

of states' rights, equal protection, and religious liberty. Justice O'Connor is known as a restrained jurist, a strong supporter of federalism, and a cautious interpreter of the Constitution.

She has been described not only as committed and intense, but also as warm and down-to-earth, and a loving mother and grandmother.

Last Wednesday, September 22nd was the 18th anniversary of their confirmation as Justice of the United States Supreme Court, and last Saturday was the 18th anniversary of the day she took the oath of office. To honor her service to this nation and to the law, Senator MCCAIN and I have introduced a bill to name the new Phoenix courthouse in her honor as the "Sandra Day O'Connor United States Courthouse."

Obviously Justice O'Connor, being extremely modest, has repeatedly declined my overtures to have the courthouse named after her. However, in the face of my continued campaign and my obvious determination to see that she is given the recognition she has earned—and because the timeline of the courthouse's construction and dedication next spring require immediate action on the Senate's schedule—the Justice finally relented and allowed me to go forward with this legislation.

Justice O'Connor's place in history is set: she has been a trailblazer for women in the law—rising to the top in every area in which she has worked. Justice O'Connor is one of the most important jurists in our nation's history. It is fitting that a beautiful, yet very functional new Federal courthouse in Phoenix, Arizona, be dedicated in her honor.

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the Chair recognizes the Senator from Kansas for 15 minutes.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2605

Mr. ROBERTS. Mr. President, I ask unanimous consent that following Senator BRYAN's remarks, the Senate then proceed to consideration of the conference report to accompany H.R. 2605, the energy and water appropriations bill. I further ask consent that reading of the report be waived and there then be 1 hour of debate equally divided between the chairman and ranking member.

I finally ask consent that at 2:15 today the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

USDA'S APPROACH TO EMERGENCY FARM LEGISLATION

Mr. ROBERTS. Mr. President, I rise today to read a statement I am sending to Secretary of Agriculture Dan Glickman regarding USDA's approach to emergency farm legislation. The letter goes like this:

"Dear Mr. Secretary"—Dear Dan, we are personal friends—

We all agree that we need to get the emergency agriculture bill out of conference, passed and get the assistance to our farmers as fast as possible. In this regard, I am concerned with recent comments you have made regarding how these payments should be funded and made available to farmers. Instead of using the current Agriculture Marketing Transition Act—[and the acronym for that is AMTA—instead of using that] payment system that farmers and their lenders were promised and banked on several months ago, you and others within the Administration have recommended alternative payment plans.

In your September 15 testimony before the House Agriculture Committee, you said:

"There is an immediate need to provide cash assistance to mitigate low prices, falling incomes, and in some areas, falling land values."

But then you said:

"Congress should enact a new program to target assistance to farmers of 1999 crops suffering from low prices. The Administration believes the income assistance must address the shortcomings of the farm bill by providing counter-cyclical assistance. The income assistance should compensate for today's low prices and therefore they should be paid according to this year's actual production of the major field crops, including oilseeds."

[Mr. Secretary—] Dan, I know the Administration, the Farmer's Union and some Democrats in the Congress want to change the farm bill in the emergency legislation. And I know some of the budget [folks, I call them] "wonks" in the Office of Management and Budget—[I do not mean to perjure their intent, what they do, but they are] sending mixed signals and I know the politics of the issue. [There has been a lot of that.] Nevertheless, I urge you to reconsider for the following reasons:

First: The very farmers who need the assistance [and who would receive the assistance] oppose this plan.

The commodity organizations representing producers of soybeans, wheat, corn, cotton, grain sorghum, sunflowers, canola and rice and the American Farm Bureau—the very farmers you stressed in your statement—strongly disagree with your philosophy and proposal. In a letter to the chairman of the Senate Appropriations Committee, Senator Ted Stevens, they said and I quote:

"We strongly disagree with that [and I am saying] (your) philosophy. The current economic distress is partly a result of the unfulfilled promises of expanded export markets, reduced regulations and tax reform that were part of the promises made during deliberation of the 1996 farm bill. The costs of these unfulfilled promises fall upon those people who were participating in farm programs at that time."

[They go on to say, and I am quoting:

"The current AMTA payment process is in place and can deliver payments quickly. The administration costs of developing an alternative method of payments would be very high and eat into funds that should go to farmers. Given the 7½ months it took the Department to issue weather disaster aid last year, we are unwilling to risk that producers might have to wait that long for development and implementation of a new farm program and disaster aid formula. Time is also critical for suppliers of goods and services to producers. They need payments for supplies now to stay in business, not just promises that something will happen in the future."

