Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mrs. FEINSTEIN. I thank the Chair.

(The remarks of Mrs. FEINSTEIN and Mrs. HUTCHISON pertaining to the introduction of S. 1985 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, I ask unanimous consent to proceed as in morning business.

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

(The remarks of Mr. BRADLEY and Mr. WELLSTONE pertaining to the submission of Senate Resolution 282 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mr. EXON. Mr. President, I wonder if the Senator from Nebraska might inquire from the managers of the bill as to the status of the Ag appropriations bill.

I had the false impression earlier that there were not many matters to be resolved. I would simply observe the obvious, that not a great deal has taken place since noon when we had some votes. I would just like to know, for the schedule of the Senator from Nebraska, if the managers could advise as to the status of negotiations going on, whatever they are. What are the remaining matters of controversy on the Ag appropriations bill, which I thought had been so ably managed out of the committee by the managers of the bill, that we probably were down to not a great many contentious issues.

We have not had a vote since noon, and since I have been around here a long time, I know I get the signal when you do not vote from noon until 5 o'clock in the afternoon, that means we might not vote by 8 or 9 o'clock tonight. I know that my friend from Mississippi has been struggling with this bill. The Senator from Nebraska has had some interest in some side issues that have basically been resolved. I inquire of the managers of the bill if they could enlighten this Senator as to what likely might happen the rest of the waking hours today or in the evening.

Mr. COCHRAN. Mr. President, if the Senator will yield, my impression is that we are making progress in negotiating some proposed amendments with various Senators. There is a likelihood that we can resolve most of these issues without rollcall votes. There probably will be a vote on final passage, a rollcall vote on final passage. Senators can be assured of that. Depending upon how the negotiations go over the next several minutes, we should know soon about how many votes are likely to be required before we finally dispose of the bill.

I think we have made good progress and I am encouraged we will be able to complete this bill today sometime. I hope we do not have to go into the evening tonight. I see no justification for that. We cannot control that. If some Senator wants to talk about an amendment, he or she can start talking and, unless we have 60 votes to cut off debate, we cannot stop them. But I do not see that as happening. I think things are progressing in a way that will lead us to conclude this bill sometime this afternoon.

Mr. EXON. I certainly appreciate that optimistic report from my friend. That would mean the Senator from Mississippi holds out the hope we maybe would have final passage by 6 o'clock? Is that a fair assumption on the part of the Senator from Nebraska?

Mr. COCHRAN. Mr. President, if the Senator will yield further, I do not predict any particular time. I am hopeful we will be able to complete action sometime this afternoon, certainly before evening.

Mr. BUMPERS. Senator, I suggest if you have plans after 6 o'clock, cancel them. We have been here since 12 clock without one single amendment being offered, without anything happening. As the Senator from Mississippi said, a lot of negotiations are going on. I assume some progress is being made. But we have about four pretty contentious amendments and I do not know whether they are resolvable or not. If they are not, obviously each one of them is going to require a rollcall.

We have a number of other amendments that we could offer right now that have been cleared but, as I say, we have four or five that are pretty contentious. I do not know whether any progress is being made. But, if it is not, we are obviously going to be here for a while.

Mr. EXON. I thank both of my friends. I find myself in a similar position they are from time to time. It is very frustrating to manage bills on the floor of the Senate: Nobody offers any amendments; nothing is accomplished.

I wondered about this earlier, since we have not voted since noon. As far as I know, no amendments have been offered since noon. I would simply say, we get into these ruts from time to time. I am certainly not blaming either of the managers of the bill. They are the ones who have been here. It is most frustrating on their part. I was simply making inquiry to maybe jar things along, to help the managers of the bill. I know they are trying to break the deadlock.

I hope it takes place, and I appreciate their frankness with regard to what I think is a rather dark prospect for early resolution of these matters this afternoon. I hope we can dispose of them sometime during the daylight hours.

I thank the managers of the bill.

Mr. FEINGOLD. Mr. President, yesterday, the Senate approved by unanimous consent an amendment to reauthorize USDA's authority to allow seasonal base plans under Federal milk marketing orders. Producers in Wisconsin have no quarrels with seasonal base plans but they want assurances that they will not exacerbate what they believe to be an already discriminatory pricing structure within Federal orders. Farmers in Wisconsin seek assurances that seasonal base plans for milk marketing orders are neither intended to nor will have the effect of increasing milk prices or production on an average annual basis. Mr. President, I ask the managers of H.R. 3603, Is it their understanding that seasonal base plans under milk marketing orders will increase neither overall prices levels nor milk production in orders in which they are implemented?

Mr. BUMPERS. Mr. President, the Senator from Wisconsin is correct. The seasonal base plans reauthorized by this bill are merely intended to level production and prices over the year to stabilize the market and are not intended to provide any price enhancement or production incentives, measured on a yearly basis, to dairy farmers in those orders. The Secretary of Agriculture should administer any seasonal base plans consistent with that understanding.

Mr. COCHRAN. Mr. President, that is my understanding as well. Seasonal base plans are merely a stabilization tool, not a price enhancement mechanism, and should be administered as such.

Mr. FEINGOLD. I thank my colleagues.

NORTHERN PLAINS POLICY RESEARCH CENTER

Mr. CONRAD. Mr. President, I would like to discuss a matter of some importance to the Northern Great Plains and my State of North Dakota with the chairman and ranking member of the Appropriations Subcommittee. I note their presence on the floor, and ask if they would be willing to engage in a colloquy at this time.

Mr. DORGAN. I too would appreciate the ability to discuss the bill before us with the distinguished Senators from Mississippi and Arkansas.

Mr. COCHRAN. I would be pleased to discuss this bill with the Senators from North Dakota.

Mr. CONRAD. First, let me thank the chairman and ranking member for putting together this important piece of legislation. They have an extremely difficult task balancing many important programs funded in this bill in the context of a very difficult funding situation. I know the committee receives many requests each year for worthwhile projects, and of course budget restraints make it impossible to fund all those projects.

One of the projects I believe the Senators considered this year was the development of a Northern Plains policy research center. As the Senators know, research models currently available provide important information to farmers and others in rural America regarding issues that affect rural economies. Unfortunately, the data collected through current research models, as valuable as it is, does not capture the special characteristics of Northern Great Plains agriculture.

Mr. DORGAN. I share the sentiments expressed by my colleague, and also would like to commend the Senators for the work they have done with this legislation. I would like to offer a few additional thoughts on the proposed Northern Plains policy research center. This center would conduct a wide range of policy-related research and outreach activities focused on policy changes for agricultural producers, agribusiness firms, and the rural economies of the Northern Plains States. The center would identify and evaluate alternative policies for Northern Plains commodities and value-added products; evaluate the impact of policies on international competitiveness, on rural business development, and on farm structure and sustainability; and examine the impact of cross-border policy inconsistencies in North America and strategies to improve export opportunities.

As the Senators know, these are not easy times for rural America. The center would play a critical role in the economic vitality of Northern Plains States. Would the chairman and ranking member be willing to indicate their thoughts on the establishment of a Northern Plains policy research center?

Mr. COCHRAN. The Senator from North Dakota is correct when they say this was one of the many issues considered by the committee this year. I agree that the data provided by the proposed center would be valuable to Northern Plains States. Unfortunately, the committee's funding allocation did not allow us to provide funding.

Mr. BUMPERS. I agree with the chairman's assessment.

Mr. CONRAD. Would the chairman and ranking member be willing to indicate whether they would support the USDA using funds provided in this bill for markets, trade, and policy research under the Competitive Grants Program to develop such a center?

Mr. BUMPERS. Let me say to the Senator that I would encourage USDA to assist in establishing a Northern Plains policy research center using funds provided in this bill, as the Senator indicated.

Mr. COCHRAN. I share the view expressed by my colleague from Arkansas. I would just add that the committee expects the Department to consider only those applications judged meritorious when subjected to the established review process.

Mr. CONRAD. I thank the Senators for their support and for their comments.

Mr. DORGAN. I also want to express my deep thanks to Senator COCHRAN and Senator BUMPERS.

RURAL TELEMEDICINE AND DISTANCE LEARNING SERVICES GRANT AND LOAN PROGRAM

Mr. CONRAD. Mr. President, would the Senators be willing to engage in a colloquy regarding the Rural Telemedicine and Distance Learning Services Grant Program at this time?

Mr. COCHRAN. I would be happy to engage in a colloquy with the Senator from North Dakota.

Mr. CONRAD. I appreciate the subcommittee's support for the Rural Telemedicine and Distance Learning Services Grant Program, and am pleased to see that the subcommittee has provided $10 million for this important program. In 1993, the University of North Dakota School of Medicine and Health Sciences made a major commitment to the education and training of rural and frontier health care providers. To support this commitment, the school invested considerably in distance education technology in the form of satellite transmission equipment, upgraded telecommunications equipment, and advanced computer networks to develop the North Dakota Health Education Network. This network is an important component of the overall health education communication program that serves the State of North Dakota. However, the system would better serve educators, students, and the citizens of North Dakota if it had access to additional computer technology, two-way video technology, additional satellite downlink sites, and funds for additional medical and medical education programs.

I wish to make the subcommittee aware that the University of North Dakota School of Medicine and Health Sciences may submit an application for a rural telemedicine and distance learning grant to accomplish the additional activates I just described. Do the distinguished chairman and ranking member of the subcommittee agree that this grant application, if submitted, would be appropriate for consideration under the Rural Telemedicine and Distance Learning Services Grant Program?

Mr. COCHRAN. I agree that it would be appropriate for USDA to consider this application, if submitted, and I encourage the Department to give full consideration to an application for a rural telemedicine and distance learning grant from the University of North Dakota. Additionally, I expect the Department to consider only applications judged meritorious when subjected to the established review process.

Mr. BUMPERS. I share the chairman's view.

Mr. CONRAD. I thank the Senators for their support.

GRANTS TO BROADCASTING SYSTEMS

Mr. HATFIELD. Mr. President, the fiscal year 1997 Agriculture appropriations report references a Grants to Broadcasting Systems Program that I would like to discuss with the chairman of the Agriculture Committee, Mr. LUGAR, and with the Senator from North Dakota, Mr. CONRAD, who was the original sponsor of the program when it was authorized in the 1989 Rural Development Partnership Act.

It is my understanding that the program statutorily restricts eligibility for the program to statewide, private, nonprofit public television systems whose coverage is predominantly rural. In order to further clarify the statute, a new provision was added at my request to the 1996 Federal Agriculture Improvement and Reform Act of 1996 [FAIR] Act that defined statewide as having a coverage area of not less than 90 percent of the population of a State and not less than 80 percent of the rural land area of the State. Is my understanding of the statute correct?

Mr. LUGAR. Yes, the Senator from Oregon is correct. The new provision became effective upon enactment of the FAIR Act on April 14, 1996.

Mr. HATFIELD. Am I correct, then, in assuming that an applicant that meets the statutory eligibility criteria of the program as it was amended by the act would be considered eligible for the program upon the date of the act's enactment?

Mr. LUGAR. Yes, the chairman of the Appropriations Committee is correct. In addition, given the clear statutory eligibility requirements of this particular program, I can see no reason why eligibility could not be determined in the application process.

Mr. CONRAD. As the original sponsor of the provision that authorized the program in the Rural Development Partnership Act of 1989, I commend the Senator from Oregon in his efforts to not only further define the statute, but also to clarify the effective date of eligibility for applicants for fiscal year 1996 funding. It is my understanding that the definitional clarification offered by the Senator to the 1996 farm bill will not significantly increase the number of eligible applicants for the program. In that regard, I am providing for the RECORD a letter from America's Public Television Stations [APTS] which provides a list of those public television systems that, given the amended statutory criteria, would be eligible for the program. I ask unanimous consent the letter be printed in the RECORD.

