

adore him, respect him, and he could have won the race easily. I have a selfish reaction to this. I wanted him to run again. We in Wyoming have a unique relationship in this delegation—all Republicans, and we are all friends. I think it is especially unique that AL and I grew up in the same little town, Cody, WY—which was about 6,000—across the alley from one another. We played sports together, grew up together. I can tell a few scandalous stories, but AL has told most of them already.

Few men in Washington have the gift of skill and the gift of humor that AL SIMPSON has. He has always been that way. I can recall when I was just a kid, Milward Simpson was probably the most famous man in our little town. I can remember being so astonished that he could stand up and extemporaneously speak, and it would just flow.

So now we are here serving the Wyoming people in the Senate, and here ALAN SIMPSON is my political mentor, our senior Senator and, very selfishly, I wanted him to run again, to continue his excellent representation and clear leadership. Many of you will have your own testimony to AL SIMPSON during the coming year. But I can tell you from one who has known the SIMPSON family, I know Milward and Lorna Simpson would have been very proud of AL, both in the way he has served and will serve throughout 1996, but also as proud as only a father and a mother can be in the way he has come to and announced his decision. He announced it with courage, with class, and with a positive view for the future—the qualities that define AL and Ann Simpson.

He has 1 more year to go. No one should make a mistake or forget about that. He will do many things in that year. He will achieve much. So I will, at the end of that year, miss my good friend and mentor. All of us, I think, will miss his good western wisdom, such as "don't squat with your spurs on" and other little bits like that.

So I say to my friend, hats off to a true trail boss, good luck, and I hope you do as well as you have done in the past, my friend, AL SIMPSON.

TRIBUTE TO ALAN SIMPSON AND MARK HATFIELD

Mr. JOHNSTON. Mr. President, I would like to remark at what a diminished place this will be because of the loss of Senator SIMPSON and Senator HATFIELD, both of whom announced over the weekend that they would be leaving. There are no Senators in this body, any that I know of, who have served here who have been more distinguished than the Senator from Wyoming and the Senator from Oregon. I might say that there are none for whom I have higher personal esteem and affection than both of these Senators.

It was truly a historic weekend for both of them to announce that they were leaving the Senate. I must say, had I not myself announced that I was leaving, I would be much sadder than I am. Since I will be leaving, I will not miss them here. I despair, though, because of the vacuum that will be left in this Nation when these two very great public servants will be leaving the Senate.

I did not come for that specific purpose, Mr. President. I will later talk about my two friends. But I could not miss the opportunity when the junior Senator from Wyoming brought up the subject to say how much I share his sentiments and how great I think the loss is for the country.

THE FARM PROVISIONS OF THE RECONCILIATION BILL

Mr. JOHNSTON. Mr. President, we knew that when the farm provisions of the reconciliation bill were agreed to, they were bad for the State of Louisiana, but we had no idea how bad these provisions were for the State of Louisiana when they were passed.

The reason is, Mr. President, we had no opportunity to be involved in this, no input into the provisions of it, no ability to evaluate it, no ability to discuss it. It was in conference committee and the reconciliation bill. The chairman of the House Agriculture Committee met with the Speaker of the House and, boom, ipso facto, it was created out of the ashes in whole part without any input from anybody.

Mr. President, now we have evaluated this bill. I can tell my colleagues that the agricultural provisions of the reconciliation bill will simply destroy the cotton industry and the rice industry in the State of Louisiana.

Let me repeat that: The agricultural provisions of the reconciliation bill will destroy the rice industry and the cotton industry in the State of Louisiana.

Mr. President, these are two of our largest crops. They contribute over \$2 billion to the State of Louisiana, 7,000 direct jobs and 27,000 indirect agriculture jobs, according to Louisiana State University and the Louisiana Cooperative Extension Service.

Mr. President, they have done an analysis of what the bill does for rice and cotton. They have taken a typical Louisiana rice tenant farm, which is 287 planted acres—and this takes up about 90 percent of our tenant farms in the State of Louisiana—and they have a whole series of calculations as to what the economic effect on that rice farmer will be.

