

Craig	Inouye	Reid
Crapo	Jeffords	Robb
Daschle	Johnson	Roberts
DeWine	Kennedy	Rockefeller
Dodd	Kerrey	Roth
Domenici	Kerry	Santorum
Durbin	Kyl	Sarbanes
Edwards	Landrieu	Sessions
Enzi	Leahy	Shelby
Feinstein	Levin	Smith (NH)
Graham	Lieberman	Snowe
Gramm	Lincoln	Specter
Grassley	Lott	Stevens
Gregg	Lugar	Thomas
Hagel	Mack	Thompson
Harkin	McConnell	Thurmond
Hatch	Mikulski	Torricelli
Helms	Murkowski	Voinovich
Hollings	Murray	Warner
Hutchinson	Nickles	Wyden
Inhofe	Reed	

NAYS—8

Byrd	Feingold	Kohl
Conrad	Fitzgerald	Wellstone
Dorgan	Grams	

NOT VOTING—12

Ashcroft	Frist	McCain
Bond	Gorton	MoyNIHAN
Boxer	Hutchison	Schumer
Bunning	Lautenberg	Smith (OR)

The motion was agreed to.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending conference report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany the District of Columbia appropriations bill:

TRENT LOTT, TED STEVENS, LARRY E. CRAIG, JUDD GREGG, TIM HUTCHINSON, DON NICKLES, MIKE CRAPO, CONNIE MACK, SLADE GORTON, BEN NIGHTHORSE CAMPBELL, ARLEN SPECTER, PAT ROBERTS, CHUCK HAGEL, RICHARD SHELBY, THAD COCHRAN, and JOHN WARNER.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent this cloture vote occur at 3 p.m. on Friday, November 19, and the mandatory quorum call be waived.

Mr. FEINGOLD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Unfortunately, our colleague from Wisconsin has chosen to object to what I think is a reasonable request, which would give us an opportunity to have a full debate and then get to a final vote on this issue. It would be a few hours to do that. However, that is his right.

Therefore, Senators should expect this cloture vote to occur at 1:01 a.m. Saturday, November 20; 1:01 a.m., Saturday, November 20. I just want to make sure everybody understands. That is early morning.

At that time, when we invoke cloture, then we can, in a relatively short period of time, go to a final vote.

HOUSE CONCURRENT RESOLUTION
235—ADJOURNMENT OF THE TWO
HOUSES OF CONGRESS

Mr. LOTT. I now ask the Senate turn to the adjournment resolution, H. Con. Res. 235, the resolution be agreed to, the motion to reconsider be laid upon the table, all without intervening action or debate.

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

The concurrent resolution (H. Con. Res. 235), was agreed to, as follows:

H. CON. RES. 235

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, November 18, 1999, through Monday, November 22, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned until noon on Thursday, December 2, 1999 (unless it sooner has received a message from the Senate transmitting its concurrence in the conference report to accompany H.R. 3194, in which case the House shall stand adjourned sine die), or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution; and that when the Senate adjourns on any day from Thursday, November 18, 1999, through Thursday, December 2, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.

SEC. 2. When the House convenes for the second session of the One Hundred Sixth Congress, it shall conduct no organizational or legislative business on that day and, when the House adjourns on that day, it shall stand adjourned until noon on January 27, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 4. The Congress declares that clause 2(h) of rule II of the Rules of the House of Representatives and the order of the Senate of January 6, 1999, authorize for the duration of the One Hundred Sixth Congress the Clerk of the House of Representatives and the Secretary of the Senate, respectively, to receive messages from the President during periods when the House and Senate are not in session, and thereby preserve until adjournment sine die of the final regular session of the One Hundred Sixth Congress the constitutional prerogative of the House and Senate to reconsider vetoed measures in light of the objections of the President, since the availability of the Clerk and the Secretary during any earlier adjournment of either House during the current Congress does not prevent the return by the President of any bill presented to him for approval.

SEC. 5. The Clerk of the House of Representatives shall inform the President of the United States of the adoption of this concurrent resolution.

Passed the House of Representatives November 18, 1999.