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

AMERICA'S PUBLIC
TELEVISION STATIONS,
Washington, DC, July 22, 1996.

Hon. KENT CONRAD,
U.S. Senate,
Washington, DC.

DEAR SENATOR CONRAD: I am writing in response to your request for assistance in identifying public television stations that may be eligible for the ''Grants to Broadcasting Systems'' program administered by the United States Department of Agriculture.

As I understand, to be eligible for the program a public television licensee must be a private, non-profit entity that provides statewide coverage that is predominantly rural. Based on a copy of the states considered ''rural'' by the Secretary of Agriculture and the statutory definition of statewide coverage as outlined in your letter, the following public television licensees would meet the statutory eligibility criteria:

Maine Public Broadcasting Corporation,
Prairie Public Broadcasting, Inc., North Dakota,
Oregon Public Broadcasting, and
Vermont ETV, Inc.

Please let me know if I can provide you with any further assistance.

Sincerely,

DAVID J. BRUGGER,
President.

Mr. CONRAD. My colleagues are aware that I serve on both the Senate Budget and Agriculture Committees, and that I have long been concerned about efficiency in Government. One effective method of reducing Government administrative expenses is writing regulations only when interpretive guidelines are necessary. In the case of the Grants to Broadcasting Systems Program, the statute, as amended, clearly speaks for itself, and the amendment offered by the Senator from Oregon clarifying the definition of statewide does not change the program substantively. Finally, I would like to associate myself with the statement by the chairman of the Agriculture Committee that there should be no reason why eligibility for this program could not be determined in the application process.

Mr. HATFIELD. I appreciate the comments of my colleagues from North Dakota and Indiana, and assume that the USDA will be attentive to the discussion that we have had with regard to this program.

AMENDMENT NO. 4997

Mr. SARBANES. Mr. President, I am pleased that the managers of the bill have agreed to accept the amendment which I offered on behalf of myself and Senator MIKULSKI to continue three important research programs at Beltsville Agricultural Research Center. My amendment restores $458,700 to the Regulation of Chilling Injury By Polyamines and Membranes in Apple, Tomato, Squash, and Pepper Program; $240,000 to the production and evaluation of tissue cultured fruit crops; and nondestructive sonic sensing of firmness and/or condition of apples and other agricultural commodities. These programs are critical to growers, to maintaining a nutritious and safe food supply for our consumers, to Beltsville's mission and to the Department's overall research objectives. I want to thank the distinguished chairman and ranking member for their support and help with this amendment.

Mr. BAUCUS. Mr. President, I rise today to express my support for the Agricultural appropriations bill before the Senate. I commend the chairman and the ranking member of the subcommittee for their hard work on this bill and I thank them for their efforts.

The bill before us includes a number of very important items. While the legislation is replete with programs which are of great benefit for the Nation as a whole, there are a number of provisions which are especially critical to Montana. And I'd like to address those issues right now.

Mr. President, I am pleased that the bill contains adequate funding for the animal damage control activities conducted by the U.S. Department of Agriculture. For livestock producers this is a vital program. And in Montana and the other Western States which are home to the reintroduction of wolves this program is essential—to both the producers in the affected region and to the wolves.

In the area of research I am pleased that the Senate mark has funded the Agricultural Research Service at a level above the level of appropriations for 1996. I feel that is appropriate. The Federal Agriculture Improvement and Reform Act of 1996 laid the foundation for a transition to dramatically decreased Federal involvement in agriculture production. That transition will result in a greater need to be competitive in agricultural production. Research holds the key to enhancing that competitiveness.

The research conducted and supported by USDA will help ensure that American agriculture continues the success that has characterized this industry over the past century. One facility which will play a role in this research effort is the Center of Excellence which is being established in Sidney, MT. I am pleased that the report language encourages the direction of adequate resources to this center.

This bill also provides for the continued funding of a number of research efforts which are underway in Big Sky country. These efforts which are largely cooperative efforts engaged in with other institutions will yield the technological advances which will carry Great Plains agriculture into the 21st century.

But Mr. President, it is important to note that there is one item which is not completely provided for in this bill. While I recognize the chairman's desire to avoid revisiting the farm bill, there is considerable need for a technical corrections package, but that package has not been forthcoming. And I am uncomfortable waiting until next year to repair some of these problems.

In one instance—regarding the payment rate for barley producers—there is an inequity which has not been totally resolved. While the initial payment rate projections for all commodities have been reduced from their initial projected levels, through no fault of their own, barley producers were dealt an exceptionally hard blow. Their payment levels which were lower than most commodities to begin with were dramatically impacted by calculations predicting the economic effect by 0/85 program acreage enrollment.

While this program had an effect on all commodities, due to high enrollment of barley acres it had a far greater negative impact on the barley payment rates than on other commodity rates.

So the barley producers have come to their Senators—those of us from barley producing regions of this Nation—and asked for our assistance. I want to give them the fair treatment they deserve.

I would thank the chairman and the ranking member for their assistance in reaching agreement on an amendment to repair this. But I would ask that this issue—this question of fairness for all commodities—be considered for further refinement in the conference. I think we can find a better solution to this issue and I look forward to working with the conferees on that effort.

Mr. President, I would conclude my remarks by urging my colleagues to support this bill—with the change I have mentioned. And I thank the managers for their work on this matter.

Mr. President, I yield the floor.

Mrs. BOXER. Mr. President, this is a very important bill for my State of California as we are the number one ranking agricultural State in the U.S.

While there are many issues addressed in this bill that are important for my State, I would like to highlight three California specific issues:

METHYL BROMIDE ALTERNATIVES RESEARCH

I am pleased that the Senate agreed to my request of an additional $1 million for methyl bromide alternatives research.

Methyl bromide is critically important to California agriculture for control of pre-plant and post-harvest pests, and is to date, the only cost-effective material for controlling a variety of soil-borne pathogens and weeds that can seriously impact crop yields. These uses are particularly significant for commodities such as strawberries, almonds, walnuts, raisins, and numerous other field and row crops.

Methyl bromide was listed as a Class I ozone depleting sub- stance in December 1993, and according to Section 602 of the Clean Air Act, it must be withdrawn from production, importation and distribution in the U.S. by the year 2001.

My ''Sense of the Senate'' on methyl bromide included in the farm bill sent a clear message to the U.S. Department of Agriculture that research into alternatives to methyl bromide must be a top priority.

The additional $1 million will bring the total up to $14.889 in 1997.

AVOCADOS

I support the concurrence of the Senate Committee on Appropriations with

the House report language regarding the regulation of importation of Mexican avocados.

Last year the U.S. Department of Agriculture's Animal and Plant Health Inspection Service 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.

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

Importation of Mexican avocados has been prohibited for over 80 years because of the presence of at least nine known quarantined pests of economic significance. If pest-infested avocados are allowed into the United States, not only avocados but other crops such as citrus, apples, peaches and pears will be placed at risk.

In light of new scientific data which indicates that the incidence of avocado pests in Mexico is significantly higher than previously thought, it is very important that the Department of Agriculture determine whether the original data it relied on is sound and complete. If the Secretary cannot make this determination, I urge the Department to reopen the rulemaking record on the proposed rule, and undertake the procedures stated in the House report language before issuing a final rule.

FRESH-FROZEN CHICKEN LABELLING COMPROMISE

National poultry producers have in the past always put fresh labels on frozen chickens. They freeze their chicken rock solid, label it fresh, transport it across the U.S., thaw it out locally, and sell it to consumers as if it had never been frozen.

As the author of the Truth in Poultry Labeling Act, I have for years worked to disallow the use of the fresh label where a poultry product has been previously frozen.

Last year, after many years of public debate, we achieved a hard-fought victory for consumers when the U.S. Department of Agriculture promulgated a common sense rule on labeling fresh and frozen poultry. The rule which had been scheduled to take effect this August sets out three labeling categories: fresh poultry products which have never been chilled below poultry's freezing point—26 degrees Fahrenheit—would be labelled ''fresh''; 2) poultry products which have been chilled below 26 degrees but above 0 degrees would be labelled ''hard chilled'' or ''previously hard chilled''; and 3) poultry products which have been at 0 degrees or below would be labelled ''frozen'' or ''previously frozen.''

I believe that the implementation of the USDA-promulgated rule would eliminate consumer confusion, save consumers millions of dollars in premiums paid for frozen poultry they believe is fresh, and further restore consumer trust in the integrity of food labels.

However, language was included in the 1996 Agriculture Appropriations bill, that blocked implementation of the rule. My attempt to remove the language in order to allow USDA implementation of the rule was voted down by a vote of 31 to 68.

Since then, industry and consumer groups have reached a compromise which, while not perfect, is a significant step forward.

The compromise included in this bill is based on the requirement that the Department of Agriculture issue a revised final regulation based on a compromise that is supported by industry and many consumer groups.

The key positive development is the agreement that only poultry which has not been cooled below 26 degrees Fahrenheit can be labelled ''fresh.'' While this is a very significant step forward, I remain concerned about the clear labelling of products that are cooled to temperatures below 26 degrees but above 0 degrees Fahrenheit. The compromise would not require these products to bear any specific alternative labelling.

Mr. MCCONNELL. Mr. President, I want to commend subcommittee Chairman COCHRAN for his work on the Agriculture Appropriations bill for fiscal year 1997. This bill provides funding for all the activities under the jurisdiction of the Department of Agriculture, except for the U.S. Forest Service. It also funds the activities of the Food and Drug Administration, the Commodity Futures Trading Commission, and the Farm Credit System.

This has been one of the most difficult years to date and I congratulate Senator COCHRAN for his leadership in working through the difficult decisions in crafting this bill. In particular, Chairman COCHRAN and his staff are to be commended for the clarity that this bill provides for the budget of the Food and Drug Administration. That accomplishment required countless hours of hard work, but is just the sort of good government effort we have come to expect from the subcommittee chairman and the staff working under his direction.

FDA's core mission is to protect the health of the American people. A critical part of FDA's core mission is to provide Americans with timely access to drugs, medical devices, and food technologies that can improve public health. The Federal Food, Drug, and Cosmetic Act requires FDA to review and approve or deny petitions and applications for foods, drugs, and medical devices within specified timeframes. Yet, FDA routinely ignores its statutory deadlines. According to the agency's own numbers, FDA, on average, fails to review applications and petitions for every FDA-regulated product category within the prescribed timeframes. FDA's failure to comply with its statutory deadlines hurts patients and consumers waiting for market introduction of new therapies and technologies that can significantly improve public health. The report accompanying this bill, like similar directives from the House, makes clear the congressional expectation that FDA protect public health by performing product reviews within the timeframes prescribed by law.

This bill also directs FDA to complete several rulemakings that have been pending at the agency for as many as 6 years. Although I, like my colleagues, oppose overregulation, I do appreciate the need for regulations required to protect public health. Currently pending at FDA are several rulemakings that have fallen victim to unreasonable agency delay. FDA has identified each of these rulemakings as agency priorities. Yet, the agency's record of follow-through on these rulemakings is terribly lax. I commend subcommittee Chairman COCHRAN for including language in this bill that directs the agency to complete rulemakings necessary for the protection of public health without unreasonable delay.

During fiscal year 1997, this Senator will be closely watching FDA's performance. It is my hope that the agency will heed congressional directives to comply with statutory review times, as well as complete action on several rulemakings that the agency has identified as important for the protection of public health. Regrettably, over the last few years FDA does not have an impressive record of responsiveness to Congress. If FDA's failure in these areas continues, it is my expectation that the committee will revisit the issue with the intention of compelling FDA compliance with its statutory obligations.

