) DEFINITIONS.—In this section:

(1) FOOD SERVICE ESTABLISHMENT.—The term ''food service establishment'' means a restaurant, cafeteria, lunch room, food stand, saloon, tavern, bar, lounge, or other similar facility, operated as an enterprise engaged in the business of selling foods to the public.

(2) PERISHABLE AGRICULTURAL COMMODITY; RETAILER.—The terms ''perishable agricultural commodity'' and ''retailer'' have the meanings given the terms in section 1(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)).

(b) NOTICE OF COUNTRY OF ORIGIN REQUIRED.—Except as provided in subsection (c), a retailer of a perishable agricultural commodity imported into the United States shall inform consumers, at the final point of sale of the perishable agricultural commodity to consumers, of the country of origin of the perishable agricultural commodity.

(c) EXEMPTION FOR FOOD SERVICE ESTABLISHMENTS.—Subsection (b) shall not apply to a perishable agricultural commodity imported into the United States to the extent that the perishable agricultural commodity is—

(1) prepared or served in a food service establishment; and

(2)(A) offered for sale or sold at the food service establishment in normal retail quantities; or

(B) served to consumers at the food service establishment.

(d) METHOD OF NOTIFICATION.—

(1) IN GENERAL.—The information required by subsection (b) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the imported perishable agricultural commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers.

(2) LABELED COMMODITIES.—If the imported perishable agricultural commodity is already individually labeled regarding country of origin by the packer, importer, or another person, the retailer shall not be required to provide any additional information to comply with this section.

(e) VIOLATIONS.—If a retailer fails to indicate the country of origin of an imported perishable agricultural commodity as required by subsection (b), the Secretary of Agriculture may assess a civil penalty on the retailer in an amount not to exceed—

(1) $1,000 for the first day on which the violation occurs; and

(2) $250 for each day on which the same violation continues.

(f) DEPOSIT OF FUNDS.—Amounts collected under subsection (e) shall be deposited in the Treasury of the United States as miscellaneous receipts.

(g) APPLICATION OF SECTION.—This section shall apply with respect to a perishable agricultural commodity imported into the United States after the end of the 6-month period beginning on the date of the enactment of this Act.

Mr. GRAHAM. Mr. President, this amendment would require Country of Origin labeling of perishable agricultural commodities imported into the United States. I offer this amendment to ensure that Americans know the origin of every orange, banana, tomato, cucumber, and green pepper on display in the grocery store, and to improve the safety of food consumed by all Americans.

In March of 1996, shoppers throughout California and nineteen other states discovered that the produce they had brought home from the grocery store was accompanied by an uninvited and unwelcome guest—cyclospora, a harmful parasite that invades the small intestine and causes extreme diarrhea, vomiting, weight loss, and severe muscle aches.

Immediately, the federal government's Center for Disease Control (CDC) sprang into action. The agency traced the illness to contaminated Guatemalan raspberries and directed consumers to avoid buying fruit from the Central American nation until the outbreak could be investigated, contained, and eradicated.

Americans take this kind of urgent health directive seriously. But millions of shoppers found that their hands were tied against following the CDC's instructions. In 49 states, consumers discovered that grocery stores were not required to post where their fresh fruits and vegetables had been grown. The information required to prevent other Americans from getting sick simply wasn't available.

Florida was the exception. For nearly twenty years, Floridians shopping at their local Publix, Winn Dixie, Food Lion, and other grocery stores have been able to make educated choices about the food products they purchase for their families. In 1979, in my first year as Governor, I proudly signed legislation to make country-of-origin labels commonplace in produce sections all over Florida.

Country-of-origin labelling is not new to the American marketplace. For decades, ''Made In'' labels have been as visible as price tags on clothes, toys, television sets, watches, and many other products. It makes no sense that they are nowhere to be found in the produce section of grocery stores in the vast majority of states.

President Clinton has unveiled a number of food safety initiatives over

the past several months. Although his plans commendably call for strict safety measures in the growing and harvesting of domestic fruits and vegetables, and establish the U.S. Food and Drug Administration (FDA) as another line of defense against potentially contaminated imported produce, they do not empower individual shoppers with the knowledge they need to make educated choices in the produce section.

As the Guatemalan case illustrated, that is a dangerous omission. The current lack of identifying information on produce means that Americans who wish to heed government health warnings about foreign products or who have justifiable concerns about other nations' labor, environmental, and agricultural standards are powerless to choose other perishibles.

Contrary to many claims opposing this legislation, compliance with a country of origin law would be of minimal cost to our nation's retailers. Both Publix and Winn Dixie have estimated that compliance costs most individual grocery stores less than $10 each month. The total cost for more than 25,000 retail stores in Florida is less than $195,000 annually.

That's a small price to pay for consumers' peace of mind, and to preserve the concept of choice that is the foundation for our nation's free market system. Any first-year economics student knows that the laws of supply and demand do not work unless consumers have adequate information about goods and services for sale. Fruits and vegetables are no exception.

In addition, a study by the U.S. Department of Agriculture found that twenty-six of our key trading partners, including Guatemala, require country of origin labeling for fresh fruits and vegetables. By adopting this amendment, our law will become more consistent with the laws of our global trading partners, and would not constitute an unfair barrier to trade.

Giving consumers greater confidence in the produce they buy should be a central part of our nation's efforts to improve food safety. Congress can take a major step toward meeting that goal by enacting this amendment, and restoring American shoppers' ability to make an informed decision.

AMENDMENT NO. 3182

(Purpose: To express the sense of the Senate that unauthorized user fees submitted in the President's budget have resulted in shortfalls for specified programs)

FINDINGS.—

The President's budget submission includes unauthorized user fees; It is unlikely these fees will be authorized in the immediate future; The assumption of revenue from unauthorized user fees results in a shortfall of funds available for programs under the jurisdiction of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee;

That among the programs for which additional funds can be justified are:

Human Nutrition Research;

The Food Safety Initiative activities of the USDA and the FDA;

the wetlands Reserve Program;

the Conservation Farm Option Program;

the Farmland Protection Program;

the Inspector General's Law Enforcement Initiative;

FDA pre-notification certification;

FDA clinical pharmacology;

FDA Office of Cosmetics and Color;

the Rural Electric loan programs;

the Pesticide Data Program;

the Rural Community Advancement Program;

civil rights activities; and

Fund Rural America.

Therefore, it is the Sense of the Senate that: In the event an additional allocation becomes available, the above mentioned programs should be considered for funding.

AMENDMENT NO. 3183

(Purpose: To require the Secretary of Agriculture to establish and maintain within the Department of Agriculture an Office of the Small Farms Advocate)

On page 67, after line 23, add the following:

SEC. —. OFFICE OF THE SMALL FARMS ADVOCATE.

(a) DEFINITION OF SMALL FARM.—In this section, the term ''small farm'' has the meaning given the term in section 506 of the Rural Development Act of 1972 (7 U.S.C. 2666).

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall establish and maintain in the Department of Agriculture an Office of the Small Farms Advocate.

(c) FUNCTIONS.—The Office of the Small Farms Advocate shall—

(1) cooperate with, and monitor, agencies and offices of the Department to ensure that the Department is meeting the needs of small farms;

(2) provide input to agencies and offices of the Department on program and policy decisions to ensure that the interests of small farms are represented; and

(3) develop and implement a plan to coordinate the effective delivery of services of the Department to small farms.

(d) ADMINISTRATOR.—

(1) APPOINTMENT.—The Office of the Small Farms Advocate shall be headed by an Administrator, who shall be appointed by the President, with the advice and consent of the Senate. Nothing in this Act shall be construed to authorize a net increase in the number of political appointees within the Department of Agriculture.

(2) DUTIES.—The Administrator shall—

(A) act as an advocate for small farms in connection with policies and programs of the Department; and

(B) carry out the functions of the Office of the Small Farms Advocate under subsection (b).

(3) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Administrator, Office of the Small Farms Advocate, Department of Agriculture.''.

(e) RESOURCES.—Using funds that are otherwise available to the Department of Agriculture, the Secretary shall provide the Office of the Small Farms Advocate with such human and capital resources as are sufficient for the Office to carry out its functions in a timely and efficient manner.

(f) ANNUAL REPORT.—The Secretary shall annually submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report that describes actions taken by the Office of the Small Farms Advocate to further the interests of small farms.

Mr. FEINGOLD. Mr. President, I rise today to introduce an amendment aimed at preserving America's small farms. This amendment costs nothing and was inspired by a recommendation included in the January, 1998 publication of the National Commission on Small Farms.

Mr. President, there is no question that America's small farms are struggling. Their struggle is detailed in ''A Time to Act'', the report issued by the National Commission on Small Farms, which outlines the crisis small farmers will face as they enter the next century.

Mr. President, 94% of the farms in America are small farms, yet they receive only 41% of all farm receipts. Simply put 6% of our farms collect 59% of the receipts. Also, data shows that, on average, these farms actually earn a negative return on equity. Mr. President, many feel that one cause of the problem is that USDA does not emphasize the needs of small farms in its strategic plans, partly because Congress does not require that emphasis. References to small farms appear seldom in USDA policy and Congress is to blame. Lets use this opportunity to right a wrong and attempt to preserve small farms throughout the country.

Mr. President, the Feingold amendment will turn the USDA's attention to the plight of the small farmer. This amendment directs the Secretary of Agriculture to establish an Office of the Small Farms Advocate within six months of enactment of the underlying bill. This office will be headed by an Administrator who will be appointed by the President and who will report directly to the Secretary of Agriculture. This office will be created without going outside current budget or personnel resources. The Office of the Small Farms Advocate will ensure that USDA and its programs work to meet the needs of today's small farmers.

The Office of the Small Farms Advocate will accomplish this by: working with all USDA agencies to ensure that they consider the needs of small farmers; providing formal input on major programmatic and policy decisions by USDA agencies; developing a plan to enhance small farm program delivery at USDA; and being a constant advocate for small farms and small farm policies.

Let me assure my colleagues that it is not my intention to create another layer of bureaucracy—it is my intention to coordinate USDA programs to meet small farmer needs and make the bureaucracy more responsive.

Mr. President, this amendment will not increase USDA's authorized budget, but instead directs USDA to use its current financial and personnel resources. Finally, this amendment does not increase the number of political appointees within the Department of Agriculture.

Mr. President, day after day, season after season, we are losing small farms at an alarming rate. In the United States, we have 300,000 less farms than

we did in 1979. In 1980, there were 45,000 dairy farms in Wisconsin. In 1997, there are only 24,000 dairy farms. That is a loss of more than 3 dairy farms a day—every day for 18 years. And it does not begin to measure the human cost to families driven from the land. As small farms disappear, we are witnessing the emergence of larger agricultural operations. This trend toward fewer but larger dairy operations is mirrored in most states throughout the Nation.

For many of the rural communities of Wisconsin, small family-owned farms are the key component of the community. They provide economic and social stability. The reduction in the number of small farms has hurt their neighbors as well and deprived the merchants on Main Street of many lifelong customers. We need a system in which small farms can be viable and the work of the producer can be fairly rewarded.

Mr. President, many feel federal policy and federal investments focus almost solely on the needs of larger scale agricultural producers—neglecting the specific research needs of small producers. Small producers need more Federal research and extension activity devoted to the development of these alternatives. It is my hope that this new office at USDA will be committed to help develop and promote production and marketing systems that specifically address the needs of small farms. This bias has hamstrung small farmers, depriving them of the tools they need to adapt to changes in farming and the marketplace and accelerating the trend toward increased concentration.

Mr. President, this country's small producers should not be forced to become larger in order to remain competitive. Bigger is not necessarily better. Maintaining the economic viability of small operations has benefits beyond those gained by farmers and the communities in which they reside; they can also provide environmental benefits. For example, as operations expand, manure storage and management practices become more costly and more burdensome for the operator and raise additional regulatory concerns associated with runoff and water quality among State and Federal regulators. Federal policy that helps small operators to remain competitive and profitable without dramatic expansion will help minimize these concerns. And in fact, M. President, expansion is often counterproductive for small operations, requiring them to take on even greater debt. Unfortunately, federal agriculture policy has put many producers in a situation where they must choose to expand their operations or throw in the towel. Farmers should not be forced into that position. We must provide the tools necessary for farmers to survive and prosper regardless of the size of their operation.

We all congratulated the USDA when it convened the National Commission on Small Farms in July 1997. We applauded the appointment of farmers, ranchers, staff of nonprofit farm and farmworker advocacy organizations, Extension professionals, current and former public officials, and philanthropic foundation program staff. We all held up the final report as our signal to rural America that we were going to do something. M. President, we haven't done anything yet. The Commission important report and recommendation have fallen by the wayside. It would be a travesty if the U.S. Government spent taxpayer money on a worthwhile project such as this—then didn't act on those recommendations. This amendment is the first step in our commitment to not preserve a large sector of our agriculture community, and an important piece of America's heritage.

I urge my colleagues to support this no-cost, pro-farmer amendment and yield back the balance of my time.

AMENDMENT NO. 3184

(Purpose: To limit the penalty for an inadvertent violation of a contract under the Agricultural Market Transition Act)

On page 67, after line 23, add the following:

SEC. 7—. LIMIT ON PENALTY FOR INADVERTENT VIOLATION OF CONTRACT UNDER THE AGRICULTURAL MARKET TRANSITION ACT.

If an owner or producer, in good faith, inadvertently plants edible beans during the 1998 crop year on acreage covered by a contract under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) the Secretary of Agriculture shall minimize penalties imposed for the planting to prevent economic injury to the owner or producer.

AMENDMENT NO. 3185

(Purpose: To amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes)

On page 67 after line 23 add the following new section:

SEC. .

(1) SHORT TITLE; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the ''Biodiesel Energy Development Act of 1998''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Amendment to the Energy Policy and Conservation Act.
Sec. 4. Minimum Federal fleet requirement.
Sec. 5. State and local incentives programs.
Sec. 6. Alternative fuel bus program.
Sec. 7. Alternative fuel use in nonroad vehicles, engines, and marine vessels.
Sec. 8. Mandate for alternative fuel providers.
Sec. 9. Replacement fuel supply and demand program.
Sec. 10. Modification of goals; additional rulemaking authority.
Sec. 11. Fleet requirement program.
Sec. 12. Credits.
Sec. 13. Secretary's recommendation to Congress.

(2) DEFINITIONS.

Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) in paragraph (2), by striking ''derived from biological materials'' and inserting ''derived from domestically produced renewable biological materials (including biodiesel) at mixtures not less than 20 percent by volume'';

(2) in paragraph (8), by striking subparagraph (B) and inserting the following:

''(B) a motor vehicle (other then an automobile) or marine vessel that is capable of operating on alternative fuel, gasoline, or diesel fuel, or an approved blend of alternative fuel and petroleum-based fuel.'';

(3) by redesignating paragraphs (11) through (14) as paragraphs (12), (14), (15), and (16), respectively;

(4) by inserting after paragraph (10) the following:

''(11) the term 'heavy duty motor vehicle' means a motor vehicle or marine vessel that is greater than 8,500 pounds gross vehicle weight rating;'';

(5) by inserting after paragraph (12) (as redesignated by paragraph (3)) the following:

''(13) the term 'marine vessel' means a motorized watercraft or other artificial contrivance used as a means of transportation primarily on the navigable waters of the United States;'';

(6) in paragraph (15) (as redesignated by paragraph (3)), by striking ''biological materials'' and inserting ''domestically produced renewable biological materials (including biodiesel)''.

(3) AMENDMENTS TO THE ENERGY POLICY AND CONSERVATION ACT.

Section 400AA of the Energy Policy and Conservation Act (42 U.S.C. 6374) is amended—

(1) in the second sentence of subsection (a)(3)(B), by striking ''vehicles converted to use alternative fuels may be acquired if, after conversion,'' and inserting ''existing fleet vehicles may be converted to use alternative fuels at the time of a major vehicle overhaul or rebuild, or vehicles that have been converted to use alternative fuels may be acquired, if''; and

(2) in subsection (g)—

(A) in paragraph (2), by striking ''derived from biological materials'' and inserting ''derived from domestically produced renewable biological materials (including biodiesel) at mixtures not less than 20 percent by volume'';

(B) in paragraph (5), by striking subparagraph (B) and inserting the following:

''(B) a motor vehicle (other than an automobile) or marine vessel that is capable of operating on alternative fuel, gasoline, or diesel fuel, or an approved blend of alternative fuel and petroleum-based fuel; and'';

and

(C) in paragraph (6), by inserting ''or marine vessel'' after ''a vehicle''.

