

case tonight, with almost nobody here but those of us here who are managing the legislation, to listen to the argument and make a decision based on what is best for this program. Should this program be reauthorized? And how should it be managed? What would the level of funding be? These are decisions for the legislative committee to make. They are to look at the options. They are the experts.

Senator BUMPERS is not on the Agriculture Committee. Senator BRYAN is not on the Agriculture Committee. Maybe they should be on the Agriculture Committee. Maybe they want to be on the Agriculture Committee and they are frustrated. They would like to have the opportunity to help write this authorization bill that we are going to be writing in the Agriculture Committee as a part of our reconciliation instruction. And I am told by those who are familiar with some of the proposals in the committee that there will be changes in this program recommended by the Agriculture Committee, and that there may be a reduction in the funding authorized by that committee. That is for them to decide.

We should not be on an appropriations bill trying to legislate a new kind of program. So I have a serious problem with the procedure. I urge the Senate to reject this amendment. It is an amendment that we cannot accept, and I hope that the Senate will follow the decision that it made earlier on this bill, on a similar amendment offered by these distinguished Senators.

Mr. President, as I understand the procedure, we need to get the yeas and nays ordered on the amendments that we have not been able to accept, so that votes will occur tomorrow.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to request the yeas and nays on those amendments that will require record votes, and they are: The Feingold amendment, the Conrad amendment, and the Bryan-Bumpers amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I now ask for the yeas and nays on those three amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, for the information of Senators, there are several amendments we have agreed to take and to recommend that they be included in this bill. We have a package, a managers package that will be presented to the Senate. We will do that tonight.

Other than that package of amendments, which have been cleared on both sides, I know of no other amendments that are going to be offered, or intend to be offered, tonight. But just to be sure, I am going to yield the floor and await a call from the Cloakroom or

someone coming to the floor to offer an amendment that we may not have heard about, that is described in the agreement and that would be eligible to be offered tonight. We expect to hear from anybody who intends to offer one that we have not indicated a willingness to accept.

Mr. BRYAN. If the Senator will yield, I am sure my colleague and I have no further amendments. Has there been a time set, or a sequence for the votes to occur on the amendments offered this evening?

Mr. COCHRAN. Under the agreement, there is time. It starts at 9:45 a.m. on Wednesday. The sequence would be, I presume, the order in which the amendments were offered. The yeas and nays were granted. So the sequence would be the Feingold amendment, the Conrad amendment, and the Bryan-Bumpers amendment.

Mr. BRYAN. That is certainly acceptable to me. Mr. President, I have a further question. If I might inquire of the chairman, is there any time allocated under the protocol that we are adopting for tomorrow to explain any of these amendments? I know that, previously, we have had arrangements where each side is given a couple of minutes. I simply inquire.

Mr. COCHRAN. Mr. President, I am advised 4 minutes equally divided has been made part of the agreement. That is the understanding.

Mr. BRYAN. I thank the Chair.

Mr. COCHRAN. For the clarification of this situation, of course I will be happy to read this agreement.

Let me read it, and if there are any problems, we will be told about it, I am sure, by Senators who have any questions.

#### ORDERS FOR WEDNESDAY, SEPTEMBER 20, 1995

Mr. COCHRAN. I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:15 a.m. on Wednesday, September 20, 1995; that following the prayer, the Journal of proceedings be deemed approved to date; the time for the two leaders be reserved for their use later in the day, and then there be a period for morning business until the hour of 9:40 a.m., with Senator FORD recognized for up to 20 minutes.

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

Mr. COCHRAN. I further ask unanimous consent that at 9:40 a.m. the Senate then immediately resume consideration of H.R. 1976, the agricultural appropriations bill, and there be 4 minutes equally divided on the Feingold amendment, to be followed by a roll-call vote on or in relation to the Feingold amendment.

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

Mr. COCHRAN. I now ask unanimous consent that following the disposition of the Feingold amendment there be 4 minutes for debate to be equally di-

vided in the usual form, to be followed by a modification by Senator CONRAD, if necessary, and that following the modification, the Senate proceed to vote on or in relation to the Conrad amendment.