Timely access to new therapies and technologies can significantly enhance public health. FDA must meet the requirements of the Food, Drug, and Cosmetic Act in its review of petitions and applications.

I am grateful that language concerning the regulation of commercial transportation of equine to slaughter is included. The committee urges the Department to expeditiously act to implement this regulation. Often these horses are transported for long periods, in overcrowded conditions, and often in vehicles that have inadequate head room. The implementation of regulations would allow horses to get to a slaughter facility safely and as quickly as possible with the least amount of stress to the animal.

Again, Mr. President, I congratulate Chairman COCHRAN on his leadership in developing a well balanced bill that addresses food safety, research, nutrition, conservation, market promotion, and development, and rural development.

Mr. BYRD. Mr. President, we have before the Senate the fiscal year 1997 appropriations bill for Agriculture, Rural Development, the Food and Drug

Administration, and Related Agencies. This bill, as reported by the Senate Committee on Appropriations provides $54,276,792,000 in total obligational authority for the coming fiscal year. This amount is $1,224,755,000 more than provided in the House bill, but it is nevertheless $4,040,522,000 below the President's request and nearly $10 billion below the amount provided for fiscal year 1996.

This bill provides funding necessary to support a wide variety of programs that are very important to all Americans. These programs include food and nutrition programs, environmental protection and conservation, rural development, export promotion, assurance that we have a safe food and drug supply, and research and education programs necessary for the production of agricultural products and equally important to consumers of those products. In fact this bill provides funding for all programs at the U.S. Department of Agriculture, except the Forest Service, and also includes funding for the Food and Drug Administration and the Commodity Futures Trading Commission.

While West Virginia may not reach the levels of traditional farm commodity production of some states in the Midwest or other regions of the country, this bill is very important to my state. West Virginia is on the cutting edge of new methodologies in aquacultural production for species that thrive in cool and cold water environments. There is a growing demand for these products and it is vitally important that we develop the tools and methods to increase production to meet this demand. This bill helps us to achieve that goal.

Conservation is important to all Americans. Without proper conservation practices, erosion would sweep our prime farmland into rivers and streams. Water quality would suffer, aquatic species would fail, and community costs for clean water would escalate. Proper conservation practices also mean better management of water resources in order to reduce the threat of floods. Recent events in West Virginia, and other states, remind us of the need to invest in flood protection and this bill helps forge the relationships necessary between federal agencies and local communities to best meet their water and soil management needs.

The Department of Agriculture provides a variety of programs important to rural communities. The Rural Development title of this bill contains a number of loan and grant programs to provide housing assistance, rural business and community development, basic utilities such as water and sewer services, and distance learning programs for improved rural communication.

Last year, the U.S. Department of Agriculture completed Water 2000, a study of safe drinking water needs in the United States. I hope everyone will take note of the results. Nearly 3 million families, representing 8 million people, do not have access to safe drinking water. Let me repeat that. Eight million citizens of the United States of America do not have access to a reliable source of clean drinking water. Every day, every night, millions of Americans can not turn on their faucets and drink safe water.

Regreattably, in my own state of West Virginia, the study reports that it would take $162.3 million to clean up and provide potable water to approximately 79,000 West Virginians. It would take another $405.7 million to meet the worsening drinking water supply situation of some 476,000 West Virginians. Many other states are facing similarly serious situations.

This bill provides nearly $659 million in budget authority for water and sewer programs. I am happy to note that this is a great improvement from last year's bill and is nearly the amount of the President's request. But our House counterparts recently approved their version of the FY 1997 Agriculture appropriations bill in which they provided only $496,868,000 for water and sewer programs. I urge my colleagues to stand firm on the Senate level of funding for these critically important programs. The bill also contains provisions to allow the transfer of funds from other programs to the water and sewer accounts, which represents the broad-based recognition that these services are very basic to all our people and deserve our attention.

I would also like the speak about a provision in the recently passed farm bill that involves rural development opportunities, the so-called Fund for Rural America. The Fund for Rural America, which is referenced in the report accompanying this bill, provides the Secretary of Agriculture $100 million directly out of the Commodity Credit Corporation to use, at his discretion, in a manner designed to assist rural Americans. Among the types of programs the Secretary can use through this Fund are rural housing, water and sewer loans and grants, rural business loans and grants, and a variety of research program initiatives.

Mr. President, this Fund presents the Secretary of Agriculture with rare opportunity. Over the past several decades, a number of Federal programs have been developed to assist rural America in a variety of ways. Unfortunately, budgetary constraints have limited the Secretary's ability to focus these programs on specific areas so that they can be utilized to their full potential. An unfortunate reality of our current fiscal condition is that scarce resources tend to be spread thin.

The Fund for Rural America gives the Secretary of Agriculture the opportunity to showcase what can be done for rural America, given adequate resources. There are rural areas throughout the Nation that are in desperate need of the types of assistance the Department of Agriculture can provide. There are such areas in West Virginia, there are such areas in the Western United States, there are such areas along the Lower Mississippi River Delta of which both the chairman and ranking member managing this bill are very familiar.

While I recognize the importance of providing the Secretary full discretion in how the Fund for Rural America is to be managed, I hope, and I believe, he shares my view that this Fund provides the type of opportunity I have just described. I am confident the programs administered by the Secretary can make a great difference in the lives of West Virginians, as well as in the lives of other rural citizens in all regions of the country. I hope the Fund for Rural America will give us the chance to see exactly what kind of difference it can be.

Mr. President, there are many other programs in this bill that are important. Obviously, food and nutrition are important to us all. Food safety and confidence in our drug and blood supply are also vitally important to every American. Agricultural trade continues to be a very bright star in our Nation's balance of trade. Protection of investors in the commodity futures markets is becoming increasingly challenging as the market place continues to develop new and innovative forms of transactions. All these areas of importance are touched on by programs funded in this bill.

I am pleased to express my support for this bill and I want to congratulate the very capable chairman and the equally capable ranking member of the Agriculture and Rural Development Subcommittee, Senators COCHRAN and BUMPERS, for crafting this bill and bringing it to the floor. As is too often the case, I wish we were able to do more to increase funding for these important programs beyond the levels contained in this bill. However, given all the budget constraints with which we are faced, I believe an admirable job has been done. I fully expect a strong show of support in Senate passage of this bill, a successful conference with the House, and approval by the President.

I also thank the subcommittee staff for their fine work: Galen Fountain and Carole Geagley for the minority, and Rebecca Davies, Jimmie Reynolds, and Hunt Shipman for the majority.

Mr. DASCHLE. Mr. President, I support the agricultural appropriations bill that we are considering today and want to commend the chairman, the Senator from Mississippi, and the ranking member, the Senator from Arkansas, for their work on this important legislation. They and their staffs have spent countless hours under enormous pressure trying to ensure that discretionary agriculture programs are adequately funded. Considering the fiscal constraints with which they have been forced to comply, they have done a commendable job.

The appropriations process is never easy, as the committee faces a number

of difficult choices. For this reason, the bill does contain some provisions that are troublesome to me. For example, I regret the decision to provide less than full funding for the food safety inspection system at the same time the USDA is implementing the new science-based meat and poultry inspection system, the hazard analysis of critical control points [HACCP]. Also, the potential reduction in Federal outlays for lending programs that benefit our Nation's farmers, ranchers, and rural communities could jeopardize the rural economy. These issues deserve further attention.

Mr. President, I am not entirely pleased with the shape of this legislation. However, I am hopeful that it can be improved in conference with the House. Therefore, I urge my colleagues' support of the bill.

Mr. HATCH. Mr. President, after listening to our debate today, it strikes me that the agriculture appropriations bill is really fundamental to the heart of the Food and Drug Administration [FDA] reform initiative that so many of us in the Congress believe is drastically needed.

I think that a majority of Americans would be surprised, perhaps even shocked, to learn that the FDA routinely ignores deadlines set forth in the law, deadlines for reviews of products vital to public health such as approvals of new medical devices or generic drugs.

The committee, in fact, recognized this disregard of the law and its dramatic impact in its report this year. The committee noted in part:

> The Committee expects the FDA to meet statutory review times for the review and approval of various food, drug and device applications and petitions . . . Extensive testimony has been presented about how the delay in approval of new drugs and medical devices has hurt American public health because U.S. patients do not have access to the latest technologies. Also, slow approval times are driving research and manufacturing jobs in these industries overseas, where earlier approvals are routinely expected.

The committee went on to say:

> The problem is this agency often disregards its statutory obligation to approve or deny various applications and petitions within specified timeframes. As a result, many applications disappear into FDA for years.

For the edification of my colleagues, I want to point out a few examples of statutory mandates which the FDA has failed to meet.

Section 409(c)(2) of the Federal Food, Drug, and Cosmetic Act stipulates that FDA consideration of food additive petitions must normally be completed within 90 days. The FDA performance is so pathetic in this area that the Department of Health and Human Services fiscal year 1997 budget justifications do not even contain quantification of the backlog in this area. The FDA report merely states, ''The backlog currently includes approximately 300 petitions, with 11 classified as 'novel or important.'''

However, a report by the House Committee on Government Reform and Oversight in December 1995 indicated that since 1970 the average time to approval of a direct food additive has been at least 20 months.

It is interesting to note that at the time of the House committee's June 22, 1995, hearing on food additives, there were 295 pending food additive petitions. Seven percent of them were filed between 1971 and 1979.

The story is not much better for drugs and devices.

For human drugs, the mean approval time for new drug applications [NDA's] in 1995 is 25.7 months; that is 428 percent greater than the statutory deadline of 6 months.

For animal drugs, the comparable 1995 figure is 39 months, which is 6 times the statutory timeframe of 6 months.

For generic animal drugs, the time is 31 months, 5 times the limit of 6 months.

For human generic drugs, the average approval time is 34.2 months, an incredible 570 percent greater than the statutory deadline of 6 months.

Although the pioneer and generic animal drug approvals exceed their statutory deadlines by substantial amounts, it is puzzling why the agency allocates its resources so that generic animal drugs are approved faster than generic human drugs.

Let me turn now to medical devices.

Approval of 510(k) applications is running at 137 days on average, which is 47 days beyond the statutory 90-day timeframe.

For pre-market approvals, the 1995 statistic is 276 days, which is nearly 100 days beyond the law's 180-day mandate.

In perhaps the most blatant disregard of congressional directives, the Appropriations Committee was forced to note this year that the FDA did not even honor the Committee's request for quarterly reports on its plans to refocus resources and make a greater priority completion of ongoing product reviews.

Mr. President, I have devoted a good deal of my congressional career to study and advocacy of FDA related issues.

I consider FDA to exemplify what is best in government—and, unfortunately, what is worst.

This agency can work miracles to protect the public health.

This agency can also go off on a tangent, with a bureaucratic, one-way/my-way attitude that rivals none in its ability to obfuscate and circle the wagons.

In my experience, FDA responds to much of such criticism by citing that it does not have the resources it needs to do the job.

Mr. President, I will take a back seat to no one in my support for adequate funds and facilities for the FDA. As a member of the Labor and Human Resources Committee for 18 years, I fought hard for improved resources for this agency.

But, today, the FDA's plaint of inadequate resources is only in part truth—in part it is bunk.

The FDA does, in fact, have the resources it needs to accomplish its core mission, such as product review.

The Appropriations Committee has worked hard to review the FDA's accounting in great detail and provide them with necessary funding in the bill we consider today.

What FDA does not have resources for is to self-generate work or expand its mission.

Moreover, the fallacy of the FDA's ''we don't have the resources'' defense can be found in this simple question: ''If you don't have the resources, why don't you request them?''

If the agency is serious about product reviews and can't meet deadlines, then why don't they seek the resources to do the job?