(4) MINIMUM FEDERAL FLEET REQUIREMENT.

Section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) HEAVY DUTY AND DUEL-FUELED VEHICLE COMPLIANCE CREDITS.—

''(1) IN GENERAL.—For purposes of meeting the requirements of this section, the Secretary, in consultation with the Administrator of General Services, if appropriate, shall permit a Federal fleet to acquire 1 heavy duty alternative fueled vehicle in place of 2 light duty alternative fueled vehicles.

''(2) ADDITIONAL CREDITS.—For purposes of this section, the Secretary, in consultation with the Administrator of General Services, if appropriate, shall permit a Federal fleet to take an additional credit for the purchase and documented use of alternative fuel used in a dual-fueled vehicle, comparable conventionally-fueled motor vehicle, or marine vessel.

''(3) ACCOUNTING.—

''(A) IN GENERAL.—In allowing a credit for the purchase of a dual-fueled vehicle or alternative fuel, the Secretary may request a Federal agency to provide an accounting of the purchase.

''(B) GUIDELINES.—The Secretary shall include any request made under subparagraph (A) in the guidelines required under section 308.

''(4) FUEL AND VEHICLE NEUTRALITY.—The Secretary shall carry out this subsection in a manner that is, to the maximum extent practicable, neutral with respect to the type of fuel and vehicle used.''.

(5) STATE AND LOCAL INCENTIVES PROGRAMS.

(a) ESTABLISHMENT OF PROGRAM.—Section 409(a) of the Energy Policy Act of 1992 (42 U.S.C. 13235(a)) is amended—

(1) in paragraph (2)(A), by striking ''alternative fueled vehicles'' and inserting ''light and heavy duty alternative fueled vehicles and increasing the use of alternative fuels''; and

(2) in paragraph (3)—

(A) in subparagraph (B), by inserting after ''introduction of'' the following: ''converted or acquired light and heavy duty'';

(B) in subparagraph (E), by inserting after ''of sales of'' the following: '', incentives toward use of, and reporting requirements relating to''; and

(C) in subparagraph (G)—

(i) by redesignating clauses (i) through (iii) as clauses (ii) through (iv), respectively; and

(ii) by inserting after ''cost of—'' the following:

''(I) alternative fuels;''.

(b) FEDERAL ASSISTANCE TO STATES.—Section 409(b) of the Energy Policy Act of 1992 (42 U.S.C. 13235(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) grants of Federal financial assistance for the incremental purchase cost of alternative fuels.'';

(2) in paragraph (2)(B), by inserting after ''be introduced'' the following: ''and the volume of alternative fuel likely to be consumed''; and

(3) in paragraph (3)—

(A) by inserting ''alternative fuels and'' after ''in procuring''; and

(B) by inserting ''fuels and'' after ''of such''.

(C) GENERAL PROVISIONS.—Section 409(c)(2)(A) of the Energy Policy Act of 1992 (42 U.S.C. 13235(c)(2)(A)) is amended by inserting after ''alternative fueled vehicles in use'' the following: ''and volume of alternative fuel consumed''.

(6) ALTERNATIVE FUEL BUS PROGRAM.

Section 410(c) of the Energy Policy Act of 1992 (42 U.S.C. 13236(c)) is amended in the second sentence by striking ''and the conversion of school buses to dedicated vehicles'' and inserting ''the incremental cost of alternative fuels used in flexible fueled school buses, and the conversion of school buses to alternative fueled vehicles''.

(7) ALTERNATIVE FUEL USE IN NONROAD VEHICLES, ENGINES, AND MARINE VESSELS.

Section 412 of the Energy Policy Act of 1992 (42 U.S.C. 13238) is amended—

(1) in the section heading, by striking ''and engines'' and inserting '', engines, and marine vessels'';

(2) by striking ''vehicles and engines'' each place it appears in subsections (a) and (b) and inserting ''vehicles, engines, and marine vessels'';

(3) in subsection (a)—

(A) in the subsection heading, by striking ''NONROAD VEHICLES AND ENGINES'' and inserting ''IN GENERAL'';

(B) in paragraph (1)—

(i) in the first sentence, by striking ''a study'' and inserting ''studies''; and

(ii) in the second sentence—

(I) by striking ''study'' and inserting ''studies''; and

(II) by striking ''2 years'' and inserting ''2, 6, and 10 years'';

(C) in paragraph (2)—

(i) by striking ''study'' each place it appears and inserting ''studies''; and

(ii) in the second sentence, by inserting ''or marine vessels'' after ''such vehicles''; and

(D) in paragraph (3)—

(i) by striking ''report'' and inserting ''reports''; and

(ii) by striking ''may'' and inserting ''shall''; and

(4) in subsection (b)—

(A) in the subsection heading, by striking ''AND ENGINES'' and inserting '', ENGINES, AND MARINE VESSELS''; and

(B) by striking ''rail transportation, vehicles used at airports, vehicles or engines used for marine purposes, and other vehicles or engines'' and inserting ''rail and waterway transportation, vehicles used at airports and seaports, vehicles or engines used for marine purposes, marine vessels, and other vehicles, engines, or marine vessels''.

(8) MANDATE FOR ALTERNATIVE FUEL PROVIDERS.

Section 501 of the Energy Policy Act of 1992 (42 U.S.C. 13251) is amended—

(1) in subsection (a)(1), by inserting ''or heavy'' after ''new light''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) allow the conversion of an existing fleet vehicle into a dual-fueled alternative fueled vehicle at the time of a major overhaul or rebuild of the vehicle, if the original equipment manufacturer's warranty continues to apply to the vehicle, pursuant to an agreement between the original equipment manufacturer and the person performing the conversion.''.

(9) REPLACEMENT FUEL SUPPLY AND DEMAND PROGRAM.

Section 502 of the Energy Policy Act of 1992 (42 U.S.C. 13252) is amended—

(1) in the first sentence of subsection (a), by inserting ''and heavy'' after ''in light''; and

(2) in the first sentence of subsection (b), by inserting after ''October 1, 1993,'' the following: ''and every 5 years thereafter through October 1, 2008,''.

(10) MODIFICATION OF GOALS; ADDITIONAL RULEMAKING AUTHORITY.

Section 504 of the Energy Policy Act of 1992 (42 U.S.C. 13254) is amended—

(1) in the first sentence of subsection (a), by striking ''and periodically thereafter'' and inserting ''consistent with the reporting requirements of section 502(b)''; and

(2) in subsection (c), by inserting after the first sentence the following: ''Any additional regulation issued by the Secretary shall be, to the maximum extent practicable, neutral with respect to the type of fuel and vehicle used.''.

(11) FLEET REQUIREMENT PROGRAM.

(a) FLEET PROGRAM PURCHASE GOALS.—Section 507(a)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13257(a)(1)) is amended by inserting ''acquired as, or converted into,'' after ''shall be''.

(b) FLEET REQUIREMENT PROGRAM.—Section 507(g) of the Energy Policy Act of 1992 (42 U.S.C. 13257(g)) is amended—

(1) in paragraph (1), by inserting ''acquired as, or converted into,'' after ''shall be'';

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) SUBSTITUTIONS.—The Secretary shall, by rule, permit fleets covered under this section to substitute the acquisition or conversion of 1 heavy duty alternative fueled vehicle for 2 light duty vehicle acquisitions to meet the requirements of this subsection.''.

(c) CONVERSIONS.—Section 507(j) of the Energy Policy Act of 1992 (42 U.S.C. 13257(j)) is amended—

(1) by striking ''Nothing in'' and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), nothing in''; and

(2) by adding at the end the following:

''(2) CONVERSION INTO ALTERNATIVE FUELED VEHICLES.—

''(A) IN GENERAL.—A fleet owner shall be permitted to convert an existing fleet vehicle into an alternative fueled vehicle, and purchase the alternative fuel for the converted vehicle, for the purpose of compliance with this title or an amendment made by this title, if the original equipment manufacturer's warranty continues to apply to the vehicle, pursuant to an agreement between the original equipment manufacturer and the person performing the conversion.

''(B) CREDITS.—A fleet owner shall be allowed a credit for the conversion of an existing fleet vehicle and the purchase of alternative fuel for the vehicle.''.

(d) MANDATORY STATE FLEET PROGRAMS.—Section 507(o) of the Energy Policy Act of 1992 (42 U.S.C. 13257(o)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or heavy'' after ''new light''; and

(B) by inserting ''or converted'' after ''acquired''; and

(2) in the first sentence of paragraph (2)(A)—

(A) by striking ''this Act'' and inserting ''the Biodiesel Energy Development Act of 1997''; and

(B) by inserting after ''of light'' the following: ''or heavy duty alternative fueled''.

(12) CREDITS.

(a) IN GENERAL.—Section 508(a) of the Energy Policy Act of 1992 (42 U.S.C. 13258(a)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) ADDITIONAL ALTERNATIVE FUELED VEHICLES.—The Secretary''; and

(2) by adding at the end the following:

''(2) ALTERNATIVE FUEL.—The Secretary shall allocate a credit to a fleet or covered person that acquires a volume of alternative fuel equal to the estimated need for 1 year for any dual-fueled vehicle acquired or converted by the fleet or covered person as required under this title.''.

(b) ALLOCATION.—Section 508(b) of the Energy Policy Act of 1992 (42 U.S.C. 13258(b)) is amended—

(1) by striking ''In allocating credits under subsection (a),'' and inserting the following:

''(1) ADDITIONAL ALTERNATIVE FUELED VEHICLES.—In allocating credits under subsection (a)(1),''; and

(2) by adding at the end the following:

''(2) DUAL-FUELED VEHICLES; ALTERNATIVE FUEL.—In allocating credits under subsection (a)(2), the Secretary shall allocate 2 credits to a fleet or covered person for acquiring or converting a dual-fueled vehicle and acquiring a volume of alternative fuel equal to the estimated need for 1 year for any dual-fueled vehicle if the dual-fueled vehicle acquired is in excess of the number that the fleet or covered person is required to acquire or is acquired before the date that the fleet or covered person is required to acquire the number under this title.''.

(13) SECRETARY'S RECOMMENDATION TO CONGRESS.

Section 509(a) of the Energy Policy Act of 1992 (42 U.S.C. 13259(a)) is amended—

(1) in paragraph (1), by inserting before the semicolon at the end the following: ''and exempting replacement fuels from taxes levied on non-replacement fuels''; and

(2) in paragraph (2)—

(A) by inserting ''and converters'' after ''suppliers''; and

(B) by inserting before the semicolon the following: '', including the conversion and warranty of motor vehicles into alternative fueled vehicles''.

Mr. JOHNSON. Mr. President, renewable alternative fuels benefit energy security, the environment, and our overall economy. The amendment being offered today by Senator CRAIG and myself is critically important to soybean farmers across the country, and will do a great deal to give the ag economy a shot in the arm in states which produce soybeans.

Since the Farm Bill took affect two years ago, soybean prices have dropped 15 percent, costing soybean producers in South Dakota about a hundred million dollars in lost revenue. The Craig/Johnson amendment could help offset these losses by boosting soybean prices an average of 11 cents a bushel and generating about $10 million in additional revenue for South Dakota soybean farmers and more than $300 million for soybean farmers nationwide without costing taxpayers one dime.

This amendment makes changes to the Energy Policy Act of 1992. As most know, EPACT was enacted to stimulate the research and development of technologies which can potentially shift the focus of national energy demand away from imported oil and toward renewable or domestically produced energy sources. One component of energy consumption on which EPACT focuses is significantly reducing the amount of imported oil used by the transportation sector. The stated goal in EPACT is to replace 10 percent of petroleum by the year 2000 and 30 percent by the year 2010 with alternative fuels.

This amendment is necessary because unfortunately, EPACT's current mandates and incentive structure essentially exclude some alternative fuels, such as biodiesel, from being an option for controlled fleet owners and operators. Further, the amendment will aid in the achievement of EPACT's goals of strengthening America's energy security through the substitution of domestically produced alternative fuels for imported petroleum products in the transportation sector. The latter point is important because this country is making extremely poor progress toward meeting the petroleum displacement goals of EPACT, and even federal fleets are not in compliance with the requirements of this statute.

However, it is my understanding that Senators BUMPERS and ROCKEFELLER have some concerns about the impact the amendment will have on other alternative fuels currently eligible under EPACT. Is that correct?

Mr. BUMPERS. Yes, Senator JOHNSON, I do have some concerns about the amendment. However, I am prepared to accept the amendment today if I can secure a commitment from the Senator from South Dakota to sit down and address my concerns between passage of the Senate's legislation today and completion of action by the conference committee. Can I have that commitment from you, Senator JOHNSON?

Mr. JOHNSON. Certainly, and I very much appreciate your willingness to work with me on this issue. Senator ROCKEFELLER, would you be willing to accept the amendment today knowing that we will be sitting down between now and the completion of the conference committee to work out a compromise to address your concerns?

Mr. ROCKEFELLER. While you are correct that I have concerns about specific provisions in the amendment, I also have concerns about the process by which we have taken up this issue. One of my top legislative priorities since coming to Congress has been the promotion of alternative fuels, and I am concerned that today's action is only a band-aid on a program which needs major surgery. However, I am prepared to accept the amendment today with the commitment to work together in the coming weeks to find a compromise to address my concerns.

Mr. JOHNSON. Thank you, Senator ROCKEFELLER. I look forward to working with you on this specific issue in the coming weeks, and on the larger issue of more effectively promoting the use of all alternative fuels in the coming months and in future congresses. I also want to thank Senator CRAIG and Chairman COCHRAN for their leadership on this amendment, and look forward to working with them during the coming weeks to find a compromise on this important issue prior to completion of action by the conference committee.

AMENDMENT NO. 3186

[The text of the amendment will appear in a future issue of the RECORD.]

AMENDMENT NO. 3187

(Purpose: To require the Secretary of Agriculture to submit a plan to Congress for the lifting of the ban on interstate distribution of state inspected meat)

The Secretary of Agriculture shall present to Congress a report on whether to recommend by March 1, 1999, lifting the ban on the interstate-distribution of state inspected meat.

Mr. COCHRAN. Mr. President, I ask unanimous consent that Senator ROBERTS be added as a cosponsor to the biodiesel amendment, amendment No. 3185.

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

Mr. LEAHY. Mr. President, I and my colleague from Vermont Senator JEFFORDS, would like to engage Senator COCHRAN, Senator BUMPERS, Senator GRAHAM, and Senator MACK in a colloquy regarding Senator GRAHAM's disaster assistance amendment. I can certainly sympathize with what Senator GRAHAM and Senator MACK are trying to do tonight with this amendment, and I support their amendment. The fires that have struck Florida in recent weeks have shocked people from across the country, and undoubtedly the damage to agriculture in the state has been severe. However, I would like to bring attention to the fact that a number of other states have also suffered significant damage from natural disasters in recent months. My own state of Vermont suffered significant flooding early this month. Eight of the state's fourteen counties were declared disaster areas. Other parts of the country are also suffering agricultural damage including areas of the west and southeast which are suffering serious drought conditions. Damage from these disasters is still being determined, however by the time we go to conference with the House on the Agriculture Appropriations bill, we will have a better idea about the extent of those damages. I hope that at that point we can revisit this disaster assistance and adjust the funding levels to reflect the full extent of agricultural damage from natural disasters being suffered by farmers throughout the country.

Mr. JEFFORDS. I would like to join Senator LEAHY in expressing my hope that we can revisit the issue of disaster assistance funding in conference. Senator LEAHY and I toured the damage in Vermont following the flooding there earlier this month, and the damage for farmers in affected areas was indeed severe. Those farmers are going to need assistance and I hope that we will be able to provide it in this bill.

Mr. COCHRAN. I agree with the Senators from Vermont that there are areas of the country suffering agricultural damage as a result of natural disasters and the needs of these areas should be addressed. The Administration should review the damage estimates from affected areas and request any emergency funding required to address those additional needs.

Mr. BUMPERS. I am in full agreement with Senator COCHRAN. While the need of farmers in Florida is clear and pressing, other farmers are also suffering as a result of the many disasters which have struck the country this year. The final conference agreement on this provision should reflect the full extent of damage to farmers in all affected regions of the country.

Mr. GRAHAM. I appreciate the support of Senator COCHRAN and Senator BUMPERS for our amendment and agree that it would be appropriate to address any additional needs of farmers from other disaster-stricken regions in conference.

Mr. MACK. I would like to join my colleagues in agreement that appropriate action to meet the needs of farmers in disaster-stricken areas throughout the nation should be taken in conference.