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

Mr. COCHRAN. I further ask that following the disposition of the Conrad amendment there be 4 minutes to be equally divided in the usual form, to be followed by a vote on or in relation to the Bumpers amendment.

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

Mr. COCHRAN. I further ask that following the disposition of the Bumpers amendment that H.R. 1976 be read for a third time without any intervening action or debate.

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

#### PROGRAM

Mr. COCHRAN. For the information of all Senators, the Senate will resume consideration of the agricultural appropriations bill tomorrow morning. Under the previous order, there will be three rollcall votes beginning at 9:45 a.m. tomorrow. In addition, also following disposition of the agricultural appropriations bill the Senate will begin consideration of the foreign operations appropriations bill. Therefore, votes can be expected to occur throughout Wednesday's session of the Senate.

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with consideration of the bill.

#### AMENDMENTS NOS. 2700 THROUGH 2706, EN BLOC

Mr. COCHRAN. Mr. President, we do have a list of amendments which we will present to the Senate and ask for their approval.

An amendment offered by Senators DORGAN and CONRAD on flooding at Devils Lake, North Dakota; an amendment offered by Senator DOLE providing funds for the Agricultural Research Service Grain Marketing Research Lab; an amendment offered by Senator ABRAHAM eliminating certain USDA advisory committees; an amendment for Senator GORTON regarding a timber regulation.

Mr. BUMPERS. Mr. President, on that amendment, is that the Gorton-Murray amendment?

Mr. COCHRAN. It is an amendment proposed by Senators GORTON, MURRAY, and BURNS.

Mr. BUMPERS. No objection.

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

Mr. COCHRAN. And an amendment offered by Senator BENNETT regarding the Colorado River Basin salinity control program; an amendment offered by

Senator FEINGOLD regarding rural development program; an amendment offered by Senator LEAHY regarding a research facility.

Mr. President, these are amendments that we have reviewed and have been cleared on both sides of the aisle. I send the amendments to the desk en bloc and ask they be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi, [Mr. COCHRAN] for other Senators, proposes amendments Nos. 2700 through 2706.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments (Nos. 2700 through 2706) are as follows:

AMENDMENT NO. 1700

(Purpose: To express the sense of the Senate on United States-Canadian cooperation for relief of flooding in Devils Lake Basin, North Dakota.)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SENSE OF THE SENATE ON UNITED STATES-CANADIAN COOPERATION CONCERNING AN OUTLET TO RELIEVE FLOODING AT DEVILS LAKE IN NORTH DAKOTA.**

(a) FINDINGS.—The Senate finds that—

(1) flooding in Devils Lake Basin, North Dakota, has resulted in water levels in the lake reaching their highest point in 120 years;

(2)(A) 667,000 trees are inundated and dying;

(B) 2500 homeowners in the county are pumping water from basements;

(C) the town of Devils Lake is threatened with lake water nearing the limits of the protective dikes of the lake;

(D) 17,400 acres of land have been inundated;

(E) roads are under water;

(F) other roads are closed and will be abandoned;

(G) homes and businesses have been diked, abandoned, or closed; and

(H) if the lake rises another 2 to 3 feet, damages of approximately \$74,000,000 will occur;

(3) the Army Corps of Engineers and the Bureau of Reclamation are now studying the feasibility of constructing an outlet from Devils Lake Basin;

(4) an outlet from Devils Lake Basin will allow the transfer of water from Devils Lake Basin to the Red River of the North watershed that the United States shares with Canada; and

(5) the Treaty Relating to the Boundary Waters and Questions Arising Along the Boundary Between the United States and Canada, signed at Washington on January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the "Boundary Waters Treaty of 1909"), provides that "... waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other." (36 Stat. 2450).

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States Government should seek to establish a joint United States-Canadian technical committee to review the Devils Lake Basin emergency outlet project to consider options for an outlet that would meet Canadian concerns in regard to the Boundary Waters Treaty of 1909.