Those of us who take a great interest in the FDA have struggled for years to find a method to compel the agency to focus its priorities. We must find a way to discourage them from adopting that infamous kid-in-the-candy-store attitude which has led to an ever-expanding empire at the expense of meeting statutorily mandated deadlines. The FDA never met an issue it didn't like, no matter how small or how large.

That is the central issue of the debate on FDA reform.

And as I listen to our debate today, I have realized that the will of the FDA follows its resources.

With the Prescription Drug User Fee Act of 1992, the Congress provided a new source of income for new drug approvals —industry-funded user fees— and suddenly new drug approval times are coming down dramatically.

Unfortunately, though, the agency—which during our GATT debate was such a staunch defender of the generic drug industry —seems to have abandoned its commitment to that industry when you look at the budget for next year, which presumes decreases in FTE's for generic drug reviews and increases in product approval times.

That is why we are seeing such a bitter debate today over issues such as the Medguide regulations.

I think that any objective study of Medguide will show that the FDA has taken an old regulation off the shelves, dusted it off, and attempted to move it forward almost 20 years later.

When challenged about the initiative, they have resorted to their public health defense, exhorting their allies in the Senate to throw up the special interest shield, the most common FDA tool to block legislative activities the agency dislikes.

If there is such a pressing public health need for the Medguide regulation, then why has it laid dormant for almost 20 years?

Perhaps the publicity this debate has engendered is the real answer.

But the bottom line is that the FDA must get serious about using its resources more wisely. That would do a

lot to restore its credibility with the Congress.

Let me turn now to some specifics in the bill we are considering today.

The legislation contains three technical amendments to the recently enacted FDA Export Reform and Enhancement Act that the committee included on behalf of Senator GREGG and myself.

The purpose of the Export Act is to increase the opportunities for U.S. firms to export their medical products to our trading partners around the world. This new law will result in jobs for Americans and will help keep our country as the leader in developing new medical technologies.

Consistent with the intent of the new export law, these technical amendments, included in the Appropriations Committee mark, would make three clarifications. The first is that products which have not been approved in the United States may be imported for further processing, such as sterilization, and then exported.

The second change clarifies that FDA-approved insulin, antibiotic drugs, and animal drugs which may be exported, subject to section 801(e)(1) of the Federal Food, Drug, and Cosmetic Act, for other than FDA-approved indications need not also meet the labeling requirements of section 801(f).

The final change explains that products exported under section 802 must, consistent with the requirements of section 201(m), include the labeling required by the approving and importing country.

Next, I would like to discuss briefly the issue of the patent extension for the drug lodine that is contained in the House companion to this bill. We are all sensitive to the issue of legislating on appropriations bills. We all recognize the need to respect the process by which authorizing committees develop legislation.

But given the realities of the legislative calendar, we also know there will be very limited opportunities to pass any new free-standing bills during the remainder of this session.

The plain truth of the matter is that between now and adjournment there will be extraordinary pressures to attach amendments to any active legislative vehicles and many of these will be appropriations measures.

During consideration of the issue related to pharmaceutical patents and GATT, the Senate Judiciary Committee, at the request of Senator SPECTER, included a lodine patent extension provision and the bill was approved by the committee on May 2. In response to Senator PRYOR's attempt to attach his version of pharmaceutical patent legislation on the Department of Defense authorization bill, S. 1745, I offered the Judiciary Committee compromise legislation, further modified by an amendment by Senator SPECTER. This amendment, which was adopted on June 27 by a 53–45 vote, also included the lodine amendment.

In my view, should it be considered advisable to retain lodine provisions in the agriculture appropriations bill, I believe that the language of the Judiciary Committee compromise amendment, already passed by the full Senate, is preferable to the House-passed language.

This is so because some have read the lodine provision adopted by the House to suspend the operation of the Bolar provisions of the Hatch–Waxman Act with respect to this one drug. This is the exception to the general rule against patent infringement that allows generic drug firms—and only generic drug firms—to test and seek FDA regulatory approval for their products prior to the expiration of the patent of the pioneer product.

If this is the correct reading of the House language, the effect would be to extend the exclusivity period for lodine for 2 to 5 years beyond the 2 years nominally stated in the amendment. Two years should mean 2 years, not 5 or 7 years.

The Senate-passed lodine provision closely parallels the daypro provision signed into law. We should retain this approach with lodine by adopting the Senate language contained in the DOD authorization.

I wish to also make a few comments about saccharin. The House bill contains a 5-year extension on the ban to prevent FDA taking saccharin off the market. The Senate bill provides a 1 year extension for saccharin.

Unless the Congress acts, the FDA will be compelled to enforce the mindless zero risk standard imposed by the Delaney Clause and ban saccharin.

While I believe that this matter should be addressed through the authorization process and that the Delaney Clauses be repealed, in the short term, I believe it prudent to adopt the House's 5-year extension.

Let me say again that there are strong arguments to be made that an appropriations bill is not the best mechanism to legislate on such controversial matters as the Delaney Clauses. But some believe that the Delaney Clauses are too controversial to address in a comprehensive fashion when the FDA reform bill is taken up in the next weeks. This raises the question of whether the FDA authorizing statute—the Federal Food, Drug, and Cosmetic Act—can be said to be truly reformed if the Delaney Clauses are left intact.

I know how I come out on that question because I am among those who believe that the Delaney Clauses are among the most illogical, unwarranted laws on the books.

In this regard, I must salute our colleagues in the House, who voted last night 417 to 0 to do away with the Delaney provision in the context of pesticide residues. Our colleagues have much to be proud of in their unanimous decision to reject the zero risk stranglehold of Delaney with the new reasonable-certainty-of-no harm test.

It seems to me that the Congress should act favorably on the pesticide provision and expeditiously act on the other areas affected by Delaney Clauses: food and color additives and animal drug residues.

Frankly, Congress long ago recognized, based on the established science on the issue, that the benefits of saccharin exceed the risk.

While saccharin in high doses caused tumors in laboratory animals, FDA recognized that there is no evidence that this product has harmed humans. Despite this, the law would have required FDA to ban the product unless the Congress overrode this particular application of the Delaney Clause.

Subsequent to the initial congressional action on this matter in 1977, the Saccharin Study and Labeling Act, this moratorium was extended by Congress 6 more times, many times at my initiative and with bipartisan support.

Because, to my knowledge, no evidence has come to light that the risk of saccharin is any greater than previously thought, I see no more reason to ban this product today than existed in 1977. In fact, I understand that more recent studies indicate saccharin does not pose the cancer risk in animals that it was thought to pose 20 years ago.

I do see many good reasons to change the Delaney Clause.

As a realist, I know that some would be tempted to take to the floor and debate this at length, so I cannot be certain that this battle will be won quickly, or even this year. For that reason, I believe that the 5-year extension in the House bill is preferable to the 1-year provision currently in the Senate bill.

In closing, Mr. President, I commend my colleagues, Senators HATFIELD, COCHRAN, BYRD and BUMPERS, for their hard work in bringing forward these FDA provisions and also for their diligence in making certain the agency is made more accountable to the public. These are the first, and most important, steps in FDA reform.

Mr. COCHRAN. Mr. President, we are prepared now to announce that the indications are encouraging, that a number of amendments that have been pending and are to be offered have been or are being resolved. We do have a couple of amendments that we had hoped could be worked out but we do not think can be worked out.

Senators are deciding now whether to withdraw those amendments, look for another vehicle to offer the amendment on later, or offer the matters as freestanding legislation. Let me just say, most of these issues—I think maybe all of them—involve legislation and really do not deal with the funding levels in the bill.

We also have one other problem that has arisen because, since this bill funds the Department of Agriculture, Senators have amendments that come under the jurisdiction of the U.S. Forest Service, legislative in nature. And

the Forest Service really is not funded in this bill. The Forest Service is funded in the Interior appropriations bill. So we are trying to encourage Senators who do have amendments that cannot be accepted on this bill, to consider offering them as amendments to the Interior appropriations bill or as freestanding bills on another day.

Having said that, I think it is likely we are going to proceed very soon, presenting those amendments, announcing the decision of Senators, and voting on those that require rollcall votes.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I listened carefully to my good friend from Mississippi. I have a feeling that my amendment, while it comes close to his description, I am hoping it is somewhat outside the pale—an expression that he, with his cosmopolitan and erudite upbringing, his education in another part of the world dear to both of us, would understand, the expression, ''beyond the pale.'' So, I might try to bring it within the pale of acceptability. Since the managers are not too pressed for time, I was thinking, perhaps to give the Reporter of Debates a chance to rest a bit, I may suggest the absence of a quorum for just a couple of moments so that we might reason together.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

Mr. COATS. Mr. President, what is the current status of the legislation?

The PRESIDING OFFICER. The pending amendment before the Senate is Brown amendment No. 5002.

Mr. COATS. Mr. President, I ask unanimous consent that that amendment be temporarily set aside so that I may speak on the bill in general.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

Mr. COATS. Mr. President, earlier there was discussion—not discussion, a statement on this floor—by a Senator on the Medguide. The Medguide issue is an issue that arose in the Labor and Human Resources Committee discussion of the Food and Drug Administration reform effort.

Medguide is an attempt by pharmacies and pharmacists to provide consumers information relative to the drugs that are prescribed by those pharmacists. The industry has attempted in the last few years to prepare software which would allow them to prepare leaflets and information for distribution to their patients, those seeking to have their prescriptions filled at the pharmacies, which would provide those consumers with information about the impact of those drugs on their health, the dosage, what contraindications might be necessary; in other words, warnings as to what the side effects are, warnings to not mix these drugs with certain other drugs that the patient may be taking, and so forth.

An example of these are—I hold these up. Here is one from Eckerd, ''RX Adviser,'' for the drug Novolin. It is easily readable. It describes the prescription number, the date on which the prescription was filled, the directions to the individual taking the prescription, and then it lists how to use this medicine. It is formatted in bold type. It has cautions and possible side effects, and it is very consumer friendly. It catches your eye. It grabs your attention. It is in different colors.

Here is one from another pharmacy, CVS for Zantac, 300 milligram tablet. It again tells the prescription number, the name of the individual it is prescribed for, how to take this medication, what the uses are, side effects, precautions, notes to the consumer—very helpful information.

I have a whole raft of these that are currently being distributed and handed out by pharmacies across the country. In fact, in 1995, it is estimated that nearly 65 percent of all patients received this information from their pharmacist, up from just 20 percent 3 years ago.

Now, many in the industry believe we have gone beyond that point. I think that is a conservative estimate. Many believe we have already reached the 75-percent level of consumers receiving this information, which happens to be the goal set by Health and Human Services Healthy People 2000 Goal Program. So we are 4 years ahead of schedule with private industry. But now along comes the FDA saying: Oh, no. No, no, no. We do not trust the professionals to advise those taking these medicines to do a competent job to provide necessary warnings, to provide appropriate consumer information. We think this is something that the Government needs to step in and regulate. And so we, the FDA, need to make sure that these consumer information guides which are in addition to, by the way, the manufacturer's required printing of all of the compounds that go into the drug—all of us have seen those. You get your bottle of prescription drugs, and you pull out a piece of paper and you extend it out 2, 3, 4 feet and the print is so small that those of us over the age of 20 do not have the eyesight to read that. If we could read it, we would not understand what it says. And so the pharmacies have said let us boil this down into everyday common language and make sure the consumers get the right information. But the FDA says we do not trust the industry to do that; we need to make sure that we have a plan that will ensure that the information given to consumers fits our requirements. And by the way, we are going to have to approve all of these proposals of information to make sure that it is not violating anything that the FDA wants to check. And so they have put out these nice, big, thick rules and regulations called ''Prescription Drug Product Labeling, Medication Guide Requirements, Proposed Rule,'' issued on August 24, 1995.