WILDLIFE SERVICES DIVISION OF APHIS AERIAL SAFETY STUDY

Mr. BURNS. Senator COCHRAN, I would like to discuss recent problems

that have been facing the Wildlife Services aerial program.

Mr. COCHRAN. Mr. President, I understand that the Wildlife Services Division of APHIS has recently completed a full, independent review of their aerial program.

Mr. BURNS. That's absolutely correct. As you know, Wildlife Services provides a broad range of services across the country and the aerial operations program is a key component of these services. In fact, distribution of rabies vaccine baits by Wildlife Services occurred earlier this year in Texas, Ohio, New Hampshire and other states. These activities help protect pets, children and others from the spread of rabies.

Mr. COCHRAN. I understand that the aerial program plays a large role in wolf recovery efforts in the Rocky Mountain West.

Mr. BURNS. That's right. The aerial program helps researchers track radio-collared wolves so we learn about wolf movements, habitat needs and feeding patterns. Without the aerial program it would be much more difficult to tranquilize and relocate wolves preying on domestic livestock. And, in the event of a wolf persists on killing livestock, it enables the program to efficiently remove the specific problem animal.

Mr. COCHRAN. But there have been problems?

Mr. BURNS. Yes. Despite a historically solid safety record, a series of aircraft accidents in the past two years including four fatalities of pilots, have prompted Assistant Secretary Mike Dunn to call for a full outside review.

Mr. COCHRAN. What were the conclusions of this review?

Mr. BURNS. The review found that not enough resources are being devoted to maintaining the safety of the program. Because of increasing demand for their aerial services, the program directs most of their resources into program delivery. This, coupled with ongoing budget constraints have limited the ability of the program to keep pace with developing technology and training in aircraft operations.

It is my understanding that the House has provided funds to address this situation. I hope the Senate conferees on this bill will review the findings of this study in the conference to assess whether additional funding is justified.

Mr. COCHRAN. I appreciate your bringing this study to our attention and we will look into this situation prior to conference.

Mr. CRAIG. Will the Senator from South Dakota yield for purposes of a colloquy?

Mr. JOHNSON. I am happy to enter into a colloquy with the Senator from Idaho.

Mr. CRAIG. The Senator and I have been working together on the Meat Labeling Act of 1998 for some time. Might I ask, what is the Senator's understanding of the Act's impact on meat prepared and served by a restaurant?

Mr. JOHNSON. It is my understanding, as the sponsor of the legislation, that it would have no impact what-soever on meat prepared and served by a restaurant. It is not our intent to require labeling of meat prepared and served by a restaurant.

Mr. CRAIG. That is also my understanding and intent. I thank the Senator for his clarification.

Mr. BAUCUS. Mr. President, I rise to discuss my amendment to the Agriculture Appropriations Bill, number 3150. This amendment would provide increased funding for research activities to improve counter-narcotic efforts.

I realize that the Subcommittee faced a very difficult challenge with the level of the funding allocation this year. While I am disappointed that it has been impossible to fund this project at this time, I wish to call the attention of the members of the Subcommittee to this important proposal. I believe it makes sense for the future of the agriculture industry.

This project would increase efforts to use biotechnology in the control of narcotic plants. This research would also enhance traditional agriculture production practices, supplying an important tool in weed control. Biotechnology research promises an economical solution to the spread of noxious weeds and other pests that threaten both public and private land across the nation.

I believe this type of research holds great potential for success in the war on drugs. Related efforts are underway in private industry, but there is great need to increase our efforts. This project would be an important step in that direction.

Finally, I would like to thank the Subcommittee Leadership, Senator BUMPERS and Chairman COCHRAN for their efforts to find funding for this program. And I hope it will be possible for the Subcommittee to give this project strong consideration in the future.

Mr. BUMPERS. I thank Senator BAUCUS for agreeing to look at funding this project in the future. I look forward to working with him on that effort.

Mr. BAUCUS. Thank you Senator BUMPERS, and thanks to the Chairman, as well for his assistance.

Mr. HARKIN. Would the distinguished Senator from Mississippi yield for the purpose of engaging in a colloquy with me on an issue of some concern to food packagers and to the general public?

Mr. COCHRAN. I am pleased to yield to the Senator from Iowa for the purpose of a colloquy.

Mr. HARKIN. As my colleague, the distinguished Chairman of the Subcommittee may know, I have been advised that the Food and Drug Administration Modernization Act of 1997 (FDAMA) authorized a new streamlined pre-market notification system for food packaging materials. The current regulatory process involves significant delays, resulting in lost sales and decisions not to bring new products to market that would improve food safety and protect the public health.

The new notification system will substantially reduce the length of the FDA review process and allow the introduction of advanced packaging materials. The Agency will still, however, receive all of the information needed to establish the safety of packaging materials and will continue to be able to keep unsafe materials off the market.

I also have been advised that FDAMA requires that certain funding criteria be met for the program to take effect as scheduled on April 1, 1999.

The Act calls for funding of the pre-market notification program at a level of $1.5 million in FY 1999. I note that the counterpart legislation passed by the House Appropriations Committee currently provides for the sum of $500,000. It is my hope that the distinguished Chairman of the Subcommittee will further address this issue in conference in order for the FDA to implement this important reform as intended by Congress.

Mr. COCHRAN. I agree with my colleague that the implementation of this program would expedite the introduction of improved food packaging materials and will give every consideration to this issue in the Conference Committee.

Mr. COCHRAN. Mr. President, I think we can announce that additional amendments have now been cleared on both sides of the aisle. There are 4 amendments. Three of them are Coverdell-Cleland amendments, the Senators from Georgia. One involves a prohibition on loan guarantees. Another involves a definition of ''farmland.'' A third involves disaster loan collateral requirements. A fourth Amendment is for Senator HARKIN, and it involves the WIC amendment, and it includes a colloquy.

If my distinguished friend from Arkansas can verify that these have been cleared on his side of the aisle, we are prepared to proceed to ask that they be considered en bloc and agreed to en bloc.

Mr. BUMPERS. May I ask the floor manager, what was the last amendment?

Mr. COCHRAN. The Harkin amendment on the WIC program, together with a colloquy.

Mr. BUMPERS. That has been cleared on this side.

AMENDMENTS NO. 3188 THROUGH 3191, EN BLOC

Mr. COCHRAN. Mr. President, I send four amendments to the desk, en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes amendments numbered 3188 through 3191, en bloc.

The amendments (Nos. 3188 through 3191), en bloc, are as follows:

AMENDMENT NO. 3188

(Purpose: To modify the prohibition on loan guarantees to borrowers that have received debt forgiveness)

On page 67, after line 23, add the following:

SEC. ___. PROHIBITION ON LOAN GUARANTEES TO BORROWERS THAT HAVE RECEIVED DEBT FORGIVENESS.

Section 373 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008h) is amended by striking subsection (b) and inserting the following:

''(b) PROHIBITION OF LOANS FOR BORROWERS THAT HAVE RECEIVED DEBT FORGIVENESS.—

''(1) PROHIBITIONS.—Except as provided in paragraph (2)—

''(A) the Secretary may not make a loan under this title to a borrower that has received debt forgiveness on a loan made or guaranteed under this title; and

''(B) the Secretary may not guarantee a loan under this title to a borrower that has received—

''(i) debt forgiveness after April 4, 1996, on a loan made or guaranteed under this title; or

''(ii) received debt forgiveness on no more than 3 occasions on or before April 4, 1996.

''(2) EXCEPTIONS.—

''(A) IN GENERAL.—The Secretary may make a direct or guaranteed farm operating loan for paying annual farm or ranch operating expenses of a borrower that was restructured with a write-down under section 353.

''(B) EMERGENCY LOANS.—The Secretary may make an emergency loan under section 321 to a borrower that—

''(i) on or before April 4, 1996, received not more than 1 debt forgiveness on a loan made or guaranteed under this title; and

''(ii) after April 4, 1996, has not received debt forgiveness on a loan made or guaranteed under this title.''.

AMENDMENT NO. 3189

(Purpose: To modify the factors that are used to determine whether applicants are eligible for farm credit loans)

On page 67, after line 23, add the following:

SEC. ___. DEFINITION OF FAMILY FARM.

(a) REAL ESTATE LOANS.—Section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) is amended by adding at the end the following:

''(c) DETERMINATION OF QUALIFICATION FOR LOAN.—

''(1) PRIMARY FACTOR.—The primary factor to be considered in determining whether an applicant for a loan under this subtitle is engaged primarily and directly in farming or ranching shall be whether the applicant is participating in routine, ongoing farm activities and in overall decisionmaking with regard to the farm or ranch.

''(2) NO BASIS FOR DENIAL OF LOAN.—The Secretary may not deny a loan under this subtitle solely because 2 or more individuals are employed full-time in the farming operation for which the loan is sought.''.

(b) OPERATING LOANS.—Section 311 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941) is amended by adding at the end the following:

''(d) DETERMINATION OF QUALIFICATION FOR LOAN.—

''(1) PRIMARY FACTOR.—The primary factor to be considered in determining whether an applicant for a loan under this subtitle is engaged primarily and directly in farming or ranching shall be whether the applicant is participating in routine, ongoing farm activities and in overall decisionmaking with regard to the farm or ranch.

''(2) NO BASIS FOR DENIAL OF LOAN.—The Secretary may not deny a loan under this subtitle solely because 2 or more individuals are employed full-time in the farming operation for which the loan is sought.''.

(c) EMERGENCY LOANS.—Section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) is amended by adding at the end the following:

''(e) DETERMINATION OF QUALIFICATION FOR LOAN.—

''(1) PRIMARY FACTOR.—The primary factor to be considered in determining whether an applicant for a loan under this subtitle is engaged primarily and directly in farming or ranching shall be whether the applicant is participating in routine, ongoing farm activities and in overall decisionmaking with regard to the farm or ranch.

''(2) NO BASIS FOR DENIAL OF LOAN.—The Secretary may not deny a loan under this subtitle solely because 2 or more individuals are employed full-time in the farming operation for which the loan is sought.''.

(d) EFFECTIVE DATE.—This amendment shall be considered to have been in effect as of January 1, 1977.

AMENDMENT NO. 3190

(Purpose: To prohibit the Secretary of Agriculture from denying an emergency loan to a borrower by reason of the fact that the borrower lacks a particular amount of collateral for the loan if it is reasonably certain that the borrower will be able to repay the loan)

On page 67, after line 23, add the following:

SEC. ___. APPLICABILITY OF DISASTER LOAN COLLATERAL REQUIREMENTS UNDER THE SMALL BUSINESS ACT.

Section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d)) is amended—

(1) by striking ''(d) All loans'' and inserting the following:

''(d) REPAYMENT.—

''(1) IN GENERAL.— All loans''; and

(2) by adding at the end the following:

''(2) NO BASIS FOR DENIAL OF LOAN.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall not deny a loan under this subtitle to a borrower by reason of the fact that the borrower lacks a particular amount of collateral for the loan if the Secretary is reasonably certain that the borrower will be able to repay the loan.

''(B) REFUSAL TO PLEDGE AVAILABLE COLLATERAL.—The Secretary may deny or cancel a loan under this subtitle if a borrower refuses to pledge available collateral on request by the Secretary.''.

AMENDMENT NO. 3191

(Purpose: To include the bonus value of commodities in meeting a minimum commodity assistance requirement and to increase the amount appropriated for the WIC program)

On page 46, line 24, before the period, insert the following: '': *Provided further,* That none of the funds under this heading shall be available unless the value of bonus commodities provided under section 32 of the Act of August 24, 1935 (49 Stat. 774, chapter 641; 7 U.S.C. 612c), and section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is included in meeting the minimum commodity assistance requirement of section 6(g) of the National School Lunch Act (42 U.S.C. 1755(g))''.

On page 47, line 6, strike ''$3,924,000,000'' and insert ''$3,948,000,000''.

Mr. COCHRAN. We are prepared to accept the amendment offered by the Senator from Iowa. We have made a strong effort to provide adequate funding in this bill in order to maintain WIC participation within the budgetary constraints we have faced.

Mr. HARKIN. I certainly appreciate the efforts of the distinguished Chairman to fund WIC adequately within the limitations of the bill. However, analysis supporting the Administration's budget request indicates that the amount provided will not be sufficient to maintain WIC participation at the level it is expected to reach at the end of this fiscal year. Because of the success of WIC. I believe it is important to do whatever we can to ensure that WIC participation does not fall for lack of funding. My amendment provides a portion—but much less than all—of the additional appropriation the Administration believes is necessary to avoid a reduction in WIC participation during fiscal 1999.

Mr. COCHRAN. I certainly want to provide adequate funding to maintain WIC participation. We felt that we were providing sufficient funding in the bill to accomplish that. I would also note that I am concerned about the effect of the offset in the Senator's amendment on the level of commodities that may be purchased and provided to schools for the National School Lunch Program.

Mr. HARKIN. I acknowledge the doubts the Chairman has about the accuracy of the WIC budget request. Also, as the Chairman knows, I share his strong support for the School Lunch Program and for supplying commodities to it. I do have a letter from Secretary Glickman stating my amendment would not have an adverse effect on the School Lunch Program. I would be pleased to work with the Chairman and Senator BUMPERS to obtain a more thorough understanding of the needed level of WIC funding and of the effects of the offset prior to conference on the bill.

Mr. COCHRAN. I appreciate the willingness of the Senator to work with us on these questions.

Mr. HARKIN. I thank the Chairman very much for his cooperation on this amendment and look forward to working with him further on the matter.

Mr. COCHRAN. Mr. President, I ask unanimous consent that those amendments be agreed to, en bloc, and that the motion to table the motions to reconsider be laid upon the table.

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

The amendments (Nos. 3188 through 3191), en bloc, were agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3176

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

The PRESIDING OFFICER. Senator DODD's amendment No. 3176 is the pending business.

AMENDMENT NO. 3192 TO AMENDMENT NO. 3176

(Purpose: To amend the Federal Food, Drug, and Cosmetic Act to require the Secretary to ensure timely notification of certain recalls)

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 3192 to Amendment No. 3176.

Mr. DODD. 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:

In the amendment strike all after the first word and insert the following:

. NOTIFICATION OF RECALLS OF DRUGS AND DEVICES.

(a) DRUGS.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

''(o)(1) If the Secretary withdraws an application for a drug under paragraph (1) or (2) of the first sentence of subsection (e) and a class I recall for the drug results, the Secretary shall take such action as the Secretary may determine to be appropriate to ensure timely notification of the recall to individuals that received the drug, including using the assistance of health professionals that prescribed or dispensed the drug to such individuals.

''(2) In this subsection:

''(A) The term 'Class I' refers to the corresponding designation given recalls in subpart A of part 7 of title 21, Code of Federal Regulations, or a successor regulation.

''(B) The term 'recall' means a recall, as defined in subpart A of part 7 of title 21, Code of Federal Regulations, or a successor regulation, of a drug.''.

(b) DEVICES.—Section 518(e) of such Act (21 U.S.C. 360h(e)) is amended—

(1) in the last sentence of paragraph (2), by inserting ''or if the recall is a class I recall,'' after ''cannot be identified''; and

(2) by adding at the end the following:

''(4) In this subsection, the term 'Class I' refers to the corresponding designation given recalls in subpart A of part 7 of title 21, Code of Federal Regulations, or a successor regulation.''.

(c) CONFORMING AMENDMENT.—Section 705(b) of such Act (21 U.S.C. 375(b)) is amended—

(1) by striking ''or gross'' and inserting ''gross''; and

(2) by striking the period and inserting '', or a class I recall of a drug or device as described in section 505(o)(1) or 518(e)(2).''.

This section shall take effect one day after date of this bill's enactment.

Mr. DODD. Mr. President, this is a second-degree amendment to my own amendment.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I suggest the absence——

Mr. COCHRAN. Mr. President, if the Senator will withhold. We are hoping that we can get a response to a request we have made of a legislative committee to react to the Senator's amendment. Senator HARKIN is on the floor and has an amendment that he has been prepared to offer for some time. I hope we can proceed in the meantime and dispose of that amendment. Would the Senator object?

Mr. DODD. No.

Mr. COCHRAN. Mr. President, I ask unanimous consent to set aside the Dodd amendment so the Senator from Iowa can offer his amendment.

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

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Michele Chang and Matthew Thornblad of my staff have floor privileges for the duration of the consideration of the Agriculture Appropriations bill.