Mr. CONRAD. Mr. President, I appreciate this opportunity to let my col-

leagues know about the very serious flood my State is experiencing. Devils Lake is located within a completely closed basin with no outlet—much like the Great Salt Lake.

Due to several years of above-average rainfall, the lake has risen over 13 feet and increased in size by two-thirds within the past 2 years. The ever-advancing waters of Devils Lake have caused millions of dollars in damage to roads, farmland, public facilities and private property.

The Devils Lake flood has been especially difficult for farmers and ranchers in and near the basin. Eighty to 90 percent of the pasture and hayland around the lake are affected by the flood. Fields are flooded, roads used by producers are inundated with water, and wet conditions kept many farmers from planting last spring.

If water levels continue to rise—as they are likely to do for the foreseeable future—the lake could overrun the dike protecting the city of Devils Lake, threatening lives and causing millions more dollars in damage.

Let me give you just a few facts about this terrible flood: The water level of Devils Lake has risen 13 feet in the past 2 years, and is at its highest level in 120 years; Federal agencies have spent over \$30 million to mitigate this disaster, including more than \$21 million from the Federal Highway Administration to fix flood-ravaged roads; The Corps of Engineers recently placed a protective berm around the Minnewaukan city sewage lagoon because it was about to be overtaken by the lake. When constructed in 1956, the lagoon was more than 8 miles from the lake—8 miles, Mr. President; 1,768 Disaster Survey Reports of damage to public property have been submitted to FEMA's Disaster Field Office. 2,082 claims for Disaster Unemployment Assistance have been approved; and 2,500 homes in Devils Lake are pumping seepage from their homes, and many have basement floors that are heaving because of high water levels.

Much has been done to deal with the flood so far.

Federal Emergency Management Director James Lee Witt formed an inter-agency task force to deal with this disaster. Director Witt formed the task force to bring every relevant Federal, State and local agency together—with the active participation of many Devils Lake Basin residents—to examine every feasible solution and work to find answers to this flood. The task force recently issued its report which identifies 17 action items to help mitigate the flood's damage.

One of the most promising of those action items is the construction of an outlet from Devils Lake. An outlet could drain water from the lake and help prevent further—and catastrophic—damage. The Corps of Engineers and the Bureau of Reclamation are in the process of studying a long-term lake stabilization plan that would make an outlet possible. Mr. President,

this problem is of such enormity that every option must be considered.

However, an outlet raises international considerations. Water drained through an outlet would flow into the Sheyenne River, which in turn flows into the Red River of the North, which flows northward into Canada. Canadian officials have expressed concern about an outlet due to water quality issues. The Boundary Waters Treaty of 1909 provides the basis for protection of boundary waters interests of both the United States and Canada.

As a result, it is critically important that both the State of North Dakota and the U.S. Government work with Canadian officials as outlet plans are considered. The U.S. State Department participated in the interagency task force which has considered Devils Lake flood relief options. I was in Devils Lake recently and encouraged efforts to involve Canadian officials, especially from the province of Manitoba, in discussions of flood relief efforts.

Mr. President, it is precisely because of our desire to work with our neighbors to the North that my colleague and I introduce this amendment. Allow me to read from the amendment before us:

... It is the sense of the Senate that the United States Government should seek to establish a joint United States-Canadian technical committee to review the Devils Lake Basin emergency outlet project to consider options for an outlet that would meet Canadian concerns in regard to the Boundary Waters Treaty of 1909.

In short, the amendment says two things. First, Devils Lake Basin flooding is a serious problem. Second, we want to work with the Canadians to find a treaty-compliant way to resolve it. The committee would seek to find a way to construct an outlet while fully complying with the treaty. Only by seeking the active participation of Canada can this project go forward.

Let me be clear, Mr. President, it is in the best interest of my State and of our Nation to work with Canadian officials to assuage their concerns about an outlet. That is why this amendment emphasizes the importance of the treaty, and states that the committee should work to meet Canadian concerns regarding the treaty.