Mr. President, I ask unanimous consent that the calculations which they have done in great detail both as to the comparison of net returns for cotton, net returns for rice under the conference committee, and rice gross returns under alternative farm program, that these figures be printed in the RECORD at this time.

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

COMPARISON OF NET RETURNS FOR COTTON UNDER CONFERENCE COMMITTEE FARM PROPOSAL AND EXTENSION OF CURRENT FARM BILL, LOUISIANA, 1996–2002

	1996	1997	1998	1999	2000	2001	2002
Analysis Parameters							
Cotton farm acreage:				(acres)			
Base acres	353	353	353	353	353	353	353
Percent of base paid	85	85	85	85	85	85	85
Acres planted (85 percent of base) ¹	300	300	300	300	300	300	300
Cotton yields:				(lbs/acre)			
Louisiana actual yield	740	740	740	740	740	740	740
Louisiana program yield	722	722	722	722	722	722	722
Current program parameters:				(cents/lb)			
Target price	72.90	72.90	72.90	72.90	72.90	72.90	72.90
Loan rate	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Estimated deficiency payment	13.22	13.22	13.22	13.22	13.22	13.22	13.22
Conference program parameters:				(acres)			
Estimated transition payment ²	7.93	7.53	8.06	7.74	7.09	5.71	5.50
Loan rate	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Market price level analyzed:				(cents/lb)			
1990–94 Louisiana average price	59.68	59.68	59.68	59.68	59.68	59.68	59.68
Estimated Net Returns (tenant operator)							
Current program			(Total cotton returns (\$ per farm))				
Total farm market returns ³	149,720	149,720	149,720	149,720	149,720	149,720	149,720
Total farm deficiency payments	28,639	28,639	28,639	28,639	28,639	28,639	28,639
Total farm gross returns ⁴	178,359	178,359	178,359	178,359	178,359	178,359	178,359
Land rent (25 percent)	44,590	44,590	44,590	44,590	44,590	44,590	44,590
Net returns above land rent	133,769	133,769	133,769	133,769	133,769	133,769	133,769
Variable costs (\$332.73/acre)	99,836	102,831	105,916	109,093	112,366	115,737	119,209
Net returns above variable costs	33,933	30,938	27,854	24,676	21,403	18,032	14,560
Fixed costs (\$72.09/acre)	21,631	21,847	22,065	22,286	22,509	22,734	22,961

COMPARISON OF NET RETURNS FOR COTTON UNDER CONFERENCE COMMITTEE FARM PROPOSAL AND EXTENSION OF CURRENT FARM BILL, LOUISIANA, 1996–2002

	1996	1997	1998	1999	2000	2001	2002
Net returns above total costs	12,303	9,092	5,788	2,390	(1,106)	(4,702)	(8,401)
Conference program:							
Total farm market returns ³	149,720	149,720	149,720	149,720	149,720	149,720	149,720
Total farm transition payments	17,179	16,313	17,461	16,768	15,359	12,370	11,915
Total farm gross returns ⁴	166,899	166,032	167,180	166,487	165,079	162,089	161,635
Land rent (25 percent)	41,725	41,508	41,795	41,622	41,270	40,522	40,409
Net returns above land rent	125,174	124,524	125,385	124,865	123,809	121,567	121,226
Variable costs (\$332.73/acre)	99,836	102,831	105,916	109,093	112,366	115,737	119,209
Net returns above variable costs	25,338	21,693	19,470	15,772	11,443	5,830	2,017
Fixed costs (\$72.09/acre)	21,631	21,847	22,065	22,286	22,509	22,734	22,961
Net returns above total costs	3,708	(153)	(2,596)	(6,514)	(11,065)	(16,904)	(20,944)

¹ Estimated planted acreage level at maximum deficiency payment rate under \$50,000 payment limitation.² Preliminary payment rates under Agricultural Market Transition Program, November 1995.³ Includes sales of cottonseed valued at \$0.05 per lb.⁴ Marketing loan payments are excluded from the analysis since the provisions for a marketing loan are the same under both programs.