FURTHER CONTINUING
APPROPRIATIONS, 2000

Mr. LOTT. Mr. President, I now ask unanimous consent the Senate resume

the consideration of H.J. Res. 82 and there be 5 minutes of debate on each of the two amendments in order to the resolution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. Therefore, at least one further vote will occur yet tonight. In addition, the Senate will convene tomorrow at 10 a.m., and hopefully process some legislative items that have been cleared and that would be considered by the House.

The Senate could also consider the Work Incentives conference report. Therefore votes can be expected to occur during the session of the Senate on Friday. We will stay in close touch with both sides of the aisle to see when the best time might be for that. We will try to accommodate as many Senators as possible and stack them if we need to.

The PRESIDING OFFICER. The clerk will report the joint resolution.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 82) making further continuing appropriations for the fiscal year 2000 and for other purposes.

The Senate proceeded to consider the resolution.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senate will please come to order.

AMENDMENT NO. 2780

Mr. BYRD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. McCONNELL, Mr. ROCKEFELLER, Mr. BUNNING, Mr. REID, Mr. CRAIG, Mr. BRYAN, Mr. HATCH, Mr. BENNETT, Mr. MURKOWSKI, Mr. CRAPO, Mr. ENZI, Mr. BURNS, Mr. KYL, Mr. BREAUX, Mr. SHELBY, Mr. GRAMM, and Mr. GRAMS, proposes an amendment numbered 2780.

Mr. BYRD. I ask unanimous consent the reading of the amendment be waived.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . DISPOSAL OF EXCESS SPOIL AND COAL
MINE WASTE.

(a) IN GENERAL.—Notwithstanding any other provision of law (including any regulation or court ruling), hereafter—

(1) in rendering permit decisions for discharges of excess spoil and coal mine waste into waters of the United States from surface coal mining and reclamation operations, the permitting authority shall apply section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) and the section 404(b)(1) guidelines pursuant to section 404(b)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1344(b)(1)) and implementing regulations set forth in part 230 of title 40, Code of Federal Regulations (as in effect on October 19, 1999);

(2) the permitted disposal of such spoil or waste meeting the requirements of the section 404(b)(1) guidelines referred to in paragraph (1) shall be deemed to satisfy the criteria for granting a variance under regulations set forth in sections 816.57 and 817.57 of

title 30, Code of Federal Regulations, and applicable State regulations; and

(3) Federal and State water quality standards shall not apply to the portions of waters filled by discharges permitted pursuant to the procedures set forth in paragraphs (1) and (2); all applicable Federal and State water quality standards shall apply to all portions of waters other than those filled pursuant to the permitting procedures set forth in paragraphs (1) and (2).

(b) DURATION OF EFFECTIVENESS.—The permitting procedures specified in subsection (a) shall remain in effect until the later of—

(1) the date that is 2 years after the date of enactment of this Act; or

(2) the effective date of regulations promulgated to implement recommendations made as a result of the environmental impact statement relating to the permitting process, the preparation of which was announced at 64 Fed. Reg. 5800 (February 5, 1999).

(c) EFFECT OF SECTION.—Nothing in this section modifies, supersedes, undermines, displaces, or amends any requirement of, or regulation issued under, the Federal Water Pollution Control Act (commonly known as the “Clean Water Act”) (33 U.S.C. 1251 et seq.) or the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), as applied by the responsible Federal agencies on October 19, 1999.

(d) PERIOD OF EFFECTIVENESS.—Notwithstanding any other provision of law repealing or terminating the effectiveness of this Act, this section shall remain in effect until the date of termination of the effectiveness of the permitting procedures in accordance with subsection (b).

SEC. . . HARDROCK MINING.

(a) IN GENERAL.—For the purposes of section 1000(a)(3) of division B of the Act enacting H.R. 3194 of the 106th Congress, in lieu of section 357 of title III of H.R. 3423 of the 106th Congress, as introduced on November 17, 1999, regarding the issuance of regulations on hardrock mining, the following shall apply:

(1) HARDROCK MINING.—None of the funds made available under this Act or any other Act shall be used by the Secretary of the Interior to promulgate final regulations to revise subpart 3809 of 43, Code of Federal Regulations, except that the Secretary, after the end of the public comment period required by section 3002 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31; 113 Stat. 89), may issue final regulations to