Mr. President, I urge my colleagues to support this amendment.

Mr. DORGAN. Mr. President, this sense of the Senate Amendment to H.R. 1976 is in response to the devastating flooding being experienced within the State of North Dakota. This amendment will provide for a joint United States-Canadian technical committee to review the Devils Lake basin emergency outlet project and consider options for an outlet that would meet Canadian concerns regarding the Boundary Waters Treaty of 1909.

The Devils Lake basin is an enclosed basin (no outlet) with water loss through natural evaporation from the lake surface during periods of drought. With more rain than drought in recent

years, the surface of the lake has been rising dramatically. In 1993, the surface of Devils Lake totaled 44,000 acres, today it covers over 72,000 acres. Eighty to 90 percent of the pasture and haylands around the lake have been flooded, saturated, or isolated by flood waters. There are eight counties represented in the Devils Lake basin. In just two of these eight counties, flooding has impacted 247,000 acres (nearly 386 square miles). For comparison, the District of Columbia covers only 67 square miles.

In the basin above the lake level, where crops can still be grown, the rains of this spring allowed only about half of the normal planting of small grains (wheat, durum, barley, and oats). Wet conditions also prevented proper weeding with the result that crop yield is expected to be significantly reduced.

Six hundred sixty-seven thousand trees in the basin are now flooded and will probably die within the next year.

Tribal roads and facilities have also been flood damaged. Tribal authorities report that their manufacturing (Dakotah Tribal Industries, Sioux Manufacturing) has declined in an area where unemployment is about 60 percent.

WE DESPERATELY NEED RELIEF FROM THIS  
NATURAL DISASTER

The Corps of Engineers in association with the Bureau of Reclamation plus other Federal and State agencies is investigating the feasibility of solutions to perennial flooding in the Devils Lake basin. Among the potential solutions, there are expected to be an outlet from the basin to relieve the flooding and an inlet to stabilize the lake level during periods of drought.

The outlet would allow basin water to reach the Red River and eventually the Hudson Bay in Canada. Some Canadian officials are concerned that releasing water from the Devils Lake basin could potentially allow the introduction of foreign biota and higher levels of dissolved solids to their vital waters. The Boundary Waters Treaty of 1909 between the United States and Canada states, in part, that "... water flowing across the boundary shall not be polluted on either side to the injury of health or property on the other." It is implicit from our treaty obligations that the governments involved in this issue should commence technical discussions.

I urge my colleagues to approve this "no additional cost" amendment to establish a joint United States-Canadian technical committee for the review of the Devils Lake emergency outlet project. I understand that this amendment has been cleared on both sides, and I thank the chairman, Senator COCHRAN, and the ranking member, Senator BUMPERS, for their support and cooperation.

AMENDMENT NO. 2701

(Purpose: To fund the Grain Marketing Research Laboratory in Manhattan, Kansas)

On page 13, line 23, insert the following after "law": "Provided further, That of the

funds made available under this heading for the National Center for Agricultural Utilization Research, not less than \$1,000,000 shall be available for the Grain Marketing Research Laboratory in Manhattan, Kansas".

AMENDMENT NO. 2702

(Purpose: To eliminate certain unnecessary advisory committees)

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

**SEC. 7 . ELIMINATION OF UNNECESSARY ADVISORY COMMITTEES.**

(a) SWINE HEALTH ADVISORY COMMITTEE.—Section 11 of the Swine Health Protection Act (7 U.S.C. 3810) is repealed.

(b) GLOBAL CLIMATE CHANGE TECHNICAL ADVISORY COMMITTEE.—Section 2404 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6703) is repealed.