COMPARISON OF NET RETURNS FOR RICE UNDER CONFERENCE COMMITTEE FARM PROPOSAL AND EXTENSION OF CURRENT FARM BILL, LOUISIANA, 1996–2002

	1996	1997	1998	1999	2000	2001	2002
Analysis Parameters							
Rice farm acreage:				(acres)			
Base acres	338	338	338	338	338	338	338
Percent of base paid	85	85	85	85	85	85	85
Acres planted (85 percent of base) ¹	287	287	287	287	287	287	287
Rice yields:				(cwt/acre)			
Louisiana actual yield	48.00	48.00	48.00	48.00	48.00	48.00	48.00
Louisiana program yield	41.31	41.31	41.31	41.31	41.31	41.31	41.31
Current program parameters:				(\$/cwt)			
Target price	10.71	10.71	10.71	10.71	10.71	10.71	10.71
Loan rate	6.50	6.50	6.50	6.50	6.50	6.50	6.50
Estimated deficiency payment	3.82	3.82	3.82	3.82	3.82	3.82	3.82
Conference program parameters:				(\$/cwt)			
Estimated transition payment ²	1.52	2.66	2.86	2.77	2.53	2.04	1.98
Loan rate	6.50	6.50	6.50	6.50	6.50	6.50	6.50
Market price level analyzed:				(\$/cwt)			
1990–94 Louisiana average price	6.89	6.89	6.89	6.89	6.89	6.89	6.89
Estimated Net Returns (tenant operator)							
Current program:			(Total rice returns (\$ per farm))				
Total farm market returns	95,016	95,016	95,016	95,016	95,016	95,016	95,016
Total farm deficiency payments	45,337	45,337	45,337	45,337	45,337	45,337	45,337
Total farm gross returns ³	140,353	140,353	140,353	140,353	140,353	140,353	140,353
Land and water rent (20 percent for each)	56,141	56,141	56,141	56,141	56,141	56,141	56,141
Net returns above land/water rent	84,212	84,212	84,212	84,212	84,212	84,212	84,212
Variable costs	67,605	69,633	71,722	73,873	76,090	78,372	80,723
Net returns above variable costs	16,607	14,579	12,490	10,338	8,122	5,840	3,488
Fixed costs	13,543	13,679	13,816	13,954	14,093	14,234	14,377
Net returns above total costs	3,064	900	(1,325)	(3,615)	(5,971)	(8,395)	(10,888)
Conference program:							
Total farm market returns	95,016	95,016	95,016	95,016	95,016	95,016	95,016
Total farm transition payments	18,040	31,570	33,944	32,875	30,027	24,211	23,499
Total farm gross payments ³	113,056	126,586	128,959	127,891	125,043	119,227	118,515
Land and water rent (20 percent for each)	45,222	50,634	51,584	51,156	50,017	47,691	47,406
Net returns above land/water rent	67,833	75,951	77,376	76,735	75,026	71,536	71,109
Variable costs	67,605	69,633	71,722	73,873	76,090	78,372	80,723
Net returns above variable costs	229	6,319	5,654	2,861	(1,064)	(6,836)	(9,614)
Fixed costs	13,543	13,679	13,816	13,954	14,093	14,234	14,377
Net returns above total costs	(13,314)	(7,360)	(8,162)	(11,092)	(15,157)	(21,070)	(23,991)

¹ Estimated planted acreage level at maximum deficiency payment rate under \$50,000 payment limitation.² Preliminary payment rates under Agricultural Market Transition Program, November 1995.³ Marketing loan payments are excluded from the analysis since the provisions for a marketing loan are the same under both programs.