If you thought it was hard to read and understand the drug manufacturer's instructions about drugs, you ought to try reading FDA's proposed rule. On and on it goes for page after page—nearly 100 pages of fine print now that everybody is going to have to sort through, every manufacturer is going to have to sort through, adjust all of their information to the Government regulated point size of lettering, to the Government regulated headings. They are going to tell you what headings you have to use. They are going to tell you what size of type you are going to have to use.

Interestingly enough, the samples that FDA puts out which follow their recommended guidelines are only about one-tenth as intelligible as the information currently being distributed to the patients when they receive their prescriptions. Typical Government bureaucratic ineptitude, mediocrity, and obfuscation that we find in Government agency after Government agency advising consumers as to how to use a product or how not to use a product.

And so we bring in another Government agency to tell private industry what to do, and in telling them what to do they are going to turn a readable, consumer-friendly product into your typical Government, IRS, unintelligible form of how to do all this.

Let me find this section here that describes some of the requirements:

> Format for Medication Guide.
>
> The medication guide shall be printed in accordance with all the following specifications:
>
> A. The letter height or type shall be no smaller than 10 points.

And they point out here that one point equals 0.0138 inches. See all these people measuring with a little ruler here, is this greater than 10 times 0.0138 inches?

> For all sections of the medication guide except the manufacturer's name and address and revision date.

Interestingly enough, they do not say how big the manufacturer's name and revision date are, probably the two most important pieces of information are not described here:

> B. The medication guide shall be legible and clearly presented.

Well, the current industry forms are very legible and very clearly presented. But does that satisfy the FDA? Oh, no. Oh, no. It has to be printed and legible like the FDA forms that they provide as samples which, if anybody cares to look, are illegible and unintelligible.

So we are going to go to the Government format for that. On and on it goes:

The words ''Medication Guide'' must appear—

So forth and so on. And then here is the killer. Here is the killer. And this is why people ought to be concerned about FDA sticking its head in here where it does not need to. This medication guide has to have this verbatim statement.

This medication guide has been approved by the U.S. Food and Drug Administration.

And that has to appear on the bottom of every medication guide.

The whole purpose for FDA reform is because you cannot get anything approved at FDA. And so instead of consumers receiving helpful information, they are going to be sitting around waiting for month after month after month after month or year after year after year for FDA to approve the guide that tells them how to use the medicine. Now, FDA says: Oh, no. We can handle this without a problem.

They cannot handle anything else without a problem. Consumers not only are unable to get the medications they need because FDA takes years to approve it, now they are not even going to be able to get the information to use the medication because the FDA once again has to approve all of the information.

On and on this goes with prescription after prescription as to just how these advisories should be put together.

I guarantee you, anybody who has had experience with FDA, anybody who has listened to drug manufacturers or medical device manufacturers tell the horror stories about getting even the most simple of medical devices approved or even drugs that have been tested clinically approved, used for years in other countries without problem, yet cannot receive approval here in the United States, will quickly realize the problem that we are developing here.

So FDA now will create a whole new bureaucracy. They will create a whole new process of making sure they approve all of the Medguide statements.

Now, we took this issue up in committee, and in committee after significant discussion it was determined by a majority of members on a bipartisan basis—I believe the vote was 13 to 3. Members need to understand this is not a politically partisan debate. This is a debate between those who want to hold on to the status quo of mediocre, inept Government bungling and bureaucracy and those who think that maybe private industry has a more efficient, effective way to do it and perhaps can even protect the consumer a little more efficiently and effectively than FDA has been able to protect the consumer.

We have gone through several decades now of denying effective treatment and drugs and devices to American consumers because FDA does not have the capacity to adequately and on a timely basis examine and approve or disapprove submittals of either drugs or devices that can benefit the consumer. I have a lot of manufacturers that would simply say, if they would just call us up and tell us they would disapprove it, they would not have to go through this year after year after year of inept bureaucratic bungling to determine whether or not our product is going to be allowed to be marketed in the United States.

So, here we have another Big Government stride into a brand new area of regulation, regulation that currently is handled at the State level. State pharmacy boards traditionally regulate pharmacists, have the authority to regulate pharmacists. They have been providing services to the patients and consumers for a long, long time in this country.

We have now an FDA that will, again, issue a regressive regulation which will stifle innovation and changes in pharmacy information. We have an FDA which will provide a one-size-fits-all, bureaucratically uniform style of type, style of heading, style of verbiage. Any of you who have to struggle through, as I do every year, trying to read the IRS instructions as to how to fill out your income tax will understand that somehow Government just cannot seem to get instructions into common, everyday language. I am afraid we will see more of that out of FDA.

The most ironic thing here is that people have been pleading with FDA for more focus on their necessary items. No one is saying we ought to close down FDA. We are simply saying, can you focus more of your resources and your effort on the more essential elements of your business here? Yet now we are going to take already scarce, depleted resources and shift them and divert them from their primary focus of providing safety and efficacy for drugs and devices and protecting the Nation's food supply, to making sure that the information handed to the consumer, which is a duplicate, which is in addition to all the requirements that the drug manufacturer has to put in the medicine, consumer-friendly information—we now have to make sure this complies and gets approval from the Food and Drug Administration. I think they ought to spend more time approving drugs, more time approving devices, and less time worrying about whether this is 10-point type or 12-point type.

How interesting to note that the advisories that we have examples of here are far more readable, far more presentable and far more legible than what the FDA, in their regulation, says it ought to be. The last thing a pharmacist or a pharmacy wants to do is hand its own customers something that is illegible. What they really want to do is hand them something that they can read and understand, because if they do that, they will come back.

I get frustrated over this whole process, as you probably can tell. I am frustrated that we cannot proceed on meaningful FDA reform when we have such a bipartisan consensus on doing this. The vote in the Labor and Human Resources Committee was 13 to 3. We had solid support from both Democrats and Republicans on the need to do this. Yet, because FDA reform is stalled and cannot seem to work its way before the U.S. Senate, the Senator from Mississippi, whose committee has jurisdiction over the appropriations, took this portion of the proposal, which would impose some requirements and restrictions to make sure these private advisories comply with what is necessary, and incorporated that language in the agriculture appropriations bill. Suddenly we have had this big holdup here over whether or not this language ought to be here.

Mr. President, my understanding is that some agreement has been reached on a watered down but hopefully still effective change in the language, which will be the subject, apparently, of a colloquy that will be coming shortly between the chairman of the committee and the Senator from Massachusetts. I hope the agreement which is reached is not one that the FDA will find another excuse not to implement, because my understanding is that the agreement is subject to the approval of the Commissioner of the FDA, who is probably the biggest problem we have at FDA right now.

One of the amendments I offered in committee was to limit the terms of FDA Commissioners because I think, if there is ever an argument for term limitations, it is the current FDA Commissioner and the way that agency is being run. Hopefully, we can move forward now with something that is of great benefit to the consumers of this country—nearly 65 to 75 percent now receive these advisories—and not grind ourselves down into a bureaucratic excuse for something that does not begin to measure up to the advisories that are currently out there. When are we going to learn that all wisdom, all professionalism, does not rest in a Government agency; that industry has its own, the private sector has its own motivations for protecting the consumer? Besides, States have the ability, and State pharmacy boards have the ability, to impose some reasonable regulations on their own pharmacists and their own pharmacies.

Mr. President, I wish we were debating FDA reform, because it looks like we may go another session of Congress without any meaningful reforms in a process that denies patients and consumers in this country sometimes life-saving drugs.

The question is asked, what if FDA did not take this time to approve some of these medicines? The question also has to be asked, how many people have suffered, or perhaps needlessly died, because FDA was not able, on a timely basis, to approve life-saving drugs or devices? There is a backlog that is staggering at FDA. There is an ineptitude that is staggering out there. I do

not trace it to the good scientists who are working there and clinicians who are working there. I trace it to an inept bureaucracy which often seems to have motivations beyond the health and safety of consumers. I think it is time we did something about it, and I am glad we are taking this one small step to benefit the consumers. I congratulate the Senator from Mississippi for working out an agreement here so we can accept this.

I yield the floor.

Mr. GREGG. Mr. President, I rise today in support of the original MedGuide provision that was included as part of the Agriculture Appropriations bill. The Agriculture Appropriations bill contained the language on the MedGuide issue that was overwhelmingly passed by the Labor Committee by a vote of 13 to 3 during the markup of S. 1477, the FDA reform bill, in March.

This provision in the Agriculture bill required the Secretary of HHS to request, within 30 days after enactment, that national consumer, industry and practitioner groups work together to develop a plan for the distribution of high quality, helpful consumer information about prescription drugs, such as adverse reactions and product combination problems.

It provided the opportunity for the private sector to continue building on its marked successes in this area over the last several years. By FDA's own survey, the percentage of consumers receiving substantial written information about their prescription increased from 32 percent to 59 percent between 1992 and 1994. There is no reason to believe that pharmacists will either suddenly begin to perform this task more poorly, nor any reason to think that the goal of 75 percent by the year 2000—shared by FDA and professionals practicing pharmacy—will not be voluntarily achieved, without FDA getting involved.

It called for an approach to public policy that is flexible, sufficiently specific and comprehensive so as to meet consumers' needs, and neither promotional nor so technical that it is of no use to the consumer. The information has to be legible, comprehensible, and accurate.

This amendment did not do one thing—it did not allow the FDA to expend its limited funds to implementing its MedGuide regulation.

The FDA cannot afford diversions from their mission to review and approve quality, and often life-saving, products. This is clear from the numerous hearings we have held, reports that have published, and complaints we have heard from the FDA itself—''Give us more resources. Give us more time to do our job.''

The FDA regulation would require every pharmacist to provide specific information to patients each time they fill a prescription. While FDA claims the regulation is voluntary, if 75 percent of consumers are not receiving the formatted information by 2000, the regulation becomes mandatory.

Well, there is nothing voluntary about this regulation—pharmacists will no longer be able to craft written information to meet individual patients' needs if this regulation is imposed. There is also nothing voluntary about imposing a $121 million cost annually on pharmacists and manufacturers, according to the FDA's own calculation. FDA's calculation determined the program would cost individual pharmacies at least $1,500 to comply, equaling $106.7 million a year. Manufacturers are expected to spend $5,000 to $12,000 per medication guide developed, or at least $14.4 million annually.

And who do you think those costs will be passed on to? The consumer.

One must also consider that the practice of pharmacy has always been regulated at the State level—FDA may not regulate the practice of medicine. FDA only has product labeling authority, not the accompanying information.

There is also a great deal of concern that this regulation also has not taken into account the expanded liability it imposes on pharmacists. Pharmacists not only have the ability to tailor information to suit the patient, they are able to phrase—and sometimes rephrase—information in a way that the patient understands. Going to a one-size-fits-all information standard will defeat this important purpose of pharmacy as the pharmacist will be prevented from serving as the learned intermediary.

The provision in the underlying bill would have had the same goals as MedGuide: 75 percent consumer receipt by the year 2000; a way to assess the effectiveness of any consumer information distribution system; and a measure of the quality of the information being distributed. This provision would not have simply cut the FDA out of the process—instead, it provided a 120-day stay of execution from the FDA rule. After that, if the private sector failed to respond, the Secretary of HHS could proceed with the detailed regulation proposed by the FDA.

This regulation is not only a poor priority for the Commissioner—he has stated it is his No. 1 issue—and an inappropriate use of limited funding, it is also beyond the general authority of the FDA. While we all would agree that it is important that the consumer get the information they need, as their circumstances call for, I don't understand how the FDA can believe it is somehow more capable of telling Americans what they must, and cannot, know than the pharmacists serving consumers on a daily basis.