AMENDMENT NO. 2703

On page 84, line 1, insert the following new section:

SEC. 730. Upon the date of enactment of this Act, the Secretary of Agriculture shall immediately withdraw Federal regulation 36 CFR Part 223 promulgated on September 8, 1995, for a period of no less than 120 days; provided that during such time the Secretary shall take notice and public comment on the regulations and make the necessary revisions to reflect public comment. Any fines assessed pursuant to 36 CFR Part 223, from the effective date of said regulation to the date of enactment of this Act, shall be null and void. During the 120 day period, the interim regulatory guidelines published pursuant to 55 CFR 48572 and 56 CFR 65834 shall remain in effect.

Mr. GORTON. Mr. President, today I offer an amendment to the fiscal year 1996 Agriculture Appropriations bill that would delay final regulations implementing the 1990 Forest Resources Conservation and Shortage Relief Act. This act governs the export of State and Federal logs in the Western United States.

Since 1990 the timber industry in the States of Washington, Oregon, Idaho and Montana has operated under interim regulations promulgated to enforce the 1990 law. The legislation is very complicated, and sets up a series of requirements for companies that wish to export State or Federal logs. Consequently, the regulations implementing the law must be very precise, and an entire industry—for the most part—must react to any regulations on this subject with painstaking attention to the details.

On Friday, September 8, the Department of Agriculture implemented—effective immediately—final regulations implementing the 1990 log export law. Let me say this again—the regulations were made effective immediately. The final regulations were dramatically different than the regulations as initially proposed, and, as a result completely and totally overwhelmed the timber industry in the Pacific Northwest.

The regulations are overly burdensome, and must be re-written. Let me give you a brief example of the specificity of these regulations, and why any rational person would not make the effective date immediate on the regulations.

For example, the regulation establishes a procedure for exporting finished lumber. When a company exports lumber, the new regulations require that company to keep in its possession for each shipment or order, a lumber inspection certificate, and a company certificate to ensure that export restricted timber is in fact processed before export.

The regulation establishes a procedure for marking Federal and private timber that originates from within a sourcing area. All private timber that is harvested inside a sourcing area must be marked on both ends of the log with highway yellow paint, before it can be removed from the harvest area. This paint signifies that the logs must be domestically processed. Based upon the industry reading of the regulation, this provision appears to apply to logs that will be processed in the company's own mill. The log must be marked throughout the entire process, from harvest to "mill in-feed," no matter how many times it has been cut.

The regulation establishes a procedure for disposing of private timber that originates from within a sourcing area. The regulations mandate a complex procedure of identification, notice, paperwork and record keeping process. The process is as follows:

Before a company sells any export restricted private timber, that is, private timber that originates from within a sourcing area, the selling company must do the following: Give notice to the purchaser that the timber cannot be exported; give notice that the timber has been marked and the mark must be retained; agree to send in the transaction statement to the Regional Forester within 10 calendar days; retain records of acquisition and disposition for 3 years from the date of manufacture or disposition, and make such records available for inspection by the Forest Service; acknowledge that failure to identify the timber as mentioned above and to accurately report is a violation of the act, and the "False Statement Act"; certify that the form has been read and understood. The purchasing company is required to follow a similar set of requirements.

As you can tell, the regulations are specific, and would require some major adjustments to current operating practices. When this is coupled with the fact that a violation of each aspect of the regulation carries with it a potentially heavy fine, it is clear that these regulations must be delayed.

According to the regulations, fines can be assessed for each violation—which includes the omission of just one paint stripe on a log. In addition, civil penalties are high—the Forest Service has the discretion, based upon the nature of the violation, to assess penalties of up to \$500,000 or three times the gross value of the timber involved,

plus the option to cancel all Federal timber contracts.

This Senator believes that a regulated entity—whether it's a small business or a big business—deserves to understand a set of regulations before it is implemented. This is just common sense. To do the opposite, as was done in this case—to blind-side an industry with draconian regulations that have never been reviewed by the regulated community—certainly fans the flame of anti-government sentiment.