LOUISIANA RICE GROSS RETURNS UNDER ALTERNATIVE FARM BILL PROPOSALS, 1996–2002

	1996	1997	1998	1999	2000	2001	2002
Rice yields:				(cwt/acre)			
Louisiana actual yield	48.00	48.00	48.00	48.00	48.00	48.00	48.00
Louisiana program yield	41.31	41.31	41.31	41.31	41.31	41.31	41.31
Current program:				(acres)			
Base acres	100	100	100	100	100	100	100
Percent of base paid	85	85	85	85	85	85	85
Acres planted (85 percent of base)	85	85	85	85	85	85	85
Price/payment rates:				(\$/cwt)			
Target price	10.71	10.71	10.71	10.71	10.71	10.71	10.71
Loan rate	6.50	6.50	6.50	6.50	6.50	6.50	6.50
1990–94 Louisiana average price	6.89	6.89	6.89	6.89	6.89	6.89	6.89
Deficiency payment	3.82	3.82	3.82	3.82	3.82	3.82	3.82
Estimated gross returns:				(Total rice returns (\$))			
Total farm market returns	28,111	28,111	28,111	28,111	28,111	28,111	28,111
Total farm deficiency payments ¹	13,413	13,413	13,413	13,413	13,413	13,413	13,413
Total farm gross returns	41,252	41,252	41,252	41,252	41,252	41,252	41,252
Conference bill:				(acres)			
Base acres	100	100	100	100	100	100	100
Percent of base paid	85	85	85	85	85	85	85
Acres planted (85 percent of base)	85	85	85	85	85	85	85
Price/payment rates:				(\$/cwt)			
Loan rate	6.50	6.50	6.50	6.50	6.50	6.50	6.50
1990–94 Louisiana average price	6.89	6.89	6.89	6.89	6.89	6.89	6.89
Transition payment	1.52	2.66	2.86	2.77	2.53	2.04	1.98
Estimated gross returns:				(Total rice returns (\$))			
Total farm market returns	28,111	28,111	28,111	28,111	28,111	28,111	28,111
Total farm transition payments ¹	5,337	9,340	10,042	9,726	8,884	7,163	6,952
Percent change from current program ³	–60	–30	–25	–27	–34	–47	–48
Total farm gross returns	33,448	37,451	38,154	37,838	36,995	35,274	35,064

LOUISIANA RICE GROSS RETURNS UNDER ALTERNATIVE FARM BILL PROPOSALS, 1996–2002—Continued

	1996	1997	1998	1999	2000	2001	2002
House bill:				(acres)			
Base acres	100	100	100	100	100	100	100
Percent of base paid	100	100	100	100	100	100	100
Acres planted (85 percent of base)	85	85	85	85	85	85	85
Price/payment rates:				(\$/cwt)			
Loan rate	6.50	6.50	6.50	6.50	6.50	6.50	6.50
1990–94 Louisiana average price	6.89	6.89	6.89	6.89	6.89	6.89	6.89
Transition payment	4.10	3.98	4.26	4.13	3.80	3.12	3.04
Estimated gross returns:				(Total rice returns (\$))			
Total farm market returns	28,111	28,111	28,111	28,111	28,111	28,111	28,111
Total farm deficiency payments ²	16,937	16,441	17,598	17,061	15,698	12,889	12,558
Percent change from current program ³	26	23	31	27	17	–4	–6
Total farm gross returns	45,048	44,553	45,709	45,172	43,809	41,000	40,669
Senate bill:				(acres)			
Base acres	100	100	100	100	100	100	100
Percent of base paid	70	70	70	70	70	70	70
Acres planted (85 percent of base)	85	85	85	85	85	85	85
Price/payment rates:				(\$/cwt)			
Target price	10.71	10.71	10.71	10.71	10.71	10.71	10.71
Loan rate	6.50	6.50	6.50	6.50	6.50	6.50	6.50
1990–94 Louisiana average price	6.89	6.89	6.89	6.89	6.89	6.89	6.89
Deficiency payment	3.82	3.82	3.82	3.48	3.23	2.89	2.66
Estimated gross returns:				(Total rice returns (\$))			
Total farm market returns	28,111	28,111	28,111	28,111	28,111	28,111	28,111
Total farm deficiency payments ¹	11,046	11,046	11,046	10,063	9,340	8,357	7,692
change from current program ³	–18	–18	–18	–25	–30	–38	–43
Total farm gross returns	39,157	39,157	39,157	38,174	37,451	36,468	35,803

¹ Marketing loan payments not included.² No marketing loan program in House bill.³ Percent change in program payments from continuation of current program (excluding marketing loan).