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

AMENDMENT NO. 3193

(Purpose: To provide for the conduct of anti-tobacco activities by the Food and Drug Administration)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. REED, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. JOHNSON, proposes an amendment numbered 3193.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. TEEN ANTI-TOBACCO ACTIVITIES.

(a) INCREASE IN FUNDS.—The amount described for salaries and expenses of the Food and Drug Administration under title VI shall be increased from $1,072,640,000 to $1,172,640,000.

(b) USER FEE.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall, not later than 60 days after the date of enactment of this Act, and annually thereafter assess and collect from each manufacturer of tobacco products a user fee for the conduct of teen anti-tobacco activities by the Food and Drug Administration.

(c) AMOUNT.—With respect to each year, the user fee assessed to a manufacturer under subsection (b) shall be equal to an amount that bears the same ratio to $150,000,000 as the tobacco product market share of the manufacturer bears to the tobacco market share of all tobacco product manufacturers for the year preceding the year in which the determination is being made.

(d) DEPOSITS.—Amount collected under subsection (b) shall be deposited into the general fund of the Treasury.

(e) APPROPRIATION.—There are authorized to be appropriated in each fiscal year, and there are appropriated, an amount equal to the amount deposited into the Treasury under subsection (d) for that fiscal year, to be used by the Food and Drug Administration to carry out teen anti-tobacco activities under the Federal Food, Drug and Cosmetic Act.

(f) NO REQUIREMENT FOR PAYMENT.—The Secretary shall not require that a manufacturer pay a user fee under this section for any tobacco product for any fiscal year if the Secretary determines that the tobacco product involved as manufactured by the manufacturer is used by less than 0.5 percent of the total number of individuals determined to have used any tobacco product as manufactured by all manufacturers for the year involved.

(g) FINAL DETERMINATION.—The determination of the Secretary as to the amount and allocation of an assessment under subsection (b) shall be final and the manufacturer shall pay such assessment within 30 days of the date on which the manufacturer is assessed. Such payment shall be retained by the Secretary pending final judicial review.

(h) JUDICIAL REVIEW.—The amount of any user fee paid under subsection (b) shall be subject to judicial review by the United States Court of Appeals for the District of Columbia Circuit, based on the arbitrary and capricious standard of section 706(2)(A) of title 5, United States Code. Notwithstanding any other provision of law, no court shall have the authority to stay any payment due to the Secretary under subsection (b) pending judicial review.

Mr. HARKIN. Mr. President, I hope we don't have to take too long on this. I know Senator REED wants to speak. I don't know that too many others want to speak on this amendment. It is a very important amendment. It is simple and straightforward. It simply says that the laws we have that make it illegal to sell tobacco products to kids should be adequately enforced. To do that, the amendment I have just sent to the desk provides full funding for the ongoing anti teen smoking program at the FDA, which is funded through the Agriculture Appropriations bill. It pays for this with an assessment fee on tobacco companies that equals about $25 per teen smoker. The amendment does nothing more or less than that.

It in no way is intended to be a substitute for action on comprehensive tobacco reform. I am hopeful we will still have it. It does not speak for the issue of FDA authority over tobacco products. It does not impact on tobacco company advertising. And it does not impact on tobacco farmers. It simply provides the money necessary to continue an ongoing program, a program that is already in effect, but to do it in a way that is effective.

This amendment is virtually identical to the amendment that Senators CHAFEE, REED, I, and others, offered last September, which passed this body by a vote of 70 to 28 last September.

The bill before us provides $34 million for the FDA antiteen smoking initiative. That was the money that we put in there last September. That was the 70 to 28 vote that added the $34 million. But $134 million is needed to assure that the effort is fully effective. This was the amount requested by the President, and it is basically the same as was requested in the Commerce Committee tobacco bill.

So, again, the amount that is in this amendment is what was requested by the President, and it is about the same

as was requested in the Commerce Committee bill that was voted out of the Commerce Committee. Our amendment basically increases the amount in the bill for this purpose from $34 million to $134 million for next year.

As I said, it is fully offset by establishing an assessment fee on tobacco companies based on their share of the tobacco market. Because of budget scoring rules, it is necessary to collect this assessment totaling about $150 million to provide for an additional $100 million needed.

For example, if the total tobacco market in the United States this year is $100 billion, and let's say, for example, Philip Morris has 60 percent of that share, they would pay 60 percent of the $150 million, or $90 million. So the assessment on the tobacco companies is based upon their percentage of the total tobacco market in the United States. As I mentioned, this roughly equates to about $25 per teen smoker.

Mr. President, the amendment, again, returns us to the most fundamental question of our long and ongoing debate on tobacco. The fundamental question is whether we are serious about helping America's kids avoid the deadly addiction of tobacco use, and whether we are prepared to continue and adequately fund an existing program designed to deter illegal sales to children.

As I mentioned last year, this body overwhelmingly affirmed increased funding of the FDA use of the antitobacco initiative with a strong bipartisan vote, as I said earlier, of 70 to 28. That was a vote on the Chafee-Reed-Harkin amendment on September 3 of 1997.

For Senators' elucidation, this is basically the same amendment. It just takes it from $34 million to $134 million. In other words, it fully funds the program so it can be effective. Plainly and simply, this amendment is about America's kids and protecting them from the disease, suffering, and death caused by smoking and nicotine addiction.

With a death toll of more than 400,000 each year, smoking kills more Americans than AIDS, alcohol, motor vehicles, fires, homicides, illicit drugs, and suicide all combined. Mr. President, this is a chart that most graphically illustrates why tobacco is the No. 1 killer in America today. As I said, you can add up all of this—alcohol deaths, accidents, suicides, AIDS, homicides, illegal drugs, fires—and they don't equal the 418,690 deaths caused by tobacco last year.

It is an epidemic. It is an epidemic that begins with underage smoking. We know from the documents that have been released to the various court cases in the States involving the tobacco companies now that they have targeted young people. We know from their documents that 90 percent of adult smokers began at or before the age of 18. We know that for years the tobacco companies have targeted young people to smoke—not older people. They target young people because they know if they can get these young people hooked by the time they are 18, they have got them hooked.

Again, all I ask is look at the advertising the tobacco companies use. It is always young people. It is Joe Camel. It is young people. It is young people on the beach. They are having a lot of fun. And it is designed to get young people. It is not designed for old fogies like me. It is designed for the young people. All you have to do is look at the ads the tobacco companies put out there, and you will know they are trying to get young people hooked.

Today, like every other day, 3,000 young Americans will begin smoking—3,000; 1,000 of them will die every single day. That is more than three jumbo jets full of our children crashing every day. At current smoking rates, 1 million American kids under 18 who are alive today will die from slow suffocation due to a smoking-related disease. They will die hooked up to machines and craving nicotine. And teenage smoking rates are still climbing.

There is a chart that shows the rate among high school seniors. It is at a 17-year high. It has been shooting up ever since the early 1990s. We are now at a 17-year high for youth smoking. The addiction is very real. Almost half of all the kids who experiment with as few as three cigarettes go on to become regular smokers.

More than half of the kids who smoke daily said that they smoked their first cigarette within 30 minutes of waking in the morning. I found that hard to believe. But then I am not a smoker. But I drove from my house one morning. My daughter goes to a local public school out in Virginia. About 7 o'clock in the morning I drove her to school. She had a lot of stuff she had to take. I put her in the car and drove her down to school. You drive down there, and you see all of these kids walking down the streets and on the street corners before they go into school at between 7 and 7:15 in the morning smoking cigarettes. I could hardly believe it at that early hour.

Then I see that more than half of them smoke their first cigarette within 30 minutes of waking in the morning. All you have to do is go to any local school about halfway down the street before the school and watch the kids walking to school and you will see that this is true.

More than 90 percent of kids who smoke or use spit tobacco experience at least one symptom of nicotine withdrawal when they try to quit. When they say you have a choice to smoke or not, once these kids are hooked, I tell you, they don't have much of a choice.

Compared to the comprehensive tobacco legislation that we need, this amendment makes just a small investment in the future of our children. But even this small investment will pay off in longer lives and better health for millions of Americans. Since each dollar spent to implement FDA regulations has been shown to result in at least $48 worth of health and social benefits, it is a sound investment that we can make.

Let me review briefly what this amendment will fund at FDA. Right now FDA, as I said, has about $34 million in this fiscal year 1998. That is because of the amendment that was adopted here last September by an overwhelming vote of 70 to 28. They are using these funds to fund contracts with 45 States and local jurisdictions to carry out the enforcement of minimum age restrictions for tobacco purchases and to require photo ID checks.

The FDA initiative also includes funding to provide information to retailers and the public to help retailers comply with the rules and not sell tobacco to kids.

This excerpt that I have from an FDA brochure indicates some of the educational information that the FDA is using to show why it is necessary to have a photo ID check. Which one is 16? Is it Melissa or is it Amy?

If they walked into a store, would the clerk know which one was under 18? Well, to eliminate the guesswork, FDA requires retailers to card anyone who is under 27.

Melissa here is 16 and Amy is 25. So, again, you really do not know, and that is why we need a good information campaign to make sure that retailers know what they are up against in requiring these ID checks.

This year, FDA's current tobacco enforcement budget will fund 200,000 compliance checks. So the money that we voted here last fall, Mr. President, will fund about 200,000 compliance checks nationwide. That may sound like a lot, but it only covers one-fifth, one out of five or 20 percent, of the Nation's tobacco retailers. So four out of five aren't even covered.

The Secretary of Health and Human Services has estimated that three-fourths of the approximately 1 million tobacco outlets in this country sell tobacco to children—three out of four. The Centers for Disease Control and Prevention estimates that minors illegally purchase 256 million packs of cigarettes each year resulting in almost $500 million in sales. Just think of that. Over $500 million a year flow into the tobacco companies from the illegal sale of tobacco. Let me repeat that: $500 million flow into the tobacco companies every year just from the illegal sales of tobacco to young people.

What are we asking for in this amendment? We are asking for $134 million. And they are making $500 million just off of the illegal sales to minors.

The Surgeon General has concluded that children are able to buy a pack of cigarettes or a tin of spit tobacco 67 percent of the time without once ever being asked for proof of age. The amendment we have sent to the desk will more than double the number of annual compliance checks that can be

conducted and increase to 60 percent the coverage of tobacco outlets nationwide. Right now, it is only 20 percent. At least this amendment gets it up to 60 percent of the retail outlets that will be covered nationwide.

This year, the FDA is able to fund very limited outreach efforts to educate retailers, parents and the public about access and advertising restrictions. With the $34 million that we provided last fall, FDA is conducting radio, billboard and newspaper outreach campaigns, but only one city per State for 4 weeks out of every year is covered. So the $34 million we put in last year, just think about it, goes to only one city per State for 4 weeks out of every year. Now, contrast that to what the tobacco companies spend to push their product. Over $13 million every day, over half a million dollars per hour; that is what the tobacco industry is spending every minute around the clock on tobacco advertising and promotion, a whopping $5 billion—that is with a B—$5 billion a year that they spend. What we are asking for is $134 million just to get information out to conduct ID checks, to cover just a few more cities and a few more States.

This amendment we have sent to the desk will allow FDA to conduct national education and outreach efforts at a level more commensurate with the problem.

Increased funding at the level we have in our amendment would double the media exposure and double the number of markets used to communicate important information about restrictions on access to tobacco and tobacco advertising to retailers and to the general public. Comprehensive merchant education programs combined with community education and strong enforcement programs have been shown to successfully reduce illegal underage sales by 24 percent.

So you can think of this amendment in another way. How would you like to cut down on illegal underage sales of tobacco by 24 percent next year? Well, we all say we do. We all say we want to cut back on teenage smoking. Here is a proven way, an ongoing program. We are starting no new program. We are not starting any new bureaucracy, no new laws. All we are taking is an existing program and funding it a little more adequately. And we could reduce the illegal underage sales by 24 percent. So it is not a new bureaucratic program.

At least $75 million of the money will go out to State and local jurisdictions for enforcement. At least $35 million will be used to educate retailers and the public about the rules so that retailers can comply. The point of rules is not to punish anyone. It is to prevent tobacco from being sold to kids.

I just might add that this photo ID check and the minimum age rules were fully upheld by the Federal District Court in Greensboro, NC.

So to recap, this amendment simply provides funding, full funding for the ongoing FDA antiteen smoking program. The bulk of the $100 million goes to States and localities to enforce the rules, and it pays for the increase through an assessment on tobacco companies based on their total market share. So, in other words, the largest tobacco companies; that is, large based on their market share, pay more of the $150 million. The smaller companies, of course, would pay less.

As I said, a very similar amendment was supported by 70 Senators last September. So if we are prepared to stand with America's kids and their parents to take even the most basic step of effectively enforcing the rules against illegal sales of tobacco, this is the way to do it. By stopping these illegal sales, we can help our children avoid an addiction that will destroy their health and take their lives. This amendment will do that. I urge my colleagues to support the amendment.

I see my cosponsor and colleague from Rhode Island is in the Chamber. I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong support of Senator HARKIN's amendment. I am pleased to be a cosponsor of this amendment.

As the Senator indicated, last year this Senate strongly supported a virtually identical measure which would increase the enforcement ability of the Food and Drug Administration dramatically. We all know that in every State in this country it is illegal for children to buy cigarettes, but we also know it is very easy for children to buy cigarettes from vending machines and retail outlets. And last year, there were a staggering total of 256 million packs of cigarettes sold to children under the age of 18. That is an enormous amount of cigarettes, as Senator HARKIN indicated, roughly $500 million, a huge market, a very lucrative market. And we all know if we don't take effective steps to provide for the enforcement of existing State laws and education of children and, just as importantly, the retail salespeople, this staggering total will go on and on and on, with dreadful consequences to the health of our children.

Our effort today is to provide the resources to ensure that illegal tobacco sales to children are stopped if at all possible. Our amendment would fully fund the FDA's youth in our tobacco efforts by raising an additional $100 million by imposing a user fee on tobacco companies based on their market share. The pending bill, the bill that we are considering today, provides only $34 million, which is roughly one-quarter of the request submitted by the administration, to fully and effectively enforce the tobacco laws in the United States against sales of tobacco products to children.

Let's put this total in perspective, that we are asking for, this $100 million. It has already been eclipsed by the amount of money spent by the tobacco industry in advertising against comprehensive tobacco legislation this year in the U.S. Senate. Just, in fact, a few moments ago in the cloakroom, I saw another advertisement being run by the big tobacco companies. They have already spent much more than that in trying to prevent effective legislation that will curtail teen smoking in the United States.

Another aspect we should consider: This $100 million is just roughly 2 percent of the $5 billion that the industry spends each year in advertising its products, and, as we well know and has been well documented, too much of this advertising is directed at children.

We have to in some way, some small way, counteract this constant fusillade of advertising aimed at children, and one way we can do it today—far short of the comprehensive debate that we had weeks ago—one way we can do it is ensuring FDA has the resources to adequately support State efforts to suppress childhood access to tobacco products.

In terms of the money we are requesting, a total of over $100 million, it is also small compared to the health consequences of tobacco smoking in the United States. It has been estimated that over $50 billion a year is drained from our health care system because of tobacco and its effect on children. As Senator HARKIN so well indicated, this is a pediatric disease; it begins with young people. Mr. President, 90 percent or more of individuals who begin to smoke do so before they are 18 years of age. Smoking begins around 12 or 13 year old. Regular smokers are regular smokers by the time they are 14. It is a pediatric disease. It is costing us billions of dollars a year, and we have to take effective steps to stop it. This is one way that we can do it, one way I hope we can do it.

We know, too, enforcement of these laws is a significant way of curtailing access to tobacco products for children and, we hope, curtailing their exposure to tobacco and nicotine. One of the significant aspects of this amendment is, it will allow the FDA to put more resources into State efforts to curtail access to tobacco products by young people.

We all were lobbied heavily by different groups—industry groups and public health groups—about the comprehensive legislation. There is not one group that came into my office, be they public health advocates or industry representatives, that did not emphatically and unhesitatingly say, ''We are in favor of strong enforcement of existing laws that curtail teen smoking. We want this. We will do this.'' Now we have an opportunity to fulfill their desire by giving resources to the FDA to ensure that these laws are strictly and effectively and efficiently enforced.

We are talking about a situation in which we can provide resources to bolster the laws that are already on the books. As I indicated, as my colleague

indicated, every State in this country curtails teen smoking. Every quarter of this country speaks out against underage smoking. It is not just public health advocates, it is the industry. Everyone says this is wrong. Yet, unfortunately, we are seeing a tremendous rise in smoking among teenagers. It is rising dramatically. It has increased by over a third since 1991. It is one of the unfortunate health statistics related to children in America today. Again, unless we take effective steps, it will continue to rise.