My amendment, co-sponsored by Senator MURRAY and Senator BURNS, would delay the regulations for 120 days. During that 120-day period the regulations issued on September 8 would be treated as proposed regulations, affected parties would have the opportunity to comment on the regulations, and the Department is required to make the necessary revisions based upon such comments. During this 120 day period, the interim regulations would remain in place, and any fines assessed based upon the September 8 regulations would be null and void.

This amendment is not controversial. This amendment makes common sense, and I urge my colleagues to support my amendment.

#### AMENDMENT NO. 2704

On page 25, line 14, strike \$564,685,000 and insert \$563,004,000.

On page 37, line 8, strike \$1,000,000 and insert \$2,681,000.

#### AMENDMENT NO. 2705

(Purpose: To clarify that tourist and other recreational businesses located in rural communities are eligible for loans under the Rural Business and Cooperative Development Service's Business and Industry Loan Guarantee Program)

On page 44, line 16, before the period insert the following: "Provided further, That loan guarantees for business and industry assistance funded under this heading shall be made available to tourist or other recreational businesses in rural communities".

#### AMENDMENT NO. 2706

On page 14, strike on line 12, "40,670,000" and insert in lieu thereof, "42,670,000".

On page 15, strike on line 17, "\$419,622,000" and insert in lieu thereof "\$421,622,000".

On page 82, reduce "\$800,000,000" by \$4,444,000.

Mr. LEAHY. Mr. President, I thank the managers for accepting this amendment. It is my intention, and our understanding, that the additional funds included by this amendment, will be used to find the President's request submitted by the Department of Agriculture on page 9-32 of the fiscal year 1996 budget request of the Department of Agriculture.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 2700 through 2706) were agreed to.

Mr. COCHRAN. 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.

Mrs. BOXER. The U.S. Department of Agriculture's Animal and Plant Health Inspection Service recently issued a proposed rule governing the importation of Mexican Hass avocados into the United States. The proposed rule would allow Hass avocados to be imported into the Northeastern United States during the winter months of November through February.

I support the House report language concerning the Department of Agriculture's Animal and Plant Health Inspection Service proposed rule on the importation of Mexican avocados.

The House Committee report language, although not a permanent solution, adequately cautions the USDA to ensure scientific credibility on pest risk assessment and risk management, ensure that the USDA will commit the resources necessary to ensure sufficient oversight, inspection, and enforcement of any importation system which may result, and ensure that the avocado industry is provided the opportunity to give input on any proposed regulatory changes.

California avocado growers have expressed their continued concerns that a USDA proposed rule inadequately protects their industry from harmful pests or disease that imported avocados may carry.

I am very concerned about the potential impact of the proposed rule on avocado growers in California. There are about 7,300 avocado growers in the United States, 6,000 of whom are in California. On average, these hard-working farmers produce about 300 million pounds of avocados a year, and last year they produced \$250 million worth of fruit.

But this proposed rule is not just about the avocado industry. It is about pests that threaten the \$18 billion a year California agricultural industry: an industry that generates \$70 billion a year in economic activity. California's agricultural industry is primarily export-driven, and even the hint of pest infestation threatens trade, as we have recently seen with Japan and the medfly threat.

The State of California and the Federal Government have spent more than \$217 million since 1980 to combat periodic fruit fly infestations. Even with this significant commitment of resources, certain Mediterranean fruit fly eradication efforts remain under-researched and under-funded. The 34 pests that APHIS claims are commonly found in avocados grown in Mexico could devastate California agriculture. Many pests found in Mexico infest citrus, grapes, apples, and other agricultural products.

California avocado growers are very concerned that APHIS lacks the resources to enforce the phytosanitary restrictions in the proposed rule. I share their concern. APHIS states in the proposed rule that it "agrees that adequate resources and personnel, especially inspectors, would have to be devoted to prevent introduction of avo-

cado and other plant pests into the United States."

The Agriculture Quarantine and Inspection budget is primarily user-fee funded. Funds are kept in a dedicated account and are subject to annual appropriations. Although the budget is not slated for cuts in the fiscal year 1996 agriculture appropriations bill, the question remains whether it is realistic to assume that the current funding level is sufficient to cover the additional needs created by this proposed rule. For example, the transshipment of Hass avocados within the United States will be very difficult to control without an aggressive monitoring program.