COMPARISON OF GROSS RETURNS FOR COTTON UNDER CONFERENCE COMMITTEE FARM PROPOSAL AND EXTENSION OF CURRENT FARM BILL, LOUISIANA, 1996–2002

	1996	1997	1998	1999	2000	2001	2002
Analysis Parameters							
Cotton farm acreage:				(acres)			
Base acres	353	353	353	353	353	353	353
Percent of base paid	85	85	85	85	85	85	85
Acres planted (85 percent of base) ¹	300	300	300	300	300	300	300
Cotton yields:				(lbs/acre)			
Louisiana actual yield	740	740	740	740	740	740	740
Louisiana program yield	722	722	722	722	722	722	722
Current program parameters:				(cents/lb)			
Target price	72.90	72.90	72.90	72.90	72.90	72.90	72.90
Loan rate	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Conference program parameters:				(cents/lb)			
Estimated transition payment ²	7.93	7.53	8.06	7.74	7.09	5.71	5.50
Loan rate	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Market price levels analyzed:				(cents/lb)			
10 percent above CBO baseline	70.40	67.10	66.00	64.90	66.00	66.00	66.00
CBO baseline	64.00	61.00	60.00	59.00	60.00	60.00	60.00
10 percent below CBO baseline	57.60	54.90	54.00	53.10	54.00	54.00	54.00
Estimated Gross Returns				(Total cotton returns (\$) per farm)			
“Current program”:							
10 percent above CBO baseline prices:							
Total farm market returns	156,314	148,987	146,544	144,102	146,544	146,544	146,544
Total farm deficiency payments	5,416	12,565	14,948	17,331	14,948	14,948	14,948
Total farm gross returns ³	161,730	161,552	161,492	161,433	161,492	161,492	161,492
CBO baseline prices:							
Total farm market returns	142,104	135,443	133,222	131,002	133,222	133,222	133,222
Total farm deficiency payments	19,281	25,780	27,946	30,112	27,946	27,946	27,946
Total farm gross returns ³	161,384	161,222	161,168	161,114	161,168	161,168	161,168
10 percent below CBO baseline prices:							
Total farm market returns	127,893	121,898	119,900	117,902	119,900	119,900	119,900
Total farm deficiency payments	33,145	38,994	40,944	42,894	40,944	40,944	40,944
Total farm gross returns ³	161,039	160,893	160,844	160,796	160,844	160,844	160,844
“Conference program”:							
10 percent above CBO baseline prices:							
Total farm market returns	156,314	148,987	146,544	144,102	146,544	146,544	146,544
Total farm transition payments	17,179	16,313	17,461	16,768	15,359	12,370	11,915
Total farm gross returns ³	173,493	165,300	164,005	160,870	161,904	158,914	158,459
Percent change from current program	7.3	2.3	1.6	–0.3	0.3	–1.6	–1.9
CBO baseline prices:							
Total farm market returns	142,104	135,443	133,222	131,002	133,222	133,222	133,222
Total farm transition payments	17,179	16,313	17,461	16,768	15,359	12,370	11,915
Total farm gross returns ³	159,283	151,755	150,683	147,769	148,582	145,592	145,137
Percent change from current program	–1.3	–5.9	–6.5	–8.3	–7.8	–9.7	–9.9
10 percent below CBO baseline prices:							
Total farm market returns	127,893	121,898	119,900	117,902	119,900	119,900	119,900
Total farm transition payments	17,179	16,313	17,461	16,768	15,359	12,370	11,915
Total farm gross returns ³	145,073	138,211	137,361	134,669	135,259	132,270	131,815
Percent change from current program	–9.9	–14.1	–14.6	–16.2	–15.9	–17.8	–18.0

¹ Estimated planted acreage level at maximum deficiency payment rate under \$50,000 payment limitation.² Preliminary payment rates under Agricultural Market Transition Program, November 1995.³ Marketing loan payments are excluded from the analysis since the provisions for a marketing loan are the same under both programs.