Mr. President, I think the FDA has enough to do already without breaking new regulatory ground, especially where the private sector is already rising to the task at hand.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Amendment No. 5003

(Purpose: To protect the public health)

Mr. KENNEDY. Mr. President, I ask unanimous consent that the pending amendments be laid aside for an amendment that I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 5003.

Mr. KENNEDY. 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:

On page 59, line 6, after ''consumers).'' insert:

''(b) GOALS.—Goals consistent with the proposed rule described in subsection (a) are the distribution of useful written information to 75% of individuals receiving new prescriptions by the year 2000 and to 95% by the year 2006.''

On page 59, line 16 insert the following: ''(4) contain elements necessary to ensure the transmittal of useful information to the consuming public, including being scientifically accurate, non-promotional in tone and content, sufficiently specific and comprehensive as to adequately inform consumers about the use of the product, and in an understandable, legible format that is readily comprehensible and not confusing to consumers expected to use the product.'' and

On page 60, line 5, insert after the word ''if'' the following: ''(1)''.

On page 60, line 8, strike the words ''and begin to implement'' and insert the following: ''and submit to the Secretary for Health and Human Services''.

On page 60, line 10, strike the words ''regarding the provision of oral and written prescription information.'' and insert the following: ''which shall be acceptable to the Secretary of Health and Human Services; (2) the aforementioned plan is submitted to the Secretary of Health and Human Services for review and acceptance (provided that the Secretary shall give due consideration to the submitted plan and that any such acceptance shall not be arbitrarily withheld); and (3) the implementation of (a) a plan accepted by the Secretary commences within 30 days of the Secretary's acceptance of such plan, or (b) the plan submitted to the Secretary commences within 60 days of the submission of such plan if the Secretary fails to take any action on the plan within 30 days of the submission of the plan. The Secretary shall accept, reject or suggest modifications to the plan submitted within 30 days of its submission. The Secretary may confer with and assist private parties in the development of the plan described in sub-sections (a) and (b).''

On page 60, line 20 through line 22, strike ''The Secretary shall not delegate such review authority to the Commissioner of the Food and Drug Administration.''

On page 59, line 7, re-letter sub-section (b) to sub-section (c), and on page 59, line 16, re-number subparagraph (4) to subparagraph (5), and on page 59, line 21, re-number subparagraph (5) to subparagraph (6), and on page 59, line 23, re-letter sub-section (c) to sub-section (d), and on page 60, line 12, re-letter subsection (d) to sub-section (e).

Mr. KENNEDY. Mr. President, I want to say how pleased I am that we have managed to work through our concerns with my friends from Mississippi and

Indiana on the language relating to adequate consumer labeling for prescription drugs that is in the Agricultural Appropriations bill. The changes that they have graciously agreed to will address my concerns that the provisions need to contain safeguards to ensure that the voluntary plan developed by organizations representing health care professionals, consumers, pharmaceutical companies, pharmacies, database companies, and other interested parties will be adequate.

I am concerned, however, that when this provision goes to conference with the different House language, that all our hard work in coming to this agreement may go by the wayside. It is critical that I have the word of my friend from Mississippi that the conference not limit the authority of the Secretary and the FDA to assure provision of information to the public beyond the provisions of section 601 as amended.

Mr. COCHRAN. I agree with my colleague from Massachusetts, and I can assure him that, while I am not able to speak for the entire conference committee, I will do my best to reach a compromise on this issue that will not place further limits on the authority on the Secretary and the FDA with regard to this important public health issue.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

Mr. COCHRAN. Mr. President, there is no objection. We have reviewed it, and we thank very much the distinguished Senator from Massachusetts and the Senator from Indiana and others who have worked to negotiate this agreement.

Mr. BUMPERS. Mr. President, let me just say, the amendment has been cleared on this side. It has taken all afternoon to craft this amendment in a form which is acceptable to all sides.

I compliment Senator KENNEDY for his tenacity and determination in getting this accomplished. It is a very, very worthwhile amendment in this Senator's opinion.

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

The amendment (No. 5003) was agreed to.

Mr. KENNEDY. Mr. President, I see other colleagues on the floor. I appreciate the cooperation of all in working through this amendment—Senator COCHRAN, Senator BUMPERS, Senator COATS and others.

I will not delay the Senate, but I must say, I will add a word of commendation for Dr. Kessler. I have a strong difference of opinion about his service in the FDA. The FDA has been a whipping boy, particularly in recent times, but I do think if we look at the most recent GAO reports, look at the breakthroughs of new drugs getting out to the people in this country and look at the assault that has been made on the FDA by the tobacco industry and other groups, his service will go down as a distinguished one.

Just a final point, Mr. President. This whole issue really is not about bureaucracy, it is about information—useful, readable, understandable information about prescription drugs that can make a difference in terms of an individual's quality of health.

Mr. President, we do it with regard to dog food, we do it with regard to Wheaties, we do it with over-the-counter drugs. We can do a better job.

I am very hopeful the job will be done through the voluntary systems that are being set up now; that it will be given a reasonable time, although all of us are very hopeful that will be successful.

I am grateful to the floor managers for accepting this amendment. I thank the Chair. I yield the floor.

Mr. BUMPERS. Mr. President, has the Kennedy amendment been accepted?

The PRESIDING OFFICER. It has been agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 4987

(Purpose: To implement the recommendations of the Northern Forest Lands Council)

Mr. LEAHY. Mr. President, I ask unanimous consent it be in order to call up amendment No. 4987, which is at the desk. It is the Northern Forests Stewardship Act, which is sponsored by me and cosponsored by Senators JEFFORDS, GREGG, SMITH, SNOWE, COHEN, MOYNIHAN, KENNEDY, and KERRY.

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

Mr. LEAHY. Mr. President, very briefly, this amendment, which affects the Northern Forests of the States of Vermont, New Hampshire, and Maine especially, makes sure the rights and responsibilities of the landowners are emphasized. The primacy of our States, that means very much to each of us, is reinforced, the traditions of the region are protected, but we have the advantage of using new ways of achieving our goals in forestry and the use of our land and ways to do it that did not even exist a few years ago. It is a case where we have had citizens, landowners, foresters, and everybody else come together with a plan that actually works.

Mr. President, I thank the distinguished chairman and ranking member and others who worked with us this afternoon to get this through. I yield the floor.

Ms. SNOWE. Mr. President, I rise in support of the amendment offered by Senator LEAHY to include a revised version of S. 1163, the Northern Forest Stewardship Act, in H.R. 3603. I thank my colleague from Vermont, Senator LEAHY, for his hard work on this legislation, and I thank the other cosponsors of the bill for their efforts. I would also like to thank Senator LUGAR, chairman of the Agriculture Committee, and the managers of the bill before us, Senator COCHRAN and Senator BUMPERS, for their cooperation and acceptance of this amendment.

Let me state at the outset what this amendment is not because I would like to clear up any misconceptions that may exist. This amendment does not, in any way, provide the Federal Government with new regulatory authority. This amendment does not, in any way, permit the Federal Government to intrude, uninvited, upon the affairs of any State. This amendment does not, in any way, allow the Federal Government to assume control over private timberlands in the Northern Forest region. This amendment does not, in any way, impose Federal mandates on the Northern Forest States. In actuality, the amendment reaffirms the primacy of the Northern Forest States in the management of their forests, and it is intended to help the States do what they want to do on these issues. That is why the affected States support this bill. A simple reading of the legislation will make these facts abundantly evident.

Six years ago, the States of Maine, New Hampshire, Vermont, and New York created the Northern Forest Lands Council to study problems facing the Northern Forest region, and to issue recommendations for State and Federal policies that would help to maintain the traditional patterns of land ownership and use in the region. The council was formed in response to public fears of significant conversion of the Northern Forest Lands to nonforest uses. These fears had been stoked by the attempted sale of Diamond International's timberland holdings by Sir James Goldsmith, who had acquired Diamond in a hostile takeover in 1987.

It goes without saying that the 26-million-acre Northern Forest region is an extraordinary resource. It provides the largest expanse of unbroken forestland east of the Mississippi River. These forests provide excellent outdoor recreational opportunities, abundant wildlife habitat, and breathtaking scenic vistas. But these lands also form the foundation of the livelihoods of thousands of people in the region who harvest trees from the forest, and who convert the trees into valuable products like paper, lumber, and furniture. The Northern Forest is, and always has been, a multiple use forest.

The council, which consisted of representatives from each State and from each of the major stakeholder groups with an interest in the forest, spent roughly 4 years and millions of dollars collecting and analyzing data, consulting with State officials, and holding many meetings and discussions with the public throughout the region. The council completed its recommendations in September 1994, and then disbanded. In its final report, the council requested that the U.S. Congress enact legislation to implement its Federal recommendations beginning in 1995. This legislation is the culmination of the council process, a process, I might add, that fostered very beneficial new

working relationships between industry, landowners, and the environmental community on the critical issues related to our forests.

The Leahy amendment embodies the latest version of S. 1163. This bill has undergone a series of revisions based on numerous comments from a diverse collection of individuals, organizations, businesses, and States in the region. And I think this bill responds to the opinions and recommendations of such a diverse group as well as any one bill can. The Northern Forest Lands process has always operated out of a strong desire for consensus, and the legislation before us reflects the desire of Senators from the Northern Forest region to maintain that practice.

At its most basic, the Northern Forest Stewardship Act is designed to help conserve the Northern Forest lands, and its many values, for future generations. But unlike some past approaches to resource conservation in the Congress, this bill puts States in the driver's seat, which is most appropriate in this case because the great majority of these lands are privately-owned. In effect, the legislation assigns the Federal Government a role as cooperator in the region, consistent with the council's recommendations. It authorizes Federal agencies, primarily the State and Private Forestry division of the U.S. Forest Service, to provide technical and financial assistance to the Northern Forest States for activities such as developing benchmarks of sustainable forest management, conducting forest research, conserving valuable forest lands, and assessing water quality trends in the region. But the bill makes clear that this assistance can only be provided if the individual States request it. If the States do not request it, then no assistance can be provided under this legislation.

As a region characterized by the private ownership of timberland, the legislation is replete with references and provisions reaffirming private property rights. The Land Conservation section, for instance, prohibits the use of any Federal funds authorized by this legislation for State land acquisition projects unless the owner willingly offers the property for sale.

Recognizing the economic importance of the forest to the people who live in the region, the Leahy amendment also authorizes technical and financial assistance to the States, the forest products industry, and local communities to help expand value-added production and create sustainable new jobs in the forest products sector.

Mr. President, as I said before, the basic purpose of this legislation is to implement the council's recommendations, and I think the bill succeeds on that account. But I want to point out that one very important component of the council's report has been necessarily omitted from this bill, and that is Federal tax policy.

The council recognized that Federal taxes can create negative incentives that discourage landowners from maintaining their lands as forest, and it recommended changes to the Internal Revenue Code that would help reverse these incentives and encourage landowners to keep their lands forested. The council's recommendations emphasized reforms of estate taxes, capital gains taxes on timber sales, and passive loss rules for forest management, and they have been incorporated in a separate bill, S. 692, which was introduced by Senator GREGG, and which I have cosponsored. As a tax bill, this legislation will obviously have to proceed on a separate track through the Finance Committee, and, therefore, we were not able to include it in this amendment. But the Northern Forest Senators remain committed to it, and, in fact, we included language in the findings section of this legislation stating that Congress and the President should enact additional legislation to address the tax policies that negatively influence the stewardship of our forest lands. We hope to get these tax changes included in the next major tax bill that comes before the Senate.