Since 1914, it has been the policy of the United States to prohibit the entry of fresh avocados with seeds from Mexico and certain other countries of Central and South America. This quarantine, although specifically directed at seed weevils and moths, has also proven effective in preventing infestation of fruit flies, and other pests found in Mexican avocados which would adversely impact not only U.S. avocado production but numerous other fruit and vegetable crops in California, Arizona, Texas, Florida, and other States. I believe that current policy should continue until all of the legitimate concerns of the avocado industry are addressed.

Our quarantine against Mexican avocados is not unique. It is important to remember that pest-free fresh avocados enter the United States from other countries, such as Chile, which also prohibits entry of Mexican avocados due to pest risks.

Mexico has yet to implement an effective pest eradication or control program. As recently as July 1993, USDA officials concluded that Mexican avocados continue to pose a significant threat of introducing plant pests into the United States. Although the proposed rule details safeguards to be taken by Mexican growers and packers as well as strict oversight by APHIS, there is still no evidence that effective pest control and eradication programs have been developed and implemented by Mexico.

Unless Mexico implements a comprehensive and effective pest eradication and control program in its growing areas, USDA policy must ensure that the health of U.S. agriculture and consumers is not threatened.

Unfortunately, in the Senate committee report language on Mexican avocados the Senate committee does not concur with the House language and says that the Department published regulations to address the concerns about the protection of domestic avocado production after House action on this issue. While it may be true that the proposed rule was published after House action, the rule does not sufficiently address concerns and would allow Hass avocados to be imported into the Northeastern United States

during the winter months of November through February.

I urge my colleagues to carefully reconsider this issue as they prepare to go to conference with the House, and urge them to defer to the House on this issue.

Ms. SNOWE. Mr. President, I request permission to engage the senior Senator from Maine and the chairman of the Agriculture Appropriations Subcommittee in a brief colloquy. As the chairman knows, new fungicide-resistant strains of the late blight potato fungus are causing serious damage to potato crops in a number of potato-growing States. Maine has been hit particularly hard by late blight over the past several years. To address this problem, the Congress provided \$1.4 million for late blight control and research in Maine through extension in 1994, and it provided \$800,000 for the Maine program in the current fiscal year through the Smith-Lever pest management funds. USDA officials have informed our offices that another \$800,000 has been included in the President's budget for this purpose in fiscal year 1996 under pest management.

Mr. COHEN. I fully concur with Senator SNOWE that this funding is critical to helping potato growers in Maine and other States protect their crops from the devastation of late blight. We note that the committee has provided \$10.9 million for pest management in its fiscal year 1996 bill, which is the same as the amount appropriated in the current fiscal year. Is it the chairman's understanding that the President's fiscal year 1996 budget request for this account includes \$800,000 to continue this late blight control program in Maine?

Mr. COCHRAN. Mr. President, I would like to point out that the committee recognizes the very serious threats to potato production posed by late blight, and the heavy damage that has been incurred to date in Maine and other States. In response to the Senators' question, I can confirm that the President's fiscal year 1996 budget request for pest management does include \$800,000 to continue the late blight control program described by the Maine senators.

Ms. SNOWE. On behalf of the Maine delegation, I would like to thank the Chairman for clarifying this matter.

#### AGRICULTURAL RESEARCH SERVICE

Mr. CONRAD. As the Senator from Arkansas is aware, H.R. 1976 provides funding for the Agricultural Research Service to continue operating the ARS potato research facility in East Grand Forks, Minnesota, as an ARS worksite. Research direction and administration will be shifted to a primary ARS laboratory. The ARS Red River Valley Agricultural Research Center Northern Plains Area office in Fargo, North Dakota is located just 75 miles away, and is well equipped to handle administrative functions for the East Grand Forks facility. Is it the Senator's understanding that ARS should transfer the administrative responsibilities

called for in this legislation to the Fargo ARS facility?