COMPARISON OF GROSS RETURNS FOR RICE UNDER CONFERENCE COMMITTEE FARM PROPOSAL AND EXTENSION OF CURRENT FARM BILL, LOUISIANA, 1996–2002

	1996	1997	1998	1999	2000	2001	2002
Analysis Parameters							
Rice farm acreage:							
Base acres	338	338	338	338	338	338	338
Percent of base paid	85	85	85	85	85	85	85
Acres planted (85% of base) ¹	287	287	287	287	287	287	287
Rice yields:							
Louisiana actual yield	48.00	48.00	48.00	48.00	48.00	48.00	48.00
Louisiana program yield	41.31	41.31	41.31	41.31	41.31	41.31	41.31
Current program parameters:							
Target price	10.71	10.71	10.71	10.71	10.71	10.71	10.71
Loan rate	6.50	6.50	6.50	6.50	6.50	6.50	6.50
Estimated deficiency payment	3.82	3.82	3.82	3.82	3.82	3.82	3.82
Conference program parameters:							
Estimated transition payment ²	1.52	2.66	2.86	2.77	2.53	2.04	1.98
Loan rate	6.50	6.50	6.50	6.50	6.50	6.50	6.50
Market price level analyzed:							
1990–94 Louisiana average price	6.89	6.89	6.89	6.89	6.89	6.89	6.89
Estimated Gross Returns							
Current program:							
Total farm market returns	95,016	95,016	95,016	95,016	95,016	95,016	95,016
Total farm deficiency payments	45,337	45,337	45,337	45,337	45,337	45,337	45,337
Total farm gross returns ³	140,353	140,353	140,353	140,353	140,353	140,353	140,353
Conference program:							
Total farm market returns	95,016	95,016	95,016	95,016	95,016	95,016	95,016
Total farm transition payments	18,040	31,570	33,944	32,875	30,027	24,211	23,499
Total farm gross returns ³	113,056	126,586	128,959	127,891	125,043	119,227	118,515
Percent change from current program:							
Percent change in market returns	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Percent change in program payments	-60.2	-30.4	-25.1	-27.5	-33.8	-46.6	-48.2
Percent change in gross returns ³	-19.4	-9.8	-8.1	-8.9	-10.9	-15.1	-15.6

¹ Estimated planted acreage level at maximum deficiency payment rate under \$50,000 payment limitation.

² Preliminary payment rates under Agricultural Market Transition Program, November 1995.

³ Marketing loan payments are excluded from the analysis since the provisions for a marketing loan are the same under both programs.

Mr. JOHNSTON. Mr. President, when you boil the figures down, what it shows is that the average rice farmer in 1996 has a net income of minus \$13,314. The average rice farmer in Louisiana for 1996 loses \$13,314. In 1997, it is \$7,360.

You say, why would he lose twice as much in 1996 as he would lose in 1997? The reason is, under this bill, incredibly, they have to pay back the payment they received for the last quarter of calendar 1996. They have to pay that back, so that you actually lose \$13,314.

It gets worse from there. In 1998, \$8,162; in 1999, \$11,092; in the year 2000, \$15,157; in 2001, \$21,070; and 2002, \$23,991.

Mr. President, these are not rich farmers but the average rice farmer in Louisiana who has planted 287 acres. Mr. President, this is not some Democratic Policy Committee who has come out with these figures; it is the Louisiana State University Agriculture Department.

Mr. President, this is actually not going to happen. The reason is that they are not going to plant the rice. With these kind of economic figures shown to the bankers, no banker is going to lend any money to plant this crop. So you will not have these losses. You will not have a rice industry in the State of Louisiana because it shows a negative cash flow for each of these years through the year 2002.

Again, Mr. President, this is the Louisiana State University who has come up with these figures.

Mr. President, it is only slightly less bad for cotton. Under cotton—and all of the figures under which we calculated each one of these figures has now been put into the RECORD—for the average cotton farmer, that is 300 planted acres, he makes \$3,708 in 1996,

begins to lose the next year, and by the year 2002 he is losing a net of \$20,944.

This, again, Mr. President, is the average cotton farmer in the State of Louisiana.

You say, how in the world could they have done such folly in this bill? Mr. President, they did it without hearings, they did it without consultation, they did it without input. The Speaker got together with the head of the Agriculture Committee in the House and, bam, here it came. Here is the result.