"Supplemental AMTA payments provide income to producers of corn, wheat, cotton, rice, barley and grain sorghum."

Again, these are the very organizations, the commodity groups that represent the producers, that would receive the assistance. They go on to say:

"Soybean producers will receive separate payments under the Senate language. Crop cash receipts for these producers in 1999 will be down over 20 percent from the 1995-97 yearly average. Producers who have smaller than normal crops due to weather problems will receive normal payment levels. This is better than using the loan deficiency payment program which are directly tied to this year's production."

Finally they say:

"We urge you to retain the \$5.5 billion in supplemental AMTA payments as the method of distribution for farm economy aid in the agriculture appropriations conference agreement. Any alternative would certainly take additional time to provide assistance to producers—time which we cannot afford."

My second reason for opposing these alternative plans:

Changing the payment plan will mean farmers will not receive their payments until next year.

The term you used, Mr. Secretary, in your statement regarding the emergency payments was "immediate." The difference between using the AMTA payment system—

That is the current one—

and the several alternative methods you have suggested is: Three weeks or 3 months. Or this year or next.

Last week, Farm Service Agency official Parks Shackelford said: "All the king's horses and all the king's men could not get the payments made as quickly as Congress desires."

Well, Dan, last year the USDA was able to distribute payments through the AMTA system in less than 3 weeks after passage of the legislation by Congress. They began on November 3, the date of the election, by the way, and farmers received their payments before Thanksgiving.

Last year, in delivering disaster assistance, through a formula developed by the Department, it took 7½ months to receive these payments.

I say to the Secretary with no disrespect:

Dan, you are the "king" and you have the horses, just do it.

Third: No specific or formal plan has been presented and in terms of the actual farming practices, the criticism, in my view, just doesn't add up.

Staff on both the authorizing and the appropriations committees tell me no formal plan for an alternative distribution plan has been developed or submitted. What has been developed and submitted, however, is repeated criticism of current policy.

That has been ongoing for sometime, not only at the Department, not only by one major farm organization, but certainly on the floor of the Senate and the House, for that matter.

However, these comments show either naivete from people who do not understand the current legislation or worse, that the Department is breaking the law.

In recent weeks, the USDA and Office of Management and Budget officials have criticized plans to distribute income assistance through the AMTA system.

Their first complaint was, "Payments actually go to people who planted no crops."

I respectfully ask are producers who lost their crops due to hail, disease, drought, or flooding in better financial condition than

those producers who had crops to harvest in 1999? Yes, our farmers can receive AMTA payments without planting a crop. That is part of the flexibility of the farm bill. But you and I know, Mr. Secretary, they must plant a cover crop for conservation requirements, and you and I also know that farmers have shifted the crops they plant and the current price crisis affects all crops. I know of no farmers who have quit planting altogether.

Farmers don't do that.

Last Friday, you said these payments are being made on many acres that are no longer planted to crops but rather have been switched over to pasture and to grassland. If that is the case, certainly hard hit livestock producers will also benefit from the AMTA payments. But more to the point, you, some in the Department and many of our friends across the aisle have urged production and/or acreage controls because farmers have allegedly planted "fence row to fence row" under the 1996 farm bill. The dramatic changes in production figures on major crops you cited arguing the administration's new payment distribution proposal clearly shows the large grain surpluses did not come from U.S. farmers. However, the current AMTA payment plan is, in fact, a paid diversion if the farmer wishes to make that decision.

Those who propose acreage or production controls should embrace AMTA payments in that it affords farmers the opportunity to be paid for shifting to other crops or putting the ground into good conservation practices. They won't, of course, because the controls are not mandatory and did not simply come out of Washington.

The second complaint we have heard is, "Payments are being made to those who share no risk in farm production," or the landlords.

Dan, if they are, both the USDA and the recipient are simply breaking the law. The 1996 farm bill clearly states that payments can be made only to those who "assume part or all of the risk of producing a crop." If payments are indeed being made to those who share no risk in production, it is a clear violation of the law and disciplinary action should be taken for any official approving payments in an illegal manner.

The third complaint was, "The income assistance component must address the shortcomings of the farm bill by providing countercyclical assistance."

I am not going to go into a detailed description of a portion of the farm bill that we call the Loan Deficiency Payment Program—

And the acronym for that is LDPs— but what on Earth is the loan deficiency payment if it is not countercyclical? As a matter of fact, your own Department estimated last week that at least \$5.6 billion in loan deficiency payments will be going out to farmers this year because prices are low and the lower prices are, the higher the LDP payments—

i.e., they are countercyclical—even to the point of exempting them from payment limitations.