Mr. President, I would also like to address a few specific criticisms of the original version of S. 1163, and describe the way in which we have modified the bill language as a result. The cosponsors agreed to revise the Principles of Sustainability section so that it now reads as a sense-of-the-Congress resolution. Concern had been expressed that the provision, as previously drafted, could be loosely interpreted to impose a set of national best management practices for private timberlands, and that was not our intent at all. The latest change eliminates the possibility of such an interpretation in the future. We changed the Congressional ''Declarations'' section to a ''Findings'' section, conforming it to the traditional format for Federal legislation, and making it clear that this provision does not, in any way, create any new legal authorities.

In the Land Conservation section, the legislation has been modified to clarify that Federal funding for land acquisition under the act can only be provided as part of a State-managed public land acquisition process, which is a policy with which most stakeholders in the region agree.

What we have before us today, Mr. President, is a responsible proposal to encourage and facilitate the conservation of the Northern Forest resource for its outstanding ecological, economic, and recreational values. In keeping with longstanding tradition in the region, the States will lead the effort on Northern Forest-related policy issues, but the Federal Government should be available to assist the States in their efforts if called upon to do so, and this bill will help to ensure that appropriate assistance is available. The Northern Forest Stewardship Act offers a reasonable, constructive, and consensus-oriented approach to forest management in our region.

This legislation enjoys the support of the four Northern Forest States, a wide range of environmental organizations, the Maine Forest Products Council, and major newspapers in Maine. This is one bill that is truly both pro-environment and pro-economy. I hope all of my colleagues will support the Leahy amendment.

Mr. COCHRAN. Mr. President, let me state this amendment has been reviewed. It has been cleared on this side. I commend and thank the distinguished Senator from Vermont for his cooperation.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4987) was agreed to.

Mr. LEAHY. 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. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 5004

Mr. BURNS. Mr. President, I send an amendment to the desk and ask for its immediate consideration. I think this has been cleared by both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 5004.

Mr. BURNS. 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 the bill, add the following new section:

SEC. . BARLEY PAYMENTS.

Section 113 of Public Law 104–127 is amended by inserting a new subsection (g) that reads:

''(g) ADJUSTMENT IN BARLEY ALLOCATION.—In addition to the adjustments required under subsection (c), the amount allocated under subsection (b) for barley contract payments shall be increased by $20,000,000 in fiscal year 1998, and shall be reduced by $5,000,000 in each of fiscal years 1999–2002.''

Mr. BURNS. Mr. President, this is an adjustment in the barley allocation in the farm bill. It seemed as though when we were making the transition payments on all commodities and program crops, barley and their producers were penalized more than anybody else in making the adjustments. In fact, all other commodities, all other program crops were adjusted just slightly lower, with the exception of rice, and it actually went up. The barley payment was adjusted a good whopping 30 percent lower, 14 cents a bushel.

What this amendment does is it moves money from the outyears to the nearby years: $20 million in this fiscal year and then taking from the next 4 years, the outyears, $5 million. In other words, we are going to increase

the payment about a nickel this year, and then we will be subtracting about a penny from the outyears in year 2, 3, 4 and 5.

So with that, it will make an adjustment this year. I think this is a short-term solution. After talking with my colleague from Montana and my friends from North Dakota, we realize this is a short-term solution, and I think we have to look at a longer term to make the adjustment to make it fair. That is all we are asking for barley producers across America, is fairness. I think there has to be a long-term solution made.

Mr. President, I ask for its adoption, and I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I support the effort of my colleague from Montana, Senator BURNS. This is not any of our preferred solutions to the problem faced by our barley producers. Very frankly, the barley farmers have been left short. They were told very clearly last year that if the new farm bill passed, they would get 46 cents a bushel. Somebody made a mistake. It is still not clear to me who did or precisely how they did, but the fact is, a mistake was made. Instead of getting 46 cents, barley producers are going to get 32 cents, 30 percent less.

Very clearly, farmers were told 46 cents. They were told the prices and amounts that were going to be paid were estimates, no question about that. But they were told, and told repeatedly, that the amounts that they would actually receive would be close to those estimates. I was in dozens of meetings where they were told it would be close to those estimates; maybe a few cents difference.

And, indeed, if you look at corn, they were told it was going to be 27 cents. It turned out to be 24 cents. On wheat, they were told it was going to be 92 cents. It turned out to be 87 cents. Everybody understood those differences. But when it comes to barley, they were told 46 cents, and it turned out to be 32 cents. Not a 5-percent difference, not a 10-percent difference, a 30-percent difference. Is there any wonder that barley producers across the country are wondering, is there anything straight that comes out of Washington?

They were told clearly and directly that if they signed up to this farm bill that 46 cents is what they could expect to receive. That is not what they are getting, that is not what they are receiving, and it is not right.

There ought to be an adjustment. Many of us prefer we make this adjustment up front, clearly, and we take it out of the EEP program, or we take it out of some other approach, some other way of paying for it, but that it be paid for. In discussing it with our colleagues, it was clear that at this stage, that was not going to be acceptable.

So the Senator from Montana has come up with an approach to bring money from later years up front to reduce this differential on the hope and the expectation that perhaps as we go through the process, we can get this problem solved in a more appropriate way.

I think on that basis this approach deserves support, because, hopefully, in the conference committee, we can get a better resolution. Again, I think it is just a fundamental question of whether or not we treat our barley producers in this country in a fair way.

I salute my colleague from Montana for his efforts. I thank the Chair and yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota, Mr. DORGAN.

Mr. DORGAN. Mr. President, let me ever so briefly agree with my colleagues. I support the efforts of the Senator from Montana. We had a number of meetings today with the Senator from Montana, Senator BURNS, Senator BAUCUS, Senator LARRY CRAIG, Senator CONRAD, myself, and others. This is not the preferred solution. I do not view this as a destination. I view this as a step on the way to where we want to get to solve this issue.

Senator CONRAD said it clearly. The proposal was made that barley growers would receive fixed payments and the first year would be 46 cents. That turns out not to be 46 cents at all but instead 32 cents a bushel. That may not mean much to people, unless you raise some barley and discover that your expected income is now 30 percent lower than you anticipated when you heard about this program and developed support for the program based on the representation of what the fixed payments would be in the farm program.

So we will go to conference. This is a device and a mechanism by which this issue can go to conference. My hope is that this issue will be resolved in conference the way it should be resolved. It should be resolved by providing for barley producers what they were told they would receive as fixed payments in the farm bill. The failure to do that, it seems to me, really places at risk the credibility with respect to this farm program.

I again support the efforts of the Senator from Montana as a step toward a destination that would make the barley producers whole. Mr. President, with that, I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me thank Senators who have been working to resolve this issue for their efforts. A great deal of work has gone into crafting this amendment. I compliment particularly the Senator from Montana [Mr. BURNS]. I ask unanimous consent that the Senator from Idaho [Mr. CRAIG] be added as a cosponsor of the amendment.

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

Mr. COCHRAN. Mr. President, we are going to continue to monitor this situation. We hope that this is helpful. As we go into conference, we will work to resolve the issue to the satisfaction of the Senate. With that, I know of no objections to the legislation. I hope that we can proceed to adopt it on a voice vote.

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

The amendment (No. 5004) 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. CONRAD. Will the Senator yield for one moment so I might thank the chairman and the ranking member for their patience as we worked to resolve this matter? We very much appreciate your assistance.

Mr. COCHRAN. I thank the distinguished Senator for his kind comments. We appreciate his good efforts, as well.

AMENDMENT NO. 5002, AS MODIFIED

Mr. COCHRAN. Mr. President, as I understand it, the pending amendment now is the Brown amendment, as modified. I know of no objection to the amendment. I ask unanimous consent that we adopt the amendment and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered. The yeas and nays are vitiated. The amendment, as modified, is agreed to.

The amendment (No. 5002), as modified, was agreed to.

AMENDMENT NO. 4978, WITHDRAWN

Mr. COCHRAN. Mr. President, I know that the next amendment is the KERREY amendment No. 4978. Senator KERREY has offered this along with two other amendments. Those other amendments were agreed to. I have been authorized to ask that the KERREY amendment No. 4978 be withdrawn.

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

The amendment (No. 4978) was withdrawn.

AMENDMENTS NOS. 5005 THROUGH 5009, EN BLOC

Mr. COCHRAN. Mr. President, I now have a series of amendments which I will send to the desk en bloc and ask that they be reported and agreed to en bloc; an amendment on behalf of Senator SIMPSON; an amendment on behalf of Senator HATFIELD; an amendment I send to the desk for and on behalf of the Senator from Idaho, Mr. KEMPTHORNE; an amendment I send to the desk on behalf of the Senator from Alabama, Mr. SHELBY; an amendment by Senator DOMENICI which is cosponsored by Senators HELMS, THURMOND, FAIRCLOTH, and BINGAMAN.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes amendments numbered 5005 through 5009, en bloc.

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

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

The amendments (Nos. 5005 through 5009), en bloc, are as follows:

AMENDMENT NO. 5005

At the end of the bill, add the following;

SEC. . EASEMENTS ON INVENTORIED PROPERTY

None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of Agriculture to establish a wetland conservation easement under section 335(g) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(g)) on an inventoried property that was used for farming (including haying and grazing) at any time during the period beginning on the date 5 years before the property entered the inventory of the Secretary and ending on the date the property entered the inventory of the Secretary. To the extent that land would otherwise be eligible for an easement haying and grazing must be done according to a plan approved by the Natural Resources Conservation Service.

AMENDMENT NO. 5006

On page 42, line 26 before the colon, insert the following: ''*provided further,* That of the total amount appropriated, not less than $2 million shall be available for grants in accordance with section 310B(f) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(f))''

AMENDMENT NO. 5007

(Purpose: To provide that the Secretary of Agriculture may use funds in the Fund for Rural American for grants to develop and apply precision agricultural technologies)

At the appropriate place in the bill, add the following:

SEC. . GRANTS FOR PRECISION AGRICULTURAL TECHNOLOGIES.

Section 793(c)(2)(A) of the Federal Agriculture improvement and Reform Act of 1996 (7 U.S.C. 2204f(c)(2)(A)) is amended—

(1) in clause (vii),by striking ''and'' at the end;

(2) in clause (viii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(ix) develop and apply precision agricultural technologies.''.

AMENDMENT NO. 5008

(Purpose: To make additional funding available for fiscal year 1996 for investigations of arson at religious institutions)

At the appropriate place in the bill, add the following:

TITLE VIII—SUPPLEMENTAL APPROPRIATIONS AND RESCISSION FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses,'' to be used in connection with investigations of arson or violence against religious institutions, $12,001,000, to remain available until expended.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–52, $16,500,000 are rescinded.

AMENDMENT NO. 5009

At the appropriate place in the bill, insert the following:

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

For an additional amount for the Agricultural Credit Insurance Fund Program Account for the additional cost of emergency insured loans authorized by 7 U.S.C. 1928–1929, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, resulting from droughts in the Western United States, Hurricane Bertha, and other natural disasters, to remain available until expended, $25,000,000: *Provided,* That these funds are available to subsidize additional gross obligations for the principal amount of direct loans of $85,208,000: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That the amount shall be available to the extent that the President notifies Congress of his designation of any or all of these amounts as an emergency requirement under section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EMERGENCY SUPPLEMENTAL APPROPRIATION FOR EMERGENCY DISASTER LOANS

Mr. DOMENICI. Mr. President, there is nothing more precious to New Mexico, and to the arid Southwest in general, than water. Unfortunately, precipitation in the Southwest this year has been, in a word, disastrous. Precipitation and snow melts in almost every New Mexico basin are dangerously below average. Despite recent rains, stream flows in New Mexico are still predicted to be 33 to 100 percent below average through the summer, with no end in sight. If the drought continues, and there is every indication that it will, the consequences to New Mexico will be truly devastating.