We know that most young people buy their cigarettes themselves. This is not some great conspiracy where adults are out supplying kids. These are young people walking into these stores or getting access to a vending machine and buying it themselves. We know we can cut down this abuse, we know we can cut down this access, if we have stronger, better laws. More enforcement, though, of the existing laws, is certainly the first place to start.

FDA evidence indicates, if we thoroughly enforce the compliance laws of the United States, we can significantly reduce teenage smoking. We can do it without entering into some of the more extensive proposals that were entertained just weeks ago here. We can do it by providing the resources of the FDA to support the States so they can both educate their salespeople in retail categories and also to ensure that we are checking on what they are doing.

This is a terribly lucrative product. Talking to convenience store owners, many of them indicated this is the most lucrative product they have in their stores in terms of the margin on the sales they make. There is tremendous incentive to backslide, to ignore the regulations, to do anything you can to make these sales, to do anything you can to avoid the laws against selling tobacco products to minors. Unless we check them, unless we supervise them, unless we give real incentives to the States to do that, that is exactly what will happen, because that is exactly what is happening today.

We have to, I think, find a way, not just each year coming to this floor and arguing for additional resources, but in the future I hope we can find a way to permanently fund sufficient resources to fully implement State laws and other provisions that will curtail the access to tobacco products by young people. But today we have the opportunity, the real opportunity, to provide more resources so we can do in deeds what we all say in words we want done: To stop young people from buying tobacco products, to give them a chance to grow up, to give them a chance later, if they wish, as adults, to make a decision about smoking.

This is the moment for us to stand up and to literally put our money where our mouth is. I urge passage of the amendment, and I yield back my time.

Mr. FAIRCLOTH. Mr. President, this is the wrong time for a debate on tobacco taxes. No one is opposed to food safety, but I'm not so enthusiastic about a plan that raises taxes on already cash-strapped tobacco farmers to pay for new USDA bureaucrats.

Farmers all over the country are hurting, and we're pledging to help them, but this amendment will continue to hold up our work on this bill.

We all know that this is just politics because the House will ''blue slip'' the bill.

This is certainly the wrong time to make things worse for tobacco farmers—the real effect of this amendment. This is a misguided attempt to tax small farmers to pay for the Clinton Administration's new spending proposals.

Mr. President, like farmers everywhere, tobacco farmers are hurting. The southeast is dry. We don't know how much tobacco the companies will buy. We shouldn't be passing any amendments that make their lives any tougher. This will do just that.

So, the tobacco farmer is about to get hit—again. Like he has been throughout this tobacco debate, the farmer is forgotten.

The farmer will get hit with lower prices for his tobacco as the companies try to hold the line on costs.

What happened to all the talk about helping farmers, the demands for action?

Instead, this amendment proposes to throw up another hurdle in their way, another obstacle to making the payments, in order to fund President Clinton's new spending.

The companies will take this tax out of the price paid to the farmer. This will cost some farmers their farms. Like a lot of farmers, they are on the edge, and we certainly shouldn't pass legislation to make it worse.

American tobacco is the most expensive in the world, and the tobacco companies may respond to higher costs with increased use of imported tobacco.

Let me say it again: the tobacco farmer can't afford another drop in income. His production quota keeps dropping, but the loan balances keep growing.

This amendment is an attempt to score political points. Let's not play political games at the expense of good public policy.

Further, this amendment initiates a tax measure in the Senate. The federal budget is 1.6 trillion dollars, but this amendment would raise taxes, yet again, on small farmers to pay for more bureaucrats.

It's wasteful and unconstitutional.

Tax and spend. Tax and spend.

I want to commend the distinguished chairman and ranking member of the agriculture appropriations subcommittee for their work.

This is a critical bill for my State and includes a number of important provisions for my farmers. I am reluctant to interfere with it, but if this amendments passes, I will be forced to do so on behalf of those very farmers.

I will personally call the Chairman of the Ways and Means Committee and alert him to ''blue slip'' this bill.

This amendment is anti-farmer, Mr. President. We just passed a Sense of the Senate resolution declaring our intent to help farmers. We just added an amendment for disaster assistance that will aid farmers in my State.

How we can turn around and pass an anti-farmer amendment like this today? It's not right, Mr. President.

I urge my colleagues to vote against this amendment.

Mr. KENNEDY. Mr. President, I strongly support the Harkin amendment, which fully funds the Food and Drug Administration's youth anti-smoking initiative at $134 million.

These FDA rules were upheld by a Federal court in Greensboro, North Carolina last year. They prohibit the sale of tobacco to minors, and require retailers to check the photo identification of consumers who purchase tobacco products if they look 27 years old or younger. Of the $134 million which President Clinton requested in his FY1999 budget, $75 million will go to the States for enforcement, and $35 million will go for education and outreach to retailers to ensure compliance with these regulations.

The pending bill provides only $34 million for this important initiative—$100 million less than President Clinton requested. The funding level in this bill is clearly inadequate. States will be able to check only 20% of tobacco retailers to ensure that they are not illegally selling tobacco products to minors. The additional $100 million in the Harkin amendment will increase that coverage to 60% of retailers.

By establishing a minimum age to purchase tobacco products, and by requiring photo ID checks of young buyers, this initiative can make a significant difference in reducing youth smoking. Teenage tobacco use in the United States has clearly reached epidemic proportions. According to a report in April by the Centers for Disease Control and Prevention, smoking by high school students rose by nearly a third between 1991 and 1997. Among African-Americans, smoking has soared by 80%. More than 36% of all high school students smoke—a 19-year high.

Once people are hooked on cigarette smoking as children, it is very difficult for them to quit as adults. Ninety percent of current adult smokers began to smoke before they reached the age of 18. In other words, if people reach age 18 without having smoked, they are unlikely to begin smoking as adults.

Even more disturbing is that teenagers under-estimate the addictiveness of nicotine. Studies have found that 86% of teenagers who smoke daily and try to quit smoking are unsuccessful.

Big Tobacco has known this fact for years. The tobacco companies are fully aware that if they do not persuade children to take up smoking, the industry will collapse in the next generation. That's why the industry has targeted children with billions of dollars in advertising and promotional giveaways. They promise popularity, maturity,

and success for those who take up smoking.

Evidence from the tobacco industry's own files indicates their blatant and cynical marketing to kids. A 1975 Philip Morris report by researcher Myron Johnston described how Marlboro became the most popular cigarette brand among young smokers. According to Mr. Johnston:

> Marlboro's phenomenal growth rate in the past has been attributable in large part to our high market penetration among young smokers . . . 15 to 19 years old. . . . My own data, which includes younger teenagers, shows even higher Marlboro market penetration among 15 to 17 year olds. . . . The teenage years are also important because those are the years during which most smokers begin to smoke, the years in which initial brand selections are made, and the period in the life-cycle in which conformity to peer group norm is greatest.

An R.J. Reynolds memo written before the introduction of the Joe Camel marketing campaign emphasized that ''younger adult smokers are critical to R.J. Reynolds' long-term profitability. Therefore, RJR must make a substantial long-term commitment of manpower and money dedicated to younger adult smoking programs.''

It's no coincidence that shortly after R.J. Reynolds launched its Joe Camel campaign in 1988, Camel's share of the youth market skyrocketed from less than 1% to 33% in the 1990s.

An undated Lorrilard memo stated boldly what we have known all along about Big Tobacco, that ''the base of our business are high school students.''

Because the tobacco companies have cynically marketed their deadly products to children, it is essential for the Senate to take strong action to prevent cigarettes from getting into the hands of children. Children and adolescents have little trouble purchasing tobacco products directly from retailers today. Studies have found that nearly 70% of the time that children and adolescents attempt to buy cigarettes from retailers, they succeed. If these youngsters have any problem at the counter, they go to a vending machine, where they can successfully purchase cigarettes 90% of the time.

According to Professor Joseph DiFranza of the University of Massachusetts Medical Center, ''If $1 billion in illegal sales were spread out evenly over an estimated one million tobacco retailers nationwide, it would indicate that the average tobacco retailer breaks the law about 500 times a year.''

The Harkin amendment will prevent thousands of children from lighting up their first cigarette. It is a reasonable step to prevent youth smoking that has the strong support of the American public. I urge the Senate to approve it.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, first, we should not be legislating on appropriations bills. We are getting to a point that we cannot pass appropriations bills for all the legislation that is on the appropriations bills, especial something of this magnitude.

I understand how easy it is to talk emotionally about children, but there are two things wrong with this amendment. One, it is not relevant, because under the unanimous consent agreement that these would be relevant amendments, this is not. So you have a point there. Second, there is a budget point of order that will be made against the amendment, and therefore we should go ahead and, I guess, get rid of it.

But this is just nibbling again. The bill I wanted to try to get through here did not go. I wanted to take care of my farmers a little bit, but no one seems to think about those. It makes it a little bit hard to take. But the amendment invites us to reopen the tobacco debate, and I do not think this is the time or the place. What is next, liability limitations? That would be quite a debate. What next, tax increases? That would be a real debate. What next, new programs? That is what we have here, new programs.

We began debating this bill on June 18, 4 weeks ago. It is time we stopped considering legislative amendments that go way beyond the scope of this bill.

I received, and I guess all my Democratic colleagues received:

Support Harkin amendment to fund FDA's ongoing teen antitobacco initiative. This is no anti-teen-smoking initiative, when you get right down to it. The amendment fully funds the FDA youth and anti-tobacco efforts by imposing a tobacco industry user's fee of $100 million, or approximately $25 per child who uses tobacco products. How do you know that? It is really not $100 million. The amendment says $150 million. Are we into that phrase now, ''a haircut''—you have to raise $150 million to get $100 million? Anyhow, the information I got was it was $100 million. I read the amendment and it says $150 million.

This is a tax on adults. This is a tax on adults. It says the tobacco product market share. It has nothing to do with how many teens smoke. We hear about ''spit tobacco.'' The HHS set a level, by the year 2000, of no more than 4 percent of those between 12 and 17 would be using spit tobacco. The rate today is 1.9. The industry is doing a wonderful job—twice the amount that was set by HHS by the year 2000, without any imposition by this legislative body. So now we are putting a tax on adult smokers, trying to fog it up with teen programs.

Mr. President, I understand what is going on. This is a new tax being described as a $25-per-kid tax without any basis. It started out with a survey. That is a terrible way to tax. It has nothing to do with youth smoking or how many youth are smoking. This is a $150-million tax increase as assessed based on the share of the adult market—not teenagers, the adult market. It was based on the adult use of the product and taxes adult use of the product. It should not be on an agricultural bill.

The amendment raises taxes, not by $100 million that we have heard, but $150 million. It is based on a terrible public policy. We should not be raising taxes on an agriculture appropriations bill anyhow. This amendment should be defeated, maybe not for its purpose, but for its procedure.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I appreciate the arguments made by my friend and colleague from Kentucky. I want to try to clear it up, if I can, and say to my colleague from Kentucky that we do not reopen the tobacco program. This has nothing to do—or tobacco debate.

Mr. FORD. Mr. President, I did not say anything about the tobacco program.

Mr. HARKIN. I am sorry, I misspoke. The Senator said something that it is going to reopen the tobacco debate.

Mr. FORD. That is correct.

Mr. HARKIN. This doesn't do it.

Mr. FORD. You are already doing that. You are in the tobacco industry. You are attacking the tobacco industry, and it is all about tobacco.

Mr. HARKIN. If the Senator will yield.

Mr. FORD. You have the floor.

Mr. HARKIN. I will get into a discussion with the Senator on this because this amendment—it kind of all wraps up because the Senator from Kentucky also said this shouldn't be on an ag appropriations bill. He also said we should not have a new program. This is not a new program, it is an ongoing program. It is funded under agricultural appropriations because we fund the FDA. That is exactly where we fund the FDA.

This amendment doesn't start anything new. It takes an existing program at the FDA and expends the money. That is what an appropriations bill does. We are not legislating on an appropriations bill. There is no legislation here, I say to my friend from Kentucky. We are only increasing the money.

Mr. FORD. You are legislating a tax, and it isn't limited to 1 year, it is ongoing.

Mr. HARKIN. I respond again to the Senator from Kentucky that there are other assessments and user fees in this bill. So why should the tobacco companies be exempt from an assessment? There are, I point out, a number of other assessments on industry in this ag appropriations bill. So this is nothing new and startling.

Again, we are not reopening the tobacco debate. This amendment was offered last summer, last September, and was voted on, and it carried by a vote of 70 to 28.

That amendment raised $34 million. What is different between that amendment and this amendment is, this amendment raises an additional $100

million. I know what the Senator is going to say about the 150. I want to explain that.

Mr. FORD. I know about the haircut, but in the amendment it is $150 million.

Mr. HARKIN. And I will explain why that is.

Mr. FORD. It is still $150 million out of the taxpayer's pocket.

Mr. HARKIN. The reason it is is because if we put an assessment, I say to the Senator from Kentucky—if we put an assessment on the tobacco companies to pay into this, that assessment they can deduct from their taxes. They deduct it from their taxes. And so in order to score it to get the $100 million that we need to fully fund the FDA youth ID check, we have to assess the $150 million because they get to write that off on their taxes. To get to $150 million, we have to do the $100 million assessment.

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

Mr. HARKIN. I sure will yield for a question.

Mr. LOTT. I am trying to get some idea as to where we are on time so we can notify Members when we can expect a vote. Is the Senator going to need more time?

Mr. HARKIN. No, I don't need more time. I am going to finish this up.

Mr. LAUTENBERG. I will take 5 or 6 minutes.

Mr. HARKIN. I don't need any more time.

Mr. LOTT. I urge my colleagues on both sides of the aisle—I am beginning to see the natives circling around here. We hoped we could have finished this bill at 4 o'clock this afternoon. I urge my colleagues, we know the issue. There is going to be a point of order made, and I hope that point of order will proceed. We need to conclude this bill. We have other work.

Mr. NICKLES. Will the leader yield?

Mr. LOTT. Mr. President, if the Senator will yield.

Mr. HARKIN. Mr. President, I will yield for a question without losing my right to the floor.

Mr. NICKLES. I ask the leader, this side would like to have a couple minutes to respond. I have a possible suggestion of having the vote at 7 o'clock and dividing the time equally.

Mr. LOTT. I ask unanimous consent, Mr. President, that we have 15 minutes remaining on this issue, equally divided—half and half—and we have the vote on the point of order at 7 o'clock.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. I thank the Senator.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do I have now?

The PRESIDING OFFICER. The Senator from Iowa has 7½ minutes.

Mr. HARKIN. Mr. President, I yield myself whatever time I consume right now.

This is not a new program, it is ongoing. We are not opening any debates. We had an amendment last fall for $34 million. This adds $100 million more on it. We had to for the scoring. They get $150 million and they can deduct it from their taxes. The reason it is on ag appropriations is that it should be here because it has to do with FDA; it is funding and it is money. That is what an appropriations bill is all about. We are not legislating on an appropriations bill.

Again, 70 Senators last September voted for this amendment. Seventy Senators on both sides of the aisle voted for $34 million. This bumps it up to $100 million to fully fund the youth ID check nationwide.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield myself 2 minutes.

I urge my colleagues to vote ''no'' on this amendment. We have debated this issue before, but I will make a couple comments because maybe some of my colleagues are not aware of what this amendment has.

This amendment has $150 million of a new tax, and unlike any other tax that we passed that I am aware of, this allows the Secretary of Health and Human Services to conduct a survey. And from that survey, she is going to raise—she being Secretary Shalala at this point—is going to raise $150 million.

I find that incredible. If the Senator wants to raise the cigarette tax, raise the cigarette tax; say we are going to have an excise of so many cents per pack, and that is fine, that is legitimate. But to say we are going to have a survey that basically is going to be deemed to be accurate and give the Secretary of Health and Human Services the power and authority to raise that tax is absurd. It is terrible tax policy.

Then it is to enforce, what? The FDA regs. The FDA regs, some people are acting like they are sacrosanct, like they are good. FDA regs dealing with ID check, which I heard my colleague bragging about, have the Federal Government involved in enforcing ID checks up to age 27.

It is illegal to smoke up to age 18, but we are going to have the Federal Government setting up an enforcement mechanism to find out if people 26 years old are buying cigarettes. And if they don't check an ID—if you have a convenience store or something and you don't ask what their age is when they are 26 years old, you are in violation of the regulation, and you can be fined up to $10,000. That is the FDA reg that he is wanting to give FDA more power to enforce.