Mr. President, this is an emergency. I think sooner or later this is going to be straightened out, because, as George Bush said about the invasion of Kuwait, this cannot stand. It just cannot be, Mr. President.

This Congress has done some dumb things, Mr. President, but we have never that I know of intentionally wiped out an industry—the cotton industry, the rice industry—in a State. If this is happening in the State of Louisiana, it is going to happen elsewhere across the country. We cannot intentionally do this.

Mr. President, it is an emergency that needs to be corrected now because if we wait, we are going to miss this crop year. Typically, Mr. President, the preparations for the crop year begin in December. The farmers decide what kind of money they are going to need to borrow, what kind of crops they want to plant, how much it is going to cost, et cetera, and they begin those negotiations with the bank, typically, in December. Certainly by the middle of January, they must have their bank arrangements pretty well in line because they have to plant that crop in the spring.

They have to not only order the seed, insecticide, pesticide, and the other things they will need for that crop, but

their suppliers need to know sufficiently in advance how much they will need to order, how much seed to have on hand, how much insecticide.

Mr. President, you cannot pass a rule one week and expect the crop to be planted the next week.

Mr. President, you might ask, without support, if the Louisiana rice industry cannot survive, why is it that we plant rice in the United States? Why not just let the whole thing move overseas?

The reason is, Mr. President, that the subsidy, the support which we have for agriculture in the United States for rice, is a fraction of what it is in the European market, Japan, and our other foreign competitors. The fact of the matter is the EU, the European Union, subsidizes their farmers three to five times more than they do in the United States. They place high tariffs on some U.S. agricultural products which create artificially high prices.

I am informed, Mr. President—and I will get the exact figure and supply them for the RECORD later—I am informed that rice can fetch as high a price as \$27 per 100-weight in Europe, compared to \$6 in the United States.

Mr. President, if we intentionally wipe out the rice industry and the cotton industry in the State of Louisiana and elsewhere in our country, then we will be subject to the manipulation of foreign suppliers who will dominate and monopolize the whole market.

Mr. President, I do not believe there is time to legislate this year. Regulations must be put out under any new legislation that comes out, and regulations are going to take many weeks in order to determine how to interpret whatever law finally comes out. I believe it will be too late for the planting season even assuming that there is a

veto of the reconciliation bill, which surely there should be if these are representative of the kind of provisions that are in that bill. If the Congress passes a new bill, I do not believe there is going to be time to get the regs out to borrow the money, to make the preparations in order to get the crop out this year.

So, Mr. President, what I am saying is the Congress needs to act as in an emergency and to extend the present law. We need to extend that present law so we can get the crop in the ground this year. If we do not do that, and if we have the reconciliation bill as passed, then we are going to wipe out the cotton and rice industry in the State of Louisiana and elsewhere in this country.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, on the rollcall vote on the conference report accompanying H.R. 1058, I was recorded as voting in the affirmative. I ask unanimous consent to change my vote, which was recorded as "yes", to "no." It will not change the outcome of the vote.

I ask unanimous consent I be recorded as a "no" vote.

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

[The foregoing tally has been changed to reflect the above order.]

PARTIAL-BIRTH ABORTION BAN ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 1833

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from New Hampshire.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I ask unanimous consent the Senator from California, Senator FEINSTEIN, be allowed to speak until such time as the majority leader comes to the floor and has a chance to discuss with the manager of the bill how we are going to proceed.

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

The Senator from California.

Mrs. FEINSTEIN. Mr. President, as everyone knows, about a week ago the Judiciary Committee held hearings on this so-called partial-birth abortion legislation. I wanted to speak today on what I learned from the hearings and

my reasons for opposing this bill. Let me summarize those reasons up front, and then go into each one specifically.

First, I believe that this bill attempts to ban a specific medical procedure which is called, in this bill, a "partial-birth abortion," but there is no medical definition for what a "partial-birth abortion" is.

Second, the language in the bill is so vague that I believe it will affect more than any one single medical procedure.

Third, the bill presumes guilt on the part of the doctor, so that every physician may have to prove that in fact he did not perform this procedure, or justify his reasons for so doing if he did.

