

Mr. HATCH. I know the distinguished leaders of both sides prefer to press onward, but I am not sure what their decision will be. I think we need to have this vote and go from there.

Mr. LEVIN. Mr. President, we will also be offering the Glenn-Chafee substitute this afternoon.

Mr. JOHNSTON. That would be voted on Monday.

Mr. LEVIN. That will require some significant debate both Monday and perhaps today.

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

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

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. BOND], the Senator from Montana [Mr. BURNS], the Senator from Colorado [Mr. CAMPBELL], the Senator from Maine [Mr. COHEN], the Senator from Texas [Mr. GRAMM], the Senator from Indiana [Mr. LUGAR], the Senator from Arizona [Mr. MCCAIN], the Senator from Alabama [Mr. SHELBY], and the Senator from Maine [Ms. SNOWE] are necessarily absent.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from California [Mrs. BOXER], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from Ohio [Mr. GLENN], the Senator from Iowa [Mr. HARKIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Maryland [Ms. MIKULSKI], the Senator from Arkansas [Mr. PRYOR], and the Senator from Maryland [Mr. SARBANES] are absent on official business.

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

The result was announced—yeas 80, nays 0, as follows:

[Rollcall Vote No. 308 Leg.]

#### YEAS—80

Abraham	Ford	Mack
Akaka	Frist	McConnell
Ashcroft	Gorton	Moseley-Braun
Baucus	Graham	Moynihan
Bennett	Grams	Murkowski
Biden	Grassley	Murray
Breaux	Gregg	Nickles
Brown	Hatch	Nunn
Bryan	Hatfield	Packwood
Byrd	Hefflin	Pell
Chafee	Helms	Pressler
Coats	Hutchison	Reid
Cochran	Inhofe	Robb
Conrad	Inouye	Rockefeller
Coverdell	Jeffords	Roth
Craig	Johnston	Santorum
D'Amato	Kassebaum	Simon
Daschle	Kempthorne	Simpson
DeWine	Kerrey	Smith
Dodd	Kerry	Specter
Dole	Kohl	Stevens
Domenici	Kyl	Thomas
Dorgan	Lautenberg	Thompson
Exon	Leahy	Thurmond
Faircloth	Levin	Warner
Feingold	Lieberman	Wellstone
Feinstein	Lott	

#### NOT VOTING—20

Bingaman	Cohen	McCain
Bond	Glenn	Mikulski
Boxer	Gramm	Pryor
Bradley	Harkin	Sarbanes
Bumpers	Hollings	Shelby
Burns	Kennedy	Snowe
Campbell	Lugar	

So, the amendment (No. 1539), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

#### POSITION ON VOTE

• Mr. BURNS. Mr. President, I was necessarily absent during the vote on the Hutchison modified amendment to S. 343 today. Had I been present, I would have voted for the amendment. The amendment, which stated that civil and criminal penalties shall not apply if the rule failed to give fair warning of required conduct, clarifies S. 343 and, I believe, is a valuable addition to the bill.

I would like to note that my vote would not have affected the outcome of the vote, which was adopted by the Senate, 80-0.

The PRESIDING OFFICER. The majority leader is recognized.

#### ORDER OF PROCEDURE

Mr. DOLE. Mr. President, let me indicate there will be no more votes today. I understand that the major amendment on the other side, the so-called Glenn-Chafee, et al, amendment, will be laid down and that will be debated this afternoon, and then on Monday I understand the distinguished Democratic leader would like to change the time of the cloture vote from 5 to 6 p.m.

Mr. DASCHLE. If the leader will yield, that would accommodate a couple of our Members who will be back and ready to vote at 6 o'clock.

Mr. DOLE. I ask unanimous consent that the cloture vote on Monday occur at 6 p.m.

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

Mr. DASCHLE. If the leader will yield, does the leader contemplate votes prior to that?

Mr. DOLE. It is my hope—and we were discussing it earlier—there may be solid debate Monday on the major amendment. If that is the case, then there would not be any votes. If there should be a lull, then we would like to set the amendment aside and take up other amendments. So there could be rollcall votes. I think it is probably less than a 50-50 chance. I would not want anybody to leave here thinking there will not be any votes. There could be a vote. But I think that will be determined by debate on this major amendment, which I assume will probably be extended and continuous.