Do we really want to give the Federal Government enforcement powers to be checking the IDs of young adults up to age 26, and if you do not comply, you can be fined up to $10,000? I think that is absurd. Equally as bad is to give the Secretary of Health and Human Services taxing authority, to be able to raise $150 million.

I think they are two of the worst pieces of policy I have seen. We have debated tobacco at length. I am willing to do some things to discourage tobacco consumption. All this would do would be to encourage bureaucracy at FDA. I urge my colleagues to support the point of order by the Senator from New Mexico.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, have I been yielded time?

Mr. HARKIN. How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 6 minutes left.

Mr. LAUTENBERG. Four.

Mr. HARKIN. I yield 4 minutes.

Mr. LAUTENBERG. Thank you, Mr. President.

I thank my colleague from Iowa and commend him for raising this issue and for presenting a way—that has been thus far deterred from becoming law—of reducing teen smoking. That is the mission here. We have already seen the leadership kill the comprehensive tobacco bill. So in the wake of the tobacco bill's death, the only existing nationwide program to reduce the teen smoking of cigarettes is an FDA rule. The FDA program needs this additional funding.

We went through extensive debate. I do not know whether the Senator from Oklahoma is still on the floor, but he voted for this when we considered it before. Those who oppose this funding once again stand to say no to protecting our kids, to trying to reduce teenage smoking. They are standing directly or inadvertently with the tobacco industry.

Mr. President, the FDA rule prohibits—nationwide—the sale of tobacco products to anyone under the age of 18. Without sufficient enforcement money, the rule is unnecessary because it will lack the teeth to force retailers to comply.

Friends of big tobacco have already blocked our attempt to pass a comprehensive effort to reduce teen smoking, and now what we will see is tobacco's influence once again prevailing here. They are going to be able to thwart our existing efforts to control teenage smoking.

What is their mission? Their mission is to get 3,000 kids every day to buy a pack of butts that is going to ruin their health in not too many years. So the money that we approve today is a bargain compared to what we will be forced to spend in later years in treating smoking-related illnesses.

Mr. President, this is a fairly simple issue. If we adhere to what we say is our code of conduct—and that is to reduce teen smoking—then the rest of this debate is superfluous, I must tell you. Yes, we ought to try to find a way

to pay for it that is as directly connected to the FDA rule as possible. That is what we have attempted to do here.

But whether or not you are supporting this amendment has little to do with the funding issue; it has to do with whether or not we really believe that stopping teen smoking is a good objective. I hope that we will see that in a vote that is soon to come, Mr. President.

With that, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, how much time do we have left?

The PRESIDING OFFICER. Four minutes 39 seconds.

Mr. GRAMM. I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, this is the second amendment we have had today on this bill that has, in essence, raised tobacco taxes and spent the money. I want our colleagues to understand that both parties can play this game. If we are going to continue, by bits and pieces, to raise tobacco taxes and spend the money, we are going to raise tobacco taxes and give the money back to the working men and women of America by cutting their taxes.

I think we are making an absolute sham out of the appropriations process. I think we need to stop this kind of business. I am confident we are going to sustain the point of order against this amendment. But I want to put people on record, if we are going to continue to raise tobacco taxes and spend the money, then I am going to move—and I am sure others will join in that effort—to take that same money and cut taxes for the working men and women of America.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes 57 seconds.

Mr. HARKIN. Mr. President, I understand some point of order is going to be raised, I assume by the Budget chairman, I suppose, on this; and then we will have a vote to override the Budget Act. But don't get caught up in all of that. That is not what it is about. What it is about is whether this Senate wants to effectively fund an ongoing program to enforce the rules that keep kids from illegally buying cigarettes. That is all it is.

We voted on this last September. Seventy Senators voted for it—$34 million. We are bumping it up to $100 million, that is right. Where are we getting it from? The tobacco companies. Yes, it is an assessment. But they do not have to pass it on. They do not have to have it as a tax or whatever. But they have to pay it based upon their market share.

So don't get all caught up in whether this is going to be a tax on tobacco companies or this budget point of order. That is nonsense. This is a vote on whether or not we will fund the FDA's program to effectively cut down on teenage smoking in this country. That is all it is. And it pays for it by getting an assessment from the tobacco companies based upon their market share.

Tobacco companies would have to put in $150 million, of which they get a tax deduction, so we get the $100 million to fund it. That is a drop in the bucket to what the tobacco companies make every year. Surely—surely—this Senate can go on record as sticking up for the kids and making sure we have the money to adequately enforce the FDA rule so our kids do not become addicted to cigarettes. That is all this issue is—no more, no less; plain and simple. Which side are you going to be on when we cast this vote on a so-called budget point of order?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am for the kids, but I am also for passing an appropriations bill that helps all the farmers in the United States and puts into play the entire agricultural program of this country.

Frankly, Mr. President, the other day I came to the floor and talked about, how much longer are we going to spend debating the cigarette tax and various expenditures under that program? I made a mistake, I told the listeners that we had 2 weeks. We had 4 weeks to debate these issues. Now we are scheduled to pass appropriations bills that will keep our Government running and more and more, for some reason, we leave it to everybody here to speculate—the other side continues to offer amendments, be it on the tobacco issue or some other program that has nothing to do with the appropriations process, that delays it and then puts in motion things that actually put the bill in jeopardy.

The Senator just spoke and said this was not a budget issue. Let me tell you, it is a budget issue. It is a budget issue to the tune of $100 million being added to the expenditure side of a balanced budget 5-year plan, because under the Budget Act you cannot count taxes against expenditures like this. So we are breaking the budget to the tune of $100 million—$100 million.

It seems to this Senator we ought not to be doing that when we just got a 5-year agreement in place. And so it is subject to a point of order. The Senator can say it is technical. I say it is real.

In addition, I say this approach of imposing taxes—and this is a tax according to the Congressional Budget Office—should not be taking place on appropriations bills that are already late. Mark my word, the President of the United States will be giving the Republican leadership—he will be saying to them, ''You can't get your work done. You didn't get the appropriations done.''

Let me tell you, this violates the spending caps that we agreed to—plain and simple. I do not believe we ought to do that on this bill when that chairman spent weeks and weeks in his committee trying to not break the caps. We come along with an amendment, and it sounds nice, sounds kind of sexy politically, but essentially it is reopening the debate that we had for 4 solid weeks here on the Senate floor.

Now, for all the reasons I stated, but more important, because the Budget Act so provides, I make a point of order against the pending amendment under section 302(f) of the Budget Act of 1974.

Mr. President, let me say, I believe the Senate ought to stand up and say we are not going to break the budget here. We are going to stand on this point of order of substance and deny the efficacy of this amendment because it can't sustain the 60 votes required.

I make the point of order and I yield the floor.

MOTION TO WAIVE BUDGET ACT

Mr. HARKIN. I move to waive the Budget Act 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.

The question is on agreeing to the motion to waive Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) is necessarily absent.

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—49

Akaka	Dorgan	McCain
Baucus	Durbin	Mikulski
Biden	Feingold	Moseley-Braun
Bingaman	Feinstein	Murray
Bond	Graham	Reed
Boxer	Harkin	Reid
Bryan	Inouye	Robb
Bumpers	Johnson	Rockefeller
Byrd	Kennedy	Sarbanes
Chafee	Kerrey	Smith (OR)
Cleland	Kerry	Snowe
Collins	Kohl	Specter
Conrad	Landrieu	Torricelli
D'Amato	Lautenberg	Wellstone
Daschle	Leahy	Wyden
DeWine	Levin	
Dodd	Lieberman	

NAYS—50

Abraham	Gorton	Mack
Allard	Gramm	McConnell
Ashcroft	Grams	Moynihan
Bennett	Grassley	Murkowski
Breaux	Gregg	Nickles
Brownback	Hagel	Roberts
Burns	Hatch	Roth
Campbell	Helms	Santorum
Coats	Hollings	Sessions
Cochran	Hutchinson	Shelby
Coverdell	Hutchison	Smith (NH)
Craig	Inhofe	Stevens
Domenici	Jeffords	Thomas
Enzi	Kempthorne	Thompson
Faircloth	Kyl	Thurmond
Ford	Lott	Warner
Frist	Lugar	

NOT VOTING—1

Glenn

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 50.

Three-fifths of the Senators duly chosen and sworn not having voted in the

affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

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

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

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I call the Senate's attention to an issue that is very important to our livestock producers and small meatpackers. I know that my colleagues are aware of the difficulties the livestock industry has faced in recent years. In an effort to find solutions for small farmers and livestock producers, the Secretary of Agriculture called three separate commissions: The Advisory Committee on Agricultural Concentration, the National Commission on Small Farms, and the National Advisory Committee on Meat and Poultry Inspection. Each of these commissions has recommended that the ban restricting the interstate distribution of state-inspected meat be lifted. For that reason I have introduced, along with Senators FEINGOLD, THOMAS, BROWNBACK, LANDRIEU, BURNS, ENZI, and ROBERTS, S. 1291, The Interstate Distribution of State-inspected Meat Act. This proposal would lift the ban on interstate distribution of state-inspected beef, pork, and poultry, which are the only products in the United States that face such a restriction. This measure is endorsemed by the Farm Bureau, the Farmers Union, the National Cattlemen's Beef Association, and the American Sheep Industry Association. This issue is one of both fairness and common sense, and I believe it merits consideration by the Senate.

I'd like to ask the distinguished Chairman of the Agriculture Committee if he would hold hearings in the Agriculture Committee on this proposal sometime in the near future, so we could promptly consider the measure next year.

Mr. LUGAR. I would like to say to my good friend from Utah that I am aware that this issue has arisen in the past and that it is an important one. I agree with Senator HATCH that the measure deserves a hearing in the near future, and I would be happy to work with him to that end.

Mr. HATCH. I appreciate the willingness of the Chairman of the Agriculture Committee to give this legislation a hearing, and I believe it will make for an interesting one. I look forward to working with the distinguished Senator from Indiana and the Agriculture Committee on this issue.

Mr. COCHRAN. Mr. President, I thank the Senator from Utah and the Chairman of the Agriculture Committee for working this out. I believe the best procedure for addressing this issue would be through the Senate Agriculture Committee.

Mr. BYRD. Mr. President, I rise in support of the Agriculture, Rural Development, and Related Agencies Appropriations Bill. The $57.2 billion in new budget authority that this bill proposes will benefit millions of Americans, both urban and rural. In addition to funding food and nutrition programs such as Food Stamps, WIC, and the school lunch program, the bill funds almost $1.7 billion worth of badly needed agricultural research and extension programs to improve the productivity of our farmers as well as the nutritional value of our food supply. It allocates $1 billion for farm assistance programs such as farm ownership and operating loans. It helps restore and protect our farmlands and watersheds by designating $792 million for conservation programs. It ensures the safety of our nation's food and medicine by allocating $952 million to the Food and Drug Administration. Finally, by providing $2.1 billion for rural development programs, the bill addresses one of my long-standing priorities—implementing and maintaining basic community infrastructure. This bill will bring water and sewer systems to 840 small rural communities. It will allow almost 62,000 of rural America's working families to purchase homes, and, by providing funding for the construction or rehabilitation of 6,900 rental units, this budget addresses the desperate need for affordable housing in America's heartland.

For my own state of West Virginia, this bill provides an increase of $1,250,000 for research on Cool and Cold Water Aquaculture at Leetown, West Virginia which includes $1,000,000 to initiate trout genome research. The bill also provides an increase of $300,000 for the Appalachian Fruit Research Station at Kearneysville, West Virginia to improve profitability of this important part of the West Virginia farm sector.

In addition to these and other research programs important to my state, this bill also includes a number of important conservation measures. Among these include assistance for the Knapps Creek watershed project, flood control in the Tygart River and Upper Tygart Valley watershed, continuation of the important Potomac Headwaters project, funding the grazing lands initiative in West Virginia, and many other programs important for West Virginia farmers, rural communities, and protection of our environment.

The chairman and ranking member of the Agriculture Subcommittee, Senators COCHRAN and BUMPERS, are very knowledgeable of the many competing interests that require funding in this bill. They are to be commended for their ability to craft a bill that meaningfully addresses the challenges confronting our farmers, rural communities, and the Food and Drug Administration, given the budgetary constraints within which they had to work. I applaud their efforts and that of their staff: Galen Fountain and Carole Geagley for the minority and Rebecca Davies, Martha Poindexter, and Rachelle Graves for majority.

Mr. DURBIN. Mr. President, I rise today to express my concern with language included in the House version of the agriculture appropriations bill that could have the effect of depriving rural working poor families of perhaps the only source of information they have on the federal Earned Income Tax Credit.

In my own state of Illinois, for tax year 1996, over 750,000 working families received this critical tax relief. The EITC lifts approximately 4.6 million children out of poverty each year while encouraging work. The tax credit helps a substantial number of low-income working households in rural areas. A 1996 information bulletin published by the USDA Economic Research Service (No. 724–02) noted the importance of the EITC for rural working families: ''The earned income tax credit (EITC) has become a major source of support for low-income rural workers and their families, especially in the South, where the rural poor are concentrated. Program benefits for rural areas are expected to total about $6 billion in 1996 . . . providing benefits to an estimated 4.5 million low-income rural workers and their families.''

Unfortunately, report language included in the House's FY 1999 agriculture appropriations bill could deter and discourage important educational work done by CES offices. The language questions the appropriateness of CES involvement in informing families in their local communities about the EITC. This language could prompt many CES offices to discontinue their efforts to educate eligible workers about the tax credit. If that occurs, substantial numbers of low-income working families in rural areas could lose an important source of information about federal tax relief for which they qualify.

In Illinois, Coop Extension Services offices in 22 counties or communities (many rural) have been working to alert eligible working families to the EITC. The University of Illinois-Urbana Cooperative Extension Service provides programs to low-income working parents and students, including a teen parent welfare-to-work program in the high schools of East St. Louis. It published a notebook, ''The Easy Way to Prepare Your 1996 Individual Income Tax Return,'' for distribution to program participants. The notebook contains simplified tax return instructions, including how to determine eligibility for the EITC and calculate the amount of the credit. The program surveyed participants, and found that only a third of the participants had filed a tax return previously, but 86 percent filed a return after their training. A third of the participants were found to be eligible for the EITC.

The House language is simply not acceptable and should be rejected by the Senate conferees on the agriculture appropriations bill.

MARKET ACCESS PROGRAM

Mr. BRYAN. Mr. President, I wish to make a few comments about my

amendment to the Agriculture Appropriations bill that was adopted last night by the Senate. This amendment requires the Secretary of Agriculture to make important information about the Market Access Program (MAP) and its expenditures available to the Congress and to the General Accounting Office (GAO).

It is no secret that I am no fan of this program, Mr. President. I would have rather eliminated funding for the Market Access Program completely, as we attempted to do with an earlier amendment. Unfortunately, this wasteful program's corporate handouts survived, but the reporting amendment adopted by the Senate will at least give auditors the tools they need to thoroughly investigate the impact of this program.

As I pointed out earlier on the floor of the Senate, the claims that are continually used to justify MAP and extend its life have been called into question by the General Accounting Office (GAO) in a study published last year. The report, which was requested by the Chairman of the House Budget Committee, JOHN KASICH, evaluated claims that MAP benefits the U.S. economy, boosts the agriculture sector, and helps counter competitor nations' agricultural export assistance programs.

The GAO could not find evidence to authenticate any of these claims.

In fact, the GAO assailed the lack of accountability within the Market Access Program and the general lack of clear and complete data available for their analysts.

With major questions left unanswered, the GAO has been unable to produce an honest and useful evaluation of the program that could help Congress and program administrators choose policies that will provide the most benefits to the United States.

In the conclusion to its report on the Market Access Program, GAO suggested that ''Congress may wish to direct USDA to develop more systematic information on the potential strategic value of U.S. export assistance programs.''

That is exactly what this amendment will do.

My amendment requires the Secretary of Agriculture, in consultation with the Comptroller General of the United States, to submit a report that analyzes the costs and benefits of the program in compliance with OMB guidelines and treats resources as fully deployed, two of the GAO's main criticisms of earlier program analyses for MAP and other export assistance programs.

The amendment would require the USDA to estimate the impact on the agriculture sector as well as on U.S. consumers, while also considering the costs and benefits of alternative uses of the funds currently allocated to MAP.

Another requirement calls for an analysis of increases in exports, controlling for outside influences, such as exchange rates and international market conditions, that can have a great influence on international trade.