This bill could be an unnecessary, I think an unconscionable complication to families who face many tragic circumstances involving severely deformed fetuses. I also believe it is an unnecessary Federal regulation, since 41 States have already outlawed post-viability abortions, except to save a woman's life or health.

Finally, I hope to make a case that this bill is very carefully crafted to provide a direct challenge to Roe versus Wade.

First and foremost, this legislation claims to outlaw a medical procedure called a partial-birth abortion. As I said, this medical term does not, in fact, exist. It does not appear in medical textbooks. It does not appear in medical records. The medical doctors who testified before the Senate Judiciary Committee 2 weeks ago could not identify, with any degree of certainty or consistency, what medical procedure this legislation refers to.

I would like to read some of the responses to my question in the committee, when I asked these doctors what a partial birth abortion is.

Dr. Pamela Smith, director of ob/gyn medical education at Mt. Sinai Hospital in Chicago, said it was " * * a perversion of a breech extraction."

Dr. Nancy Romer, a practicing ob/gyn and assistant professor at Wright State University School of Medicine, said it is "a dilation and extraction, distinguished from dismemberment-type D&Es."

Dr. Norig Ellison, President of the American Society of Anesthesiologists, who was at the hearing to represent anesthesiologists who supposedly participate in these procedures, said, "I pass on that one. I am as confused as you are."

And, Dr. Mary Campbell, medical director of planned parenthood of Washington, defined it as " * * a procedure in which any part of the fetus emerges from the cervix before the fetus has been documented to be dead."

Others have said it is an "intact dilation and evacuation," or a "total breech extraction."

I asked Dr. David Grimes of the University of California at San Francisco this same question, and he put it in writing.

First, the term being used by abortion opponents, "partial-birth abortion," is not a

medical term. It is not found in any medical dictionary or gynecology text. It was coined to inflame, rather than to illuminate. It lacks a definition.

As I understand the term, opponents of abortion are using this phrase to describe one variant of the dilation and evacuation procedure, known as a D&E, which is the dominant method of second trimester abortion in the United States.

Second trimester abortion.

If one does not use the D&E, the alternative methods of abortion after 12 weeks gestation are total birth abortion—labor induction is more costly and painful—or hysterotomy, which is the more costly, painful, and hazardous.

Given the enviable record of safety of all D&E methods as documented by the Centers for Disease Control and Prevention, there is no public health justification for any regulation or intervention in a physician's decisionmaking with the patient.

Then I asked one of the professors who testified at the hearing about this. I will get to what he said in a moment. But for just 1 minute let me read the exact language of the bill. We have heard testimony from the authors that this refers to a breech extraction by stopping the head from leaving the birth canal and injecting scissors into the base of the skull and draining fluid. But the definition of the bill is entirely different. The bill says, "The term 'partial-birth abortion' means an abortion in which the person performing the abortion partially delivers a living fetus before killing the fetus and completing the delivery." There is no reference to scissors in the bill. There is no reference to drawing fluid from the brain in this bill. In fact, many people believe that the purpose of this bill is really to get at second trimester abortions.

I believe that the language in this bill, Mr. President, is vague for very deliberate reasons, because by making it vague every doctor that performs even a second trimester abortion could face the possibility of prosecution in that he or she could be hauled before a court and have to defend their abortion. So this bill in effect could affect all abortions.

I asked the legal and medical experts who testified at the Judiciary Committee hearing last week if this legislation could affect abortion—not just late-term abortions but earlier abortions of nonviable fetuses as well. Dr. Louis Seidman, professor of law from Georgetown, gave the following answer, and I quote:

... as I read the language, in a second trimester pre-viability abortion where the fetus will in any event die, if any portion of the fetus enters the birth canal prior to the technical death of the fetus, then the physician is guilty of a crime and goes to prison for 2 years.

That is a law professor's reading of the bill. He then continued his testimony, and I quote:

If I were a lawyer advising a physician who performed abortions, I would tell him to stop because there is just no way to tell whether the procedure will eventuate in some portion of the fetus entering the birth canal before the fetus is technically dead, much less being able to demonstrate that after the fact.