Mr. DASCHLE. If the leader will yield, that would be my understanding

as well. I think there are a number of people who have expressed an interest in speaking on the substitute, but I would say, in fair warning to all of our colleagues, if there is a lull, we are prepared on this side to bring up another amendment, set the substitute aside and have a good debate on the amendment.

Mr. DOLE. I think another suggestion might be that if there were any votes—there probably would not be any more than one or two—they could immediately follow the cloture vote. So let us do it that way, so that we could say the first vote will occur at 6 p.m. and if any other votes are ordered during the afternoon, they will occur immediately following the vote on cloture. The vote on the substitute, I am not certain whether that will come on Monday evening or Tuesday. There is no indication of that yet.

Mr. DASCHLE. At this point, I am not sure we are prepared to come to any agreement on a time certain, but we will have a good debate on the substitute on Monday, and I assume sometime either Monday night or Tuesday we will be prepared for a vote on that, too.

Mr. DOLE. It is still our hope to complete action on this bill on Tuesday. I know there are some amendments on each side. I do not know how many, but I think maybe three or four on this side, maybe three, four, five on the other side.

So I advise Members that it will probably be late on Monday evening and early on Tuesday so that we can complete action on this bill, so we can move on to the next matter on the agenda, so that we can start our August recess sometime in August.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak in morning business for no more than 2 minutes.

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

#### REASSIGNMENT OF DEPUTY FBI DIRECTOR POTTS

Mr. CRAIG. Mr. President, about an hour ago, I had a phone conversation with the Director of the FBI, Louis Freeh. At that time, he told me that he permanently reassigned Larry Potts, his immediate assistant, Deputy Director, to a new assignment in the FBI pending an investigation that is now underway in the Justice Department as it relates to the performance of certain FBI personnel with the Ruby Ridge incident in Idaho.

For over 2 years, I have pursued open, factual airing of the events of that incident. At the time Mr. Freeh had recommended Potts for his appointment, I asked that be deferred and the man not be considered until such time as the cloud over the FBI was cleared up. It appears we now may be moving in the direction of full public disclosure of

this incident and the activities of the Federal agents involved.

I say this on behalf of the FBI and its reputation, which is critically important as the major law enforcement community of our country, Federal law enforcement community, and I also say this for the families of the victims of Ruby Ridge, that it is time we move now openly and publicly with hearings both here, in the Senate, and with the activities of the Justice Department to clear this issue.

Mr. Freeh, in that conversation, pledged full cooperation in all activities that will occur in the Senate and in the House in the hearings that may come about. I certainly hope we can move late this summer or early this fall to full and thorough investigative hearings, oversight hearings on this incident. I think the American people now demand it, and I think it is important we once again reestablish the credibility of the FBI by the cleansing of this issue.

I yield back the remainder of my time.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I compliment my colleague from the State of Idaho. I probably was nearly as shocked and surprised as he was to hear a few moments ago on national television that the Deputy Director of the FBI has been "reassigned."

It seems to me that the Senator from Idaho has made a very good point. I do not claim to have any inside information with what happened at Idaho. It is entirely possible my colleague from that State knows much more about this than I do.

If I understand it correctly, the Deputy Director of the FBI has been reassigned. I do not know what that means, but I hope that the Senate will move forthwith and speedily for a thorough investigation of this matter. I reserve the right to exercise my final judgment on this after I know more about it than I do at this particular moment.

But I think the Senator from Idaho has put his finger on the matter. The Federal Bureau of Investigation is something that must be beyond reproach. Again, I do not know at this moment what the reason for this was, but as I understand it, the Director of the FBI has determined that, for the good of the service and because Mr. Potts is under some investigation that I believe started in the House of Representatives, that he thought it was best for him to be reassigned.

I do not agree with that matter at all. If Mr. Potts has not done anything wrong, not done anything improper, not violated the law, not violated the Federal Bureau of Investigation rules, then the Director of the FBI and the administration should stand square behind him and fight out the matter.