Finally, the Department is required to evaluate the sustainability of promotion efforts in the absence of government subsidies, an important question that has not been asked throughout the life of these programs.

Again, Mr. President, I would have liked to eliminate the funding for MAP altogether and turn to other, proven programs to increase the strength of our agriculture sector, but this amendment moves in the right direction by opening up the inner workings of MAP and making this program more accountable.

I am hopeful that using these recommendations to gather additional useful information in a report to Congress will finally establish what benefits can truly be attributed to MAP and will help us make informed decisions about this program.

THE MEAT LABELING ACT

Mr. JOHNSON. Mr. President, I am pleased to announce the Senate has accepted the Meat Labeling Act of 1998 as an amendment to S. 2159, the Agricultural Appropriations Bill of 1998 which provides appropriations for FY 1999 for the United States Department of Agriculture, the Food and Drug Administration, and other related agencies.

As we all know, we can easily determine which country manufactured the automobiles we drive through country of origin labeling. We can easily tell where our clothing was made by simply looking at the label or tag on our shirts or trousers. And also, we can easily determine where our computers, stereos, and telephones were made by simply looking at the products' label. But, surprisingly, when we go to the grocery store to purchase meat products for our families to eat, we have no idea where that meat originated.

Throughout my service in the United States Congress, I have been a strong believer in country of origin labeling for products—whether it be for automobiles, clothing, technological, or food products. I have been an especially strong supporter of country of origin labeling for meat products because of its common-sense nature, its benefits to ranchers, farmers, and consumers, its strong bipartisan and agricultural group support, its cost-free benefit to taxpayers as scored by the Congressional Budget Office (CBO), and its trade friendly provisions.

After many years of effort to pass meat labeling legislation, we have finally succeeded. I would like to thank Senator CRAIG for his strong support and willingness to work with me, as well as Agriculture Appropriations Subcommittee Chairman COCHRAN and Ranking Member BUMPERS.

In April of 1997, I introduced, along with Senators CRAIG, DASCHLE, BURNS, and BAUCUS S. 617, the Meat Labeling Act of 1997, which would require that beef and lamb products be labeled for country of origin so consumers can make the choice to buy meat produced from livestock raised on American ranches and farms.

Since my introduction of S. 617, the Meat Labeling Act of 1997, received the strong bipartisan support of 16 of my colleagues—8 Democrats and 8 Republicans. Also, it has enjoyed the enthusiastic support of every major agricultural organization including the National Farmers Union, the American Farm Bureau, the National Cattlemens Beef Association, and the American Sheep Institute.

The amendment that has been accepted by the Senate, the Meat Labeling Act of 1998, has the same country of origin labeling spirit in mind but has been modified slightly from S. 617. My amendment requires beef and lamb meat products to be labeled as imported and allows for voluntary labeling of those beef and lamb products for their country of origin.

The Meat Labeling Act of 1998 is designed in the following way. My amendment requires beef and lamb meat products to be labeled as imported beef or imported lamb, and it permits imported beef and lamb to bear a label identifying the country-of-origin. US beef and lamb would also bear labels of designation. Finally, beef and lamb products blended with beef or lamb from the US and another country would bear a blended label.

Also, the Meat Labeling Act of 1998 creates a voluntary labeling study for ground beef or lamb. As you may know, ground beef (hamburger) and lamb are the remains of meat carcasses after they are utilized for the prime cuts. My legislation recognizes the difficulties in determining the exact country of origin status of the ground beef or lamb and therefore, does not mandate it to be labeled for country of origin immediately.

Instead, my legislation is designed to allow a study of the impact and costs to producers, processors, and consumers of labels for ground beef or lamb. After one year of voluntary labeling, the United States Secretary of Agriculture will then take six months to determine the costs, benefits, and impacts of voluntary labeling and if the Secretary deems it to be cost effective and beneficial to all involved then the labeling of ground beef and lamb will become effective.

As we all know, America's ranchers and farmers are very proud of the fine beef and lamb products they produce. This legislation reflects that pride our ranchers and farmers have in their products. In fact, ranchers and farmers throughout South Dakota tell me over and over that when America's consumers have a choice between US beef or imported beef, consumers will chose US beef because of its quality and its nutritional value.

The benefits to consumers are many. First of all, consumers have the right to know where their food is produced because of prices, quality, taste, safety, etc. If passed, this legislation will finally permit the competitive free market to determine the demand and price of beef and lamb meat products through consumer choice.

Also, a national survey in December 1995 found 74 percent of consumers favored labeling; 51 percent would buy American produce, even if it cost more than imports of equal quality and appearance. Furthermore, an April 1997 survey conducted in Florida showed that 96 percent consumers surveyed strongly agreed that food products should have a country of origin.

Clearly, this evidence shows that American consumers want country of origin labeling for the food they eat.

Labeling is affordable. Preliminary estimates from USDA show that labeling meat may cost an estimated 20 CENTS per customer per year.

This legislation is consistent with the General Agreement on Tariffs and Trade (GATT.) Most of our major trading partners, including Canada, Japan, Australia and the EU, require country of origin labeling for produce and meat products. This legislation simply levels the playing field for our producers and consumers.

Clearly, the Meat Labeling Act of 1998 is broadly supported by American producers and consumers. It enjoys strong bipartisan support in Congress, is endorsed by every major agricultural organization, incurs zero costs to taxpayers, and benefits consumers in numerous ways.

I would like share from you part of a recent letter I received from the major agricultural organization supporting my legislation:

''Consumers demand quality and consistency, and producers are continually working to meet consumer demands. With the current system, there is limited ability to identify the source of product that does not meet consumer demands. Import labeling will help differentiate products in the retail meat case and increase competition among product lines. With labeling, consumers will have the ability to make informed decisions when purchasing meat and meat products an the relative value of meat from different product lines will be determined through competitive forces in the marketplace.''

Finally, I ask unanimous consent that the following documents be printed in the RECORD: A letter addressed to me from the National Farmers Union, the American Farm Bureau Federation, the National Cattlemen's Beef Association, and the American Sheep Industry Association, a July 15, 1998, letter from the National Consumers League the largest and oldest consumer organization in the United States, and a September 16, 1997 editorial from the Sioux Falls Argus Leader.

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

JULY 8, 1997.

Hon. TIM JOHNSON,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR JOHNSON: The following organizations urge you to join the bi-partisan co-sponsorship and support for the ''Meat Labeling Act of 1998,'' to be substituted for the original S. 617 language and offered as an amendment to the Senate agricultural appropriation bill.

Industry leaders from each organization testified before the Senate Committee on Agriculture, Nutrition, and Forestry to urge support for legislation to require labeling of imported meat. The ''Meat Labeling Act of 1998'' will address frustrations among U.S. producers who question why livestock imported into the U.S. for immediate slaughter are allowed to be marketed as U.S. product. In short, the bill will ensure truth in labeling. The legislation does not establish trade barriers to limit the ability of countries to export meat to the U.S. and does not violate U.S. obligations under provisions of international trade agreements. It is our understanding that the proposed legislation is consistent with U.S. responsibilities and commitments to the GATT and NAFTA.

During 1997, beef imports were equal to about 9 percent of total U.S. beef production. Most of this imported beef was blended into ground beef or processed beef products or sold at the retail meat case as U.S. product. In addition to beef imports, nearly 1.1 million live cattle were imported from Canada directly to U.S. packing plants during 1997. Although all of the value-added production took place in Canada, once these cattle were processed in U.S. packing plants they effectively became U.S. beef. Imported lamb on a volume basis has increased from just over 7 percent of the U.S. lamb supply in 1993, to 20 percent in 1997. During the first quarter of 1998, lamb imports reached 25 percent and when computed on a carcass equivalent basis made up approximately one-third of the total lamb supply in the U.S.

Consumers demand quality and consistency, and producers are continually working to meet consumer demands. With the current system, there is limited ability to identify the source of product that does not meet consumer demands. Import labeling will help differentiate products in the retail meat case and increase competition among product lines. With labeling, consumers will have the ability to make informed decisions when purchasing meat and meat products and the relative value of meat from different product lines will be determined through competitive forces in the marketplace.

The following organizations greatly appreciate your leadership in this effort. We look forward to working with you to enact this legislation.

Sincerely,

AMERICAN FARM BUREAU FEDERATION.
AMERICAN SHEEP INDUSTRY ASSOCIATION.
NATIONAL CATTLEMEN'S BEEF ASSOCIATION.
NATIONAL FARMERS UNION.

NATIONAL CONSUMERS LEAGUE,
Washington, DC, July 15, 1998.

Hon. TIM JOHNSON,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR JOHNSON: The National Consumers League, the nation's oldest nonprofit, consumer advocacy organization, supports the requirement to label imported meat and meat food products. As consumption and reliance on imported meat increases, it is vital that consumers are afforded the utmost levels of protection to prevent food-borne illness. One of the most effective means to achieve this goal is through consumer knowledge. Clear and accurate labeling of the country of origin of meat is an important step to providing consumers with such knowledge.

Labeling is a powerful tool to inform consumers about the origins of the food they eat. While America's meat supply is considered the safest in the world, a large portion of the meat Americans consume is from other countries. By labeling meat, consumers will have an informed choice and a right to know the product's origin.

We thank you for providing strong leadership on this issue. We look forward to working with you to continue to ensure that American consumers enjoy the safest possible food supply.

Sincerely,

BRETT KAY,
Program Associate, Health Policy.

[From the Sioux Falls Argus Leader, Sept. 16, 1997]

CONSUMERS HAVE RIGHT TO KNOW ORIGIN OF MEAT

Many U.S. consumers assume the meat they purchase at the grocery store is produced by American farmers, but that's not necessarily so.

Imported meat inspected abroad under standards set by the U.S. Department of Agriculture goes on the shelves unlabeled with reference to the country of origin, just as U.S. meat does.

Consumers have a right to know where the meat they buy comes from. Just about every other item in stores is so labeled.

A bill introduced by U.S. Sen. Tim Johnson, D–S.D., would require country-of-origin labeling of meat at retail outlets.

Lawmakers may be hesitant to pass the law for fear of drawing ire from trading partners that might suffer from xenophobic consumers. They should consider the history of other imported products. Labeling certainly hasn't hurt the market for Japanese cars, French perfume or apples from New Zealand.

The recent recall of 25 million pounds of suspect ground meat by a Hudson Foods plant in Columbus, Neb., shines a glaring light on the importance of knowing sources of meat. The E. coli contamination is thought to have originated at a slaughterhouse—but where?

The uncertainty is unfair to producers and packers that run tight ships, because consumers who can't determine the origination of a problem will consider all sources a possibility.

A meat-labeling law would best require wholesale buyers to record the sources of meat they purchase by company name as well as location.

Meaningful meat labeling would hold producers both in foreign countries and in the United States accountable for the quality and safety of their products.

Consumers, livestock producers and reputable packers should all be clamoring for a law to identify the origin of meat.

Mr. DOMENICI. Mr. President, I rise in support of the Department of Agriculture and Related Agencies Appropriations bill for fiscal year 1999.

The Senate-reported bill provides $56.7 billion in new budget authority (BA) and $40.8 billion in new outlays to fund most of the programs of the Department of Agriculture and other related agencies. All of the funding in this bill is nondefense spending. This Subcommittee received no allocation under the Crime Reduction Trust Fund.

When outlays for prior-year appropriations and other adjustments are taken into account, the Senate-reported bill totals $55.2 billion in BA and $47.5 billion in outlays for FY 1998. Including mandatory savings, the Subcommittee is at its 302(b) allocation in BA and outlays.

The Senate Agriculture Appropriations Subcommittee 302(b) allocation totals $55.2 billion in budget authority (BA) and $47.5 billion in outlays. Within this amount, $13.7 billion in BA and $14.1 billion in outlays is for nondefense discretionary spending.

For discretionary spending in the bill, and counting (scoring) all the mandatory savings in the bill, the Senate-reported bill at the Subcommittee's 302(b) allocation in BA and outlays. It is $43 million in BA and $24 million in outlays above the President's budget request for these programs.

I recognize the difficulty of bringing this bill to the floor at its 302(b) allocation. I appreciate the Committee's support for a number of ongoing projects and programs important to my home state of New Mexico as it has worked to keep this bill within its budget allocation.

Mr. President, I ask unanimous consent that a table displaying the Senate Budget Committee scoring of the bill be printed in the RECORD. I urge the adoption of the bill.

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

S. 2159, AGRICULTURE APPROPRIATIONS, 1999—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1999, dollars in millions]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority		13,715		41,460	55,175
Outlays		14,080		33,429	47,509
Senate 302(b) allocation:					
Budget authority		13,715		41,460	55,175
Outlays		14,080		33,429	47,509
1998 level:					
Budget authority		13,930		35,048	48,978
Outlays		14,227		35,205	49,432
President's request:					
Budget authority		13,672		41,460	55,132
Outlays		14,056		33,429	47,485
House-passed bill:					
Budget authority		13,596		41,460	55,056
Outlays		14,031		33,429	47,460
SENATE-REPORTED BILL COMPARED TO:					
Senate 302(b) allocation:					
Budget authority					
Outlays					
1998 level:					
Budget authority		−215		6,412	6,197
Outlays		−147		−1,776	−1,923
President's request:					
Budget authority		43			43
Outlays		24			24
House-passed bill:					
Budget authority		119			119
Outlays		49			49

NOTE.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

NUTRITION EDUCATION AND TRAINING PROGRAM

Mr. LEAHY. Mr. President, I raise the visibility of a little-known, but praiseworthy, program—the Nutrition Education and Training Program. I am speaking today in defense of this program, which now seems to be on life-support, and in dire need of resuscitation. For those who are not aware, the Nutrition Education and Training Program, NET, is a direct grant-to-States program which provides the nutrition education and food service training component of the Child Nutrition Programs. Under NET, all funds are distributed to the States. States and local governments leverage these limited resources into effective and innovative education and training programs for children, food service personnel, and parents. I know in my own State of Vermont, the creativity and innovation of the NET staff has provided unique and valuable nutrition materials that are relevant to thousands of Vermonters. Over the past 20 years, NET has promoted an infrastructure and quality standards that support local schools in providing nutritious meals and improving the health and nutrition behavior of our Nation's children. State and local NET coordinators have been responsible for much of the local success of the nutrition education effort.

NET programs are intended to teach children about the nutritional value of foods and the relationship between food and health. The program is also intended to provide nutrition education for teachers and training in nutrition and food service management for school food service personnel, and to facilitate development of classroom materials and curricula. This is done through a State Nutrition Education Coordinator who identifies the needs of the State—this is important—the program is not one size fits all, full of restrictions and mandates from Washington, but rather a cooperative program that is tailored to State needs.

Sadly, I am here today to report on the dire funding status of NET. In fiscal years 1997 and 1998, NET has struggled along at a level of only $3.75 million—this is a far cry from the original program in 1978–79 of $26.2 million—giving each State a level of 50 cents per child. The fiscal year 1999 House appropriations bill funds NET at only $3.75 million and the Senate bill provides nothing—putting all funds into Team Nutrition at $10 million. This low level of funding has diminished NET's effectiveness and threatens its viability to provide nutrition education to the nearly $9 billion Child Nutrition Programs it supports.

A few years ago, as Chairman of the Agriculture Committee, I supported a change in the law to provide NET with a guaranteed $10 million per year to provide important Nutrition Education activities. This level is not a budget-busting amount, and is in fact the amount the President requested in the fiscal year 1999 budget for this program. Unfortunately, in the rush toward welfare reform in 1996, NET's status as a mandatory program was rescinded, and the funding levels for NET have been problematic ever since.

I urge when the Conference on the Agriculture appropriations bill convenes that NET be provided adequate funding. The Child Nutrition Programs are absolutely critical to our Nation's future. Along with those benefits, we must give our children the chance to choose the right foods, to select a diet suited for them based on the facts and not on the latest billion-dollar junk food advertising.

NUTRITION FOR THE ELDERLY PROGRAM

Mr. DURBIN. Mr. President, I rise today in order to engage the chairman of the Agriculture Appropriations Subcommittee, Senator COCHRAN in a brief colloquy regarding the need for increased funding for the nutrition for the elderly program, contained in this bill. Senior nutrition programs are our best defense against elderly hunger and malnutrition. The House has provided $10 million more than the Senate for this program which helps our elderly, low-income seniors have good, nutritious meals. This increased funding would restore funds for both meals on wheels and meal sites by $10 million to $150 million to their FY96 levels.