No sector in New Mexico has been hit harder by the drought than its farmers and ranchers. Water levels in the Middle Rio Grande have dropped severely, leading to radically decreased water availability for the hundreds of irrigators depending on that water. Farmers in the southern part of the State are being forced to go to water wells, thus depleting the already-taxed aquifer. And in northeastern New Mexico, winter wheat is failing for the first time in anyone's memory.

Additionally, the drought has wiped out forage for New Mexico's livestock producers, causing an industry already hit hard by high feed prices to hurt even more. In fact, this drought has devastated crops and livestock in my State to such an extent that every single county in New Mexico is currently eligible for USDA's disaster assistance programs.

Mr. President, one of the programs that has been crucial in helping the farmers and ranchers of my State cope with this disaster is the USDA's emergency disaster loan program. Funding for this program this year may soon run out, however. As a consequence, the Western Governors' Association has identified supplemental funding for emergency disaster loans as a top priority.

Our amendment will ensure that this much-needed emergency loan program remains funded in the event of a shortfall in this fiscal year. The contingency funding will also remain available in the event of a shortfall in fiscal year 1997. Specifically, our amendment provides an additional $25 million for the program as an emergency supplemental appropriation, which will allow for an additional $98 million in emergency disaster loans. The additional funding in the amendment would only become available if the administration determines that other funding sources have been exhausted.

In closing, Mr. President, let me reiterate that this drought is one of the worst calamities to hit my State, and the Southwest in general, in the last 50 years. Our amendment for supplemental funding of USDA's emergency loan program will ensure that desperately needed relief will continue to be given to those people who have been hardest hit by this disaster.

Mr. HELMS. Mr. President, on behalf of the eastern North Carolina farmers whose crops were devastated by Hurricane Bertha, I am happy to cosponsor this proposal to provide emergency loan assistance to farmers.

On July 12, Hurricane Bertha ripped through the eastern part of North Carolina, destroying an estimated 80 percent of the State's tobacco crop and up to 90 percent of the corn crops in some counties. Cotton and soybeans also were damaged.

Bertha was particularly devastating because it hit right before harvest season, ravaging crops in their most vulnerable stages. Estimates of the total damage to North Carolina agriculture continue to climb and currently stand at $188 million. Many North Carolina farmers suffered total losses of their 1996 crops.

Mr. President, this amendment will provide emergency loans, approved by the USDA for farmers seeking a way to recover from the financial losses imposed by the hurricane. It will enable farmers to purchase the inputs such as fertilizer, seed, and equipment needed to put crops back into the ground.

The early extension of credit to qualified farmers is essential to move them beyond this natural tragedy. I've been contacted by many of these farmers, Mr. President; for example, Ronnie and W.C. Cox who are fifth generation corn, cotton, and tobacco farmers in Onslow County. Their 300 acres of corn were totally destroyed along with 75 percent of their 225 acres of their tobacco crop. Cotton and other crops were likewise severely damaged.

These farmers aren't asking for a free ride, Mr. President. The Coxes in Onslow County wrote to me saying, ''We do not want grants or handouts. But, we do need to borrow $750,000 or $1 million for 3 to 5 years at a low interest rate.''

Mr. President, this amendment will extend a helping hand to these embattled farmers and thereby help them to help themselves. It's the right thing to do—at the right time.

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

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

The amendments (Nos. 5005 through 5009), en bloc, were agreed to.

AMENDMENTS NOS. 5010 THROUGH 5014, EN BLOC

Mr. BUMPERS. Mr. President, I send a series of amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. Bumpers] proposes amendments numbered 5010 through 5014, en bloc.

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

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

The amendments (Nos. 5010 through 5014), en bloc, are as follows:

AMENDMENT NO. 5010

(Purpose: To increase funding for the Grain Inspection, Packers and Stockyards Administration and the Food Safety and Inspection Service, with an offset)

On page 23, line 8, strike ''$22,728,000'' and insert ''$23,928,000''.

On page 46, line 14, strike ''$657,942,000'' and insert ''$656,742,000''.

AMENDMENT NO. 5011

(Purpose: To express the sense of the Senate regarding Canadian wheat and barley exports to the United States)

At the end of the bill, add the following:

SEC. . SENSE OF SENSE ON CANADIAN WHEAT AND BARLEY EXPORTS.

It is the sense of the Senate that—

(1) the United States Trade Representative should continue to carefully monitor the export of wheat and barley from western Canada to the United States;

(2) the bilateral Memorandum of Understanding with Canada clearly states that the United States—

(A) will not accept market disruptions from imports of Canadian grains; and

(B) will use its trade laws if it appears likely that market disruptions will occur;

(3) the United States Trade Representative should monitor any policy changes by the Canadian Government, acting through the Canadian Wheat Board, that have the potential for increasing the exports of Canadian grains to the United States;

(4) family farmers of the United States should not be subject to increases in the 1-way channel of Canadian grain exports to the United States that unfairly disrupt the grain transportation systems and depress the prices received by farmers; and

(5) the United States Trade Representative should be prepared to support the use of antidumping laws, countervailing duty laws, section 301 of the Trade Act of 1974 (19 U.S.C. 4211), and other United States laws consistent with the international obligations of the United States, if—

(A) the Canadian Government implements the changes described in paragraph (3) without a resolution of the underlying cross-border grain trading issues between the United States and Canada; and

(B) the changes lead to unfair and injurious exports of Canadian grain to the United States.

AMENDMENT NO. 5012

At the appropriate place insert the following:

Not later than 180 days after enactment of this Act, the Administrator of the Food and Drug Administration, in consultation with the States and other appropriate Federal agencies shall report to the Chairman and Ranking Member of the Committee on Appropriations of the House and Senate on the feasibility of applying DNA testing or other testing procedures to determine the adulteration, blending, mixing or substitution of crab meat other than *Callinectes sapidus* offered for sale in the United States. The Administrator also shall report on the feasibility of developing a database of imported crab meat shipments from port of entry to final wholesaler to be made available to State agencies to aid enforcement and public health protection.

AMENDMENT NO. 5013

At the appropriate place, insert the following:

''No funds appropriated or otherwise made available to the Secretary of Agriculture may be used to administer section 118(b)(2)(A) of the Agricultural Marketing Transition Act unless the planting of a fruit or vegetable on contract acreage, if planted subsequent to the failure of a contract commodity on the same acreage within the same crop year is permitted on contract acreage: *Provided,* That this provision shall take effect upon the date of enactment of this Act into law.''

AMENDMENT NO. 5014

(Purpose: To prohibit the use of funds to administer the provision of contract payments to a producer for contract acreage on which wild rice is planted unless the contract payment is reduced by an acre for each contract acre planted to wild rice)

At the end of the bill, add the following:

SEC. . PLANTING OF WILD RICE ON CONTRACT ACREAGE.

None of the funds appropriated in this Act may be used to administer the provision of contract payments to a producer under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) for contract acreage on which wild rice is planted unless the contract payment is reduced by an acre for each contract acre planted to wild rice.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the final passage of the bill.

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

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

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

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—97

Abraham	Ford	Mack
Akaka	Frahm	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Bond	Grams	Nickles
Boxer	Grassley	Nunn
Bradley	Gregg	Pell
Breaux	Harkin	Pressler
Brown	Hatch	Pryor
Bumpers	Hatfield	Reid
Burns	Heflin	Robb
Byrd	Helms	Rockefeller
Campbell	Hollings	Roth
Chafee	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Inouye	Shelby
Cohen	Jeffords	Simon
Conrad	Johnston	Simpson
Coverdell	Kempthorne	Smith
Craig	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Kohl	Thomas
Dodd	Kyl	Thompson
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Warner
Exon	Levin	Wellstone
Faircloth	Lieberman	Wyden
Feingold	Lott	
Feinstein	Lugar	

NAYS—1

Bryan

NOT VOTING—2

Kassebaum Moynihan

The bill (H.R. 3603), as amended, was passed.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

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 move that the Senate insist on its amendments to H.R. 3603, and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to.

The PRESIDING OFFICER (Mr. SMITH) appointed Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. HATFIELD, Mr. BUMPERS, Mr. HARKIN, Mr. KERREY, Mr. JOHNSTON, Mr. KOHL, and Mr. BYRD, conferees on the part of the Senate.

Mr. COCHRAN. Mr. President, I thank all Senators for their cooperation during our management and handling of this bill on the floor of the Senate. I especially want to thank and compliment the distinguished Senator from Arkansas for his strong leadership and for his efforts to get a good bill passed by the Senate. We could not have done it either without the capable staff assistants: Becky Davies, Hunt Shipman, Jimmie Reynolds, Galen Fountain—all of whom worked very diligently, expertly, and professionally. They reflect credit on the Senate. We are very proud of them.

Mr. BUMPERS. Mr. President, let me echo what the distinguished Senator from Mississippi has just said.

First, let me say—I do not say this to be all that gracious but to simply state as fact—that the Senator from Mississippi's patience is much greater than mine. There were times this afternoon when I grew terribly frustrated about the pace of the proceedings, and the Senator from Mississippi kept assuring me that negotiations would pay off and that we would get the bill passed in due time. Of course, he was dead right. But more importantly than that, he is a very gifted legislator and a man of great patience and intellect. And it is a real pleasure for me to work with him as the ranking member on this committee. I thank him for his really truly magnificent work on the bill.

I would be remiss if I did not thank Becky Davies, Jimmy Reynolds, and Hunt Shipman of Senator COCHRAN's staff; and my own staff, Galen Fountain. If we choose to tell the truth, we will admit that is where most of the work was done. We could not have done it without them. I want to pay special tribute to the staff.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, Mr. President, I believe the distinguished Senator from Arkansas wishes to conclude his remarks.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the distinguished Senator from Montana, Senator BAUCUS, be added as a cosponsor of the Burns barley amendment that passed immediately preceding the passage of the bill.

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

Mr. LOTT. Mr. President, I thank my distinguished colleague from Mississippi, Senator COCHRAN, for his outstanding work on this major piece of legislation. He showed real leadership once again and, of course, his colleague, the ranking member on the Agriculture Appropriations Subcommittee, Senator BUMPERS, did a great job.

Earlier today it was not clear at all how long this was going to take. But the fact of the matter is they only spent just a little over a day getting this job done even though it spread out over 3 days. It is a very important major accomplishment, and I thank them for their work. I commend all of our colleagues who worked through a lot of very difficult issues that affect a lot of States. They came to conclusion, and I appreciate very much the good work that they did.

As a result of that our intent now is to go to the foreign ops appropriations bill. The manager, the chairman, the Senator from Kentucky, Senator MCCONNELL, is here, and the ranking member is ready to go. We will go right to that.

There will be no further rollcall votes tonight. We wanted to confirm that this is the last vote of tonight.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate turn to the consideration of H.R. 3540, the foreign ops appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3540) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $730,000,000 to remain available until September 30, 1998: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall remain available until 2012 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1997 and 1998: Provided further, That up to $50,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: Provided further, That none of the funds appropriated by this paragraph may be used for tied-aid credits or grants except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $40,000,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, none of the funds made available by this or any other Act may be made available to pay the salary and any other expenses of the incumbent Chairman and President of the Export-Import Bank unless and until he has been confirmed by the United States Senate: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 1997.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $32,000,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $72,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1997 and 1998: Provided further, That such sums shall remain available through fiscal year 2005 for the disbursement of direct and guaranteed loans obligated in fiscal year 1997, and through fiscal year 2006 for the disbursement of direct and guaranteed loans obligated in fiscal year 1998. In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $40,000,000: Provided, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account