Mr. BUMPERS. The Senator is correct. ARS should transfer administration of the East Grand Forks facility to the ARS research center in Fargo, North Dakota.

Mr. CONRAD. Would the Chairman of the Subcommittee indicate whether he has the same understanding?

Mr. COCHRAN. I do agree with the Senator regarding the Fargo ARS center.

Mr. DORGAN. In addition, the bill contains funding for the Animal and Plant Health Inspection Service to continue a cattail management program for blackbird control. Is it the Subcommittee's intention that APHIS should continue to use a portion of those funds for cattail management and blackbird control in North Dakota?

Mr. BUMPERS. The Senator is correct. APHIS should continue using a portion of available funds to continue the cattail management program in North Dakota.

Mr. COCHRAN. Let me add that I share Senator BUMPERS' understanding.

#### DISTANCE LEARNING AND MEDICAL LINK FUNDING

Mr. KERREY. I would like to ask the distinguished chairman for assistance in dealing with two matters that are very important to me and the people of Nebraska.

The Distance Learning and Medical Link Program was designed to demonstrate the ability of rural communities to utilize existing or proposed telecommunications systems to achieve sustainable cost-effective distance learning or proposed medical link networks.

In Nebraska, there is a distance learning partnership between the School at the Center Project, the Nebraska Math and Science Initiative, Project EduPort and the Nebraska Rural Development Commission that would provide access to advanced telecommunications services and computer networks and improve rural opportunities.

Another program designed to provide much needed technology to rural communities is the Rural Community Advancement Program (RCAP). Included in RCAP is the Rural Business Enterprise Grant Program.

The Nebraska Department of Economic Development operates a program for innovative information technology applications that assists small and rural Nebraska businesses in becoming more competitive through effective use of information technology and telecommunications.

I feel that these are the types of projects contemplated under the Distance Learning and Medical Link Program and the Rural Business Enterprise Grant Program, and I would ask the chairman to join me in encouraging the Department to give consideration to funding both of these proposals.

Mr. COCHRAN. The committee did urge the Department to give consideration to funding a number of applications for both of these programs. I appreciate the Senator bringing these proposals to my attention. I would urge the Department to give equal consideration to these applications as those included in the committee report.

Mr. BUMPERS. Mr. President, I have been advised that Senator HEFLIN has two colloquies. These have not been submitted and will be submitted tomorrow.

Mr. President, let me make this unanimous consent request: Following the final vote on the Bumpers amendment, that it be in order if the colloquy has been submitted at that time and accepted by the floor managers, that a colloquy by Senator HEFLIN and Senator COCHRAN be eligible to be submitted for the RECORD, and a Hefflin colloquy with Senator COCHRAN on agricultural weather stations, that those two be in order to be inserted in the RECORD prior to final vote.

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

#### MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

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

#### COOPERATIVE STATE RESEARCH EXTENSION AND EDUCATION SERVICE GRANTS

Mr. LEVIN. Mr. President, my colleague from Michigan, Senator ABRAHAM, and I would like to engage the distinguished manager of the bill in a brief colloquy regarding an important Cooperative State Research Extension and Education Service [CSREES] grant that has supported innovative work conducted by Michigan State University [MSU] and the Michigan Biotechnology Institute [MBI]. Through CSREES support, MSU/MBI have been working to commercialize agricultural technologies, particularly those that stimulate new uses for agricultural commodities, from our Nation's universities and Federal laboratories.

Mr. ABRAHAM. Due in part to past CSREES Special Research Grant support, MSU/MBI has succeeded in creating five new companies using agricultural technologies. One company was created to market a new biodegradable plastic resin for applications such as plastic knives, forks and spoons used in fast food establishments. The new resin has all the benefits of conventional petroleum-based technology but you can throw it away and it will decompose without adding to our nation's landfills. This research has created new companies, new jobs, and increased Michigan's tax base. I strongly support these efforts.