The Senior nutrition program provides grants to states so that local organizations can prepare meals delivered to elderly persons in both congregate settings or in their homes. Many poor seniors rely on these programs as their primary source for nutrition. Unfortunately, 41% of Meals on

Wheels programs have a waiting list. As the senior population grows, these waiting lists will only increase without adequate funding both local and federal for home-delivered meals programs. The average beneficiary for senior nutrition programs is 77 years old and 90% of beneficiaries live on income below 200% of the poverty level. 40% live on incomes below the poverty level. These poor seniors really need this program. I hope that the House level of funding will alleviate some of these waiting lists.

Studies conducted at the University of Florida found that over 66% of beneficiaries of senior nutrition programs are at moderate to high risk for malnutrition. In addition, these senior nutrition programs not only make good social policy sense, but they also make good fiscal policy sense. Every $1 spent on this nutrition program saves $3 in federal Medicare, Medicaid, and veterans' health care costs, since malnourished patients stay in the hospital nearly twice as long as well-nourished seniors, costing $2,000 to $10,000 more per stay. HHS Secretary Shalala has called these elderly nutrition programs ''a bargain for the federal government''.

This program also provides cash assistance to state agencies to help store and donate food to low-income seniors.

Home-delivered meals programs highlight positive values through volunteerism and community support. It is this type of cost-effective, federal-local partnership that Congress should be encouraging. This level of funding is endorsed by the National Council of Senior Citizens, the Grey Panthers and the Meals on Wheels Association of America.

4 million seniors live in poverty in this, the richest nation in the world. Another 16 million live near the poverty level. Our seniors are going hungry because we cut funding for this seniors nutrition program two years ago. Now is the time to restore this funding to its FY96 levels in conference.

Mr. COCHRAN. I thank the Senator from Illinois. As Senator DURBIN knows, the committee has worked hard over the past several years to maintain this very important program. I will work with my colleagues in conference to see that the House level of funding is available for seniors. With the greying of America, the need for this program has clearly increased and as the Senator from Illinois has stated, many of these meals on wheels sites have long waiting lists. I thank the Senator from Illinois for bringing this issue to our attention.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I would like to make an announcement here of how we are going to proceed for the balance of the night.

SENATOR SAM BROWNBACK RECEIVES GOLDEN GAVEL AWARD

Mr. LOTT. Mr. President, I want to recognize the distinguished Senator that is the Presiding Officer at this time. He is another one of our Members that has reached that magic mark of 100 hours as Presiding Officer. Senator BROWNBACK has done an outstanding job in presiding and handling the gavel. He has earned the Golden Gavel Award.

This is a tradition that started several years ago, and it helps make this institution work as it should. And I would like to extend a sense of appreciation to Senator BROWNBACK for his time as the Presiding Officer.

(Applause, Senators rising.)

Since the 1960's, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the Golden Gavel. This award continues to represent our appreciation for the time these dedicated senators contribute to presiding over the U.S. Senate—a very important duty.

Senator BROWNBACK spent a significant amount of unscheduled time in the chair during last night's votes and still insisted upon meeting his presiding duties today. For his ongoing commitment to presiding, we thank him and extend our congratulations on receiving the Golden Gavel Award.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators with regard to the schedule tonight, I understand the Senate will be voting very shortly now on final passage of the agriculture appropriations bill. The managers have worked out the Dodd amendment, and we will be shortly ready to go to final passage.

Following that vote, the Senate would then resume consideration of the HUD-VA appropriations bill. There is an amendment pending to that appropriations bill, which I understand may be withdrawn. But it is my hope and the intent of the managers—I was just talking to Senator BOND and Senator MIKULSKI—that we would get time agreements on amendments that are pending, and finish all debate on all amendments tonight, and then the votes that would be required would be in the morning at 9:30.

We would then go to the legislative appropriations bill during Friday's session.

So votes could be expected on Friday's session at 9:30 with one other possible vote.

I am hoping maybe that the legislative appropriations bill will not have any complicating issues and that it could be handled by a voice vote, or with only one vote.

I would like to finish it all tonight. But the managers have a number of amendments they have to work through.

So what we would have, then, as we now see it, is final passage on agriculture, go to HUD-VA, and we have one issue that may be resolved, which would then not require a vote, and then we would go on to the amendments.

So it is possible that after this next vote, the next recorded vote will not be until 9:30 in the morning. We will do everything we can to not go late tomorrow and certainly not later than 12 o'clock. But cooperation from Senators on both sides will allow us to actually finish it up by 10 o'clock or 10:30 tomorrow.

Mrs. FEINSTEIN. This is the last vote?

Mr. LOTT. We have one other issue we have to get clarified. This could be the last vote, but right now we could have one more right after this one. And we will clarify that in the next few minutes and notify all Senators.

Mr. COCHRAN addressed the Chair.

Mr. REID. Is there a unanimous consent pending?

Mr. LOTT. There is no unanimous consent request pending.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 3192

Mr. COCHRAN. Mr. President we are now on the Dodd amendment. We had asked for the yeas and nays. We now have been able to work out that amendment and agreed to take that amendment to conference.

I ask unanimous consent that the yeas and nays be vitiated with that understanding.

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

AMENDMENT NO. 3192, AS MODIFIED

Mr. DODD. Mr. President, I ask unanimous consent to send a modification of my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 3192), as modified, is as follows:

In the amendment strike all after the first word and insert the following:

SEC. ___. NOTIFICATION OF RECALLS OF DRUGS AND DEVICES.

This section shall be referred to as ''Matthew's Law''.

(b) DRUGS.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

''(o)(1) If the Secretary withdraws an application for a drug under paragraph (1) or (2) of the first sentence of subsection (e) and a class I recall for the drug results, the Secretary shall take such action as the Secretary may determine to be appropriate to ensure timely notification of the recall to individuals that received the drug, including using the assistance of health professionals that prescribed or dispensed the drug to such individuals.

''(2) In this subsection:

''(A) The term 'Class I' refers to the corresponding designation given recalls in subpart A of part 7 of title 21, Code of Federal Regulations, or a successor regulation.

''(B) The term 'recall' means a recall, as defined in subpart A of part 7 of title 21, Code of Federal Regulations, or a successor regulation, of a drug.''.

(c) DEVICES.—Section 518(e) of such Act (21 U.S.C. 360h(e)) is amended—

(1) in the last sentence of paragraph (2), by inserting ''or if the recall is a class I recall,'' after ''cannot be identified''; and

(2) by adding at the end the following:

''(4) In this subsection, the term 'Class I' refers to the corresponding designation given recalls in subpart A of part 7 of title 21, Code of Federal Regulations, or a successor regulation.''.

(d) CONFORMING AMENDMENT.—Section 705(b) of such Act (21 U.S.C. 375(b)) is amended—

(1) by striking ''or gross'' and inserting ''gross''; and

(2) by striking the period and inserting '', or a class I recall of a drug or device as described in section 505(o)(1) or 518(e)(2).''.

This section shall take effect one day after date of this bill's enactment.

Mr. DODD. Mr. President, the yeas and nays have been vitiated?

The PRESIDING OFFICER. The yeas and nays have been vitiated.

Mr. DODD. Mr. President, let me say briefly, if I may, for purposes of the RECORD on this amendment, I want to express my gratitude to the managers of the underlying bill, the agriculture appropriations bill, for their support on this, as well as my colleague from Vermont, Senator JEFFORDS, and Senator KENNEDY of Massachusetts.

There may be some technical questions that have to be addressed in conference.

Mr. FORD. Mr. President, may we have order.

The PRESIDING OFFICER. May we please have order in the Chamber.

The Senator from Connecticut.

Mr. DODD. Mr. President, there may be some technical questions that we will have to address in conference, and I have agreed, if that is the case, I would certainly strongly support those corrections, but I am deeply grateful for support of this amendment and ask unanimous consent it be adopted.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment. Without objection, the amendment is agreed to.

The amendment (No. 3192), as modified, was agreed to.

The PRESIDING OFFICER. Without objection, the first-degree amendment is agreed to.

The amendment (No. 3176), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, we have reached the point where we are prepared to recommend approval of two other amendments that we have cleared on both sides. It is my understanding we have. And I ask my colleague from Arkansas if he is prepared to recommend the passage of our amendment that we are offering for Senators BAUCUS, LEAHY, and SESSIONS, and then an amendment offered in behalf of Senator COVERDELL.

Mr. BUMPERS. Mr. President, the first amendment that the chairman mentioned has been cleared on this side. The amendment by Senator COVERDELL has not.

The PRESIDING OFFICER. Who seeks recognition?

AMENDMENT NO. 3194

Mr. COCHRAN. Mr. President, the amendment that I suggested had been cleared is one that is offered by Senators BUMPERS and myself for Senators BAUCUS, LEAHY, and SESSIONS. I understand that amendment has been cleared on both sides. I send that amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. BUMPERS, for Mr. BAUCUS, Mr. LEAHY, and Mr. SESSIONS, proposes an amendment numbered 3194.

Mr. COCHRAN. 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:

On page 13, line 11, strike ''$50,500,000'' and insert ''$51,400,000''.

On page 14, line 17, strike ''$432,082,000'' and insert ''$432,982,000''.

Mr. COCHRAN. Mr. President, this amendment would provide additional funding for three new special research grants, as follows:

Food safety (Alabama) $300,000;

Brucellosis vaccine (Montana) $150,000; and

Food Science Center (Vermont) $150,000.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3194) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I know of no other requests for recognition.

I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I ask unanimous consent that Senator BYRD be listed as a cosponsor on the Bumpers sense-of-the-Senate resolution on program funding levels which was previously adopted.

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

Mr. COCHRAN. Did the clerk read the bill for the third time?

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The clerk will report the House bill.

The bill clerk read as follows:

A bill (H.R. 4101) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. All after the enacting clause of H.R. 4101 is stricken, and the text of S. 2159, as amended, is inserted in lieu thereof.

The question is on the third reading of the bill.

The bill (H.R. 4101), as amended, was ordered to a third reading and was read the third time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

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

Mr. FORD. I announce that the Senator from Ohio (Mr. GLENN) is necessarily absent.

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—97

Abraham	Faircloth	Lugar
Akaka	Feingold	Mack
Allard	Feinstein	McCain
Ashcroft	Ford	McConnell
Baucus	Frist	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Bumpers	Hatch	Roberts
Burns	Helms	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchinson	Sarbanes
Chafee	Hutchison	Sessions
Cleland	Inhofe	Shelby
Coats	Inouye	Smith (NH)
Cochran	Jeffords	Smith (OR)
Collins	Johnson	Snowe
Conrad	Kempthorne	Specter
Coverdell	Kennedy	Stevens
Craig	Kerrey	Thomas
D'Amato	Kerry	Thompson
Daschle	Kohl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Warner
Domenici	Leahy	Wellstone
Dorgan	Levin	Wyden
Durbin	Lieberman	
Enzi	Lott	

NAYS—2

Kyl	Santorum

NOT VOTING—1

Glenn

The bill (H.R. 4101), as amended, was passed, as follows:

[The text of the bill was not available for printing. It will appear in a future edition of the RECORD.]

The PRESIDING OFFICER. The Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer [Mr. SESSIONS] appointed Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. STEVENS, Mr. BUMPERS, Mr. HARKIN, Mr. KOHL, Mr.

LEAHY, Mrs. BOXER and Mr. BYRD conferees on the part of the Senate.

Mr. COCHRAN. Mr. President, I express my sincere appreciation to all Senators for their assistance and cooperation in the consideration of the agriculture appropriations bill. In particular, I thank my distinguished colleague and good friend from Arkansas, who has served for 20 years as a member of this committee and was helping manage the agricultural appropriations bill for the last time in his Senate career. He has been not only a very good friend but very helpful, thoughtful, intelligent and effective as a Senator in this capacity, helping shape this legislation during the time we have had the opportunity to work together as members of the Appropriations Committee.

I am going to miss him very much. The Senate is going to miss DALE BUMPERS. He is one of the most astute, articulate and effective Senators serving in the Senate today.

I want Senators to know, too, that at my request, this bill includes a general provision to designate the United States National Rice Germplasm Evaluation and Enhancement Center in Stuttgart, AR, the DALE BUMPERS National Rice Research Center.

In my judgment, Senator BUMPERS is the father of this center. He has helped guide the development of the research there in this important agriculture sector. I think it is very appropriate and I was pleased that the subcommittee included that in our committee print. It was approved by the full committee and is included in the bill that was passed by the Senate.

Mr. President, I also say that without the wonderful assistance of members of our staff and the other members of our subcommittee, the passage of this bill would not have been possible.

I particularly praise the hard work and effective work of the chief clerk of our subcommittee, Rebecca Davies. Those who have assisted her have also turned in exemplary performances, and I appreciate very much all of their work. They are: Martha Scott Poindexter, Rachelle Graves, Hunt Shipman, who is a member of my personal staff and legislative assistant for agriculture and other issues, and our summer intern, Haywood Hamilton, from Albin, MS, who we are glad to have with us in our office this summer.

Those who worked closely with Senator BUMPERS on the Democratic side: Galen Fountain, his chief assistant on this subcommittee we have come to know and appreciate over a period of time, and we are grateful for his excellent assistance; Cornelia Teitka, who is a designee allocated to us as a resource from the Department of Agriculture, has been very helpful in the handling of the legislation; Ben Noble and Carole Geagley also have assisted them from Senator BUMPERS staff. We thank them all. We appreciate very much everyone's good efforts in the work on this bill.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I extend my congratulations and appreciation to the managers of this very important agriculture appropriations bill. My colleague from the State of Mississippi, Senator COCHRAN, always exhibits patience and real leadership on this important legislation. I thank him for what he does. And also to Senator BUMPERS, I think it is absolutely appropriate that this National Center on Rice Research be named after Senator BUMPERS. He certainly has labored in the vineyards on rice and also on the agriculture appropriations bill.

So thank you both for the work that you have done.

Mr. DASCHLE. Will the majority leader yield for a moment?

Mr. LOTT. Certainly.

Mr. DASCHLE. I join with the majority leader in complimenting the manager, the very distinguished Senator from Mississippi, as well as our ranking member. This will be the last bill our ranking member will manage, at least on the appropriations side. He may have other responsibilities in other committees, but on this bill it will be his last bill. We will miss his managerial skills, his remarkable sense of humor, and the ability that he demonstrates each and every day to work with all of us. So I compliment both of them and thank them for their fine work tonight.

I thank the majority leader for yielding.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

Mr. LOTT. I ask unanimous consent that the Senate now resume the HUD-VA appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2168) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Daschle amendment No. 3063, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

Mr. LOTT. Mr. President, I ask unanimous consent that with respect to the HUD-VA appropriations bill, all first-degree amendments must be offered and debated tonight, and if votes are ordered with respect to those amendments, they occur, in a stacked sequence, beginning at 9 o'clock in the morning—I want to emphasize to our colleagues, we are beginning a little earlier than normal; it will be 9 o'clock; and we will go right to the stacked sequence, with 2 minutes of debate prior to each vote for explanation, as has been requested and is the normal practice—and that all succeeding votes be limited to 10 minutes.

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

Mr. LOTT. Now, Mr. President, I know that there are several amendments that need to be worked through. I see that Senator WELLSTONE is here on the floor ready to go. And I believe we can get some time agreements on other issues.

Does the manager, Senator BOND, wish to comment?

Mr. BOND. Thank you.

Mr. President, I believe Senator NICKLES was prepared to go, and I know that Senator WELLSTONE wants to go right after that. But I believe before we move forward, I need to yield to the distinguished minority leader who has to deal with this. It was our understanding from the discussions that Senator NICKLES would move forward on a major amendment he has, and then I would hope we would be able to turn to Senator WELLSTONE.

With that, let me yield to the minority leader.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

AMENDMENT NO. 3063 WITHDRAWN

Mr. DASCHLE. Mr. President, the majority leader and I have been talking throughout the day. And I believe we are making progress in setting up a procedure by which at some point in the not too distant future—I think the prospects are greater tonight than they have been in some time—we might have a good debate on the Patients' Bill of Rights. Because I believe that these negotiations are proceeding successfully, I withdraw the pending amendment on HUD-VA with an expectation that we will come to some successful conclusion at a later date.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 3063) was withdrawn.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Might I make a request for 1 second?

I ask unanimous consent that I be able to follow the Nickles amendment, so I can go back to the office and come back.

Mr. BOND. No objection.

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

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the majority leader and the minority leader for allowing us to get back to this VA-HUD bill. We have had good discussions on it. We have had a very important amendment debated at length on