That is how much money is going out under the LDP Program.

How can you get more safety net countercyclical than that?

Fourth: The alternative plans that you have proposed—

And there have been several of them—

have problems in regard to how they would work.

While no formal alternative plan has been submitted—

And I emphasize the word "formal" and specific—

you have indicated such a plan would base payments off of a State average yield or off of a 5-year production average that farmers would have to prove.

On one hand, you are telling farmers their payment will be based on "actual production yields" while on the other you state you intend to use the 1999 State averages or 5-year average yields. We both know that widespread discrepancies can occur in yields from one region of a State to another. We do not need western Kansas versus eastern Kansas arguments in regard to equity or similar arguments with any State or region throughout the country.

Fifth: Our farmers, and their lenders, will not know the amount of payment not to mention when they will receive it.

Any change in the AMTA distribution payments also changes what farmers and their lenders are promised and they banked on several months ago when we passed the bill in the Senate. We should use the current AMTA system where the producers and the lenders know exactly what their payments will be.

Finally, Dan, as we have discussed, no farm bill is set in stone and none is perfect by any means.

Certainly the current bill fits that description.

That debate is and should be taking place but not on an emergency bill. It has been 6 months now since you requested an emergency bill. To date, I still don't know the administration's budget position, and I have not seen a specific plan. Some within OMB tell the appropriators they want less lost income payments and more disaster and others just the opposite.

Summing up, with all due respect, Mr. Secretary, your proposal:

1. Is opposed by the very farmers who will receive emergency assistance.
 2. Will delay the payments until next year.
 3. Is based upon comments from those who apparently do not understand the legislation (and, I might add, not to mention farming) or if their comments are true, mean the USDA is breaking the law.
 4. Has yet to be formally presented to staff and involves serious distribution and equity problems.
 5. Breaks the commitment made to farmers and lenders when the Senate passed the emergency bill months ago.
- With all due respect, Mr. Secretary, I don't think we should be in the business of changing horses after the stage left.

I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous agreement, the Chair recognizes the Senator from Nevada.

Mr. BRYAN. I thank the Chair.

LOWERING THE RADIATION PROTECTION STANDARD

Mr. BRYAN. Mr. President, in what has become one of the more unpleasant annual rituals here in the Senate, the majority leader has once again put the Senate on notice that we may soon consider legislation related to the disposal of high-level nuclear waste at the Yucca Mountain site in Nevada.

Since the Senate last considered this subject, the sponsors of this legislation have realized that the Senators from Nevada, and the Clinton administra-

tion, will never yield to the outrageous and dangerous—in my view very dangerous—demands of the nuclear power industry.

This year, it appears that the industry and its advocates here in the Senate have finally conceded defeat, and dropped their misguided attempts to require "interim" storage of high-level nuclear waste in Nevada.

We have been fighting the "interim" storage proposal since 1995, and its demise is a major victory not only for Nevadans, but for millions of other citizens, and taxpayers across the country.

Some of what remains in the current nuclear waste proposal, S. 1287, is reasonable.

In particular, I have long supported providing financial relief to utilities, and their ratepayers, who are financially damaged by the Federal Government's failure to begin removing waste from reactor sites in 1998.

Under the leadership of Secretary Richardson, the administration has offered to work with the utilities to provide such financial relief, and several of the provisions of this legislation are intended to give the Secretary the legal authority he needs to carry out this proposal.

If financial relief for the utilities was all we were talking about, I believe we could pass a bill today.

Other provisions of the bill, will, I expect, continue to draw a veto threat from the White House.

Should the Senate actually attempt to move to the bill in the coming months, I will have a lot more to say about the unsafe and irresponsible changes this legislation would make to the Federal high-level waste program, but today I want to focus briefly on one particular provision that in my view is threatening and dangerous and that is the attempt to lower the radiation protection standard to be applied to a potential repository site at Yucca Mountain.

The starting point for any fair evaluation of a potential repository is a fair and protective radiation release standard.

Since it is against this standard that the predicted performance of a repository is measured, the health and safety of the public depend on a strict and comprehensive standard.

The legislation reported by the Senate Energy Committee, if enacted, would emasculate current law and the Environmental Protection Agency's effort to establish a fair Yucca Mountain standard by shifting the responsibility for setting the standard to the NRC, the Nuclear Regulatory Commission, and establish, by legislative fiat, a standard far less protective of the public and the environment.

Since its creation by President Nixon nearly 3 decades ago, the Environmental Protection Agency has been the Federal agency charged with developing radiation release standards.

The EPA was created for a sound reason, which still holds true today: to