If, on the other hand, that is not the case and he did do something wrong in any area that I just mentioned, or any

other area, he should be fired, because it appears to me that this is a tremendously serious matter. I certainly agree with my colleague from Idaho that I hope the proper committee of jurisdiction, which I assume would be the Judiciary Committee, should move aggressively on this matter in the Senate so we can, too, make sure that we have a full explanation of what is or is not going on.

This is a serious matter that has had a very adverse effect on this Senator's view of the Federal Bureau of Investigation and what it does or does not do properly.

I thank my friend from Idaho for bringing this up. I wish to associate myself with his remarks.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

#### COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

Mr. GORTON. Mr. President, there has been a great deal of discussion on the Delaney clause in connection with S. 343, the regulatory reform bill, with which we are dealing right now. There is a provision in S. 343 that would eliminate the Delaney clause "zero-cancer risk" criterion and replace it with a "negligible risk" criterion when determining the maximum permissible levels of pesticide residues on foods.

The Delaney clause, a provision contained in section 409 of the Federal Food, Drug, and Cosmetic Act of 1958 states that no additive will "be deemed safe if it is found to induce cancer when ingested by man or animal. . . ."

The intention of this law is admirable: To prevent cancer-causing agents from entering our food supply. I do not disagree with this intent, and I am sure that no one else does in this body either. The problem, however, is that in 1958 when the Delaney clause was passed, scientists could not measure additives in parts per billion or parts per quintillion, as they can today. In 1958, scientists could only detect cancer-causing additives in parts per thousands—concentrations that, indeed, often posed legitimate health risks to many Americans.

This 37-year-old Federal law establishing a "zero risk" level for pesticide residues in processed food is outdated and unnecessary and has adverse impacts on almost every farmer in the United States.

In my own State of Washington, more than 200 minor crops are affected by the Delaney clause. Since 1988, our farmers have lost nearly half of all pesticides registered for agricultural use and are currently faced with a shortage of agricultural pesticides because the cost of registration and reregistration is so high.

For example, about 2.6 million acres of crops in the United States rely on

Propargite. Propargite, a common pesticide used for mite control, is absolutely necessary to combat mites that feed on apples, grapes, hops, mint, potatoes, alfalfa seeds, and many other crops that are grown not only in my State but in other States as well.

The potential impacts of a Propargite cancellation would be detrimental to agricultural producers in States like California, Idaho, Oregon, and my own State of Washington where crops grown on smaller numbers of acres, like these, are important to the economy.

These potential impacts could cost our farmers hundreds of millions of dollars and would not only unnecessarily increase the price of our food but may well jeopardize food safety itself.

Further, I have always been an advocate for safe, affordable, and abundant foods. Let me be clear, safety for foods will not be threatened because of this provision in S. 343. The specific provision only replaces the "zero-cancer-risk" criterion and replaces it with a negligible risk criterion. This "negligible risk" standard will give the Federal Government the flexibility it needs to permit our farmers to use newer and safer pesticides when they do not provide any significant risk to our foods. The status quo, however, is a threat to our farmers because present technology can measure these commodities in amounts so small as not to have any real impact, other than to bar the use of particular pesticides.

As the Senate prepares to pass legislation that will move us toward a balanced budget in the year 2002, we must make tough choices. In light of reducing price support programs, I believe we should also work extremely hard to eliminate outdated and burdensome regulations that are placed on our farmers, among others. The Delaney clause is such an example of such an unnecessary regulation, and I am convinced that the Senate should pass legislation that will reduce regulatory burdens that farmers across this country face every day with no true, valid social purpose.

As I travel around my own State, I have listened closely to the comments, suggestions, and concerns of my State's agricultural community. Their message is clear: Reduce the regulatory burdens that restrict our ability to do what we do best—provide healthy, safe, affordable, and abundant food. As Members of Congress, we should do all we can to provide that relief for those who carry out this important and very vital task.

In summary, the science that drove the intent of the Delaney clause 37 years ago is outdated. With today's technology and science, it is right—not only right but necessary—to revise and to revisit that law passed in 1958 and put a new one in its place that will meet its goals and, at the same time, save the ability of our farmers to produce food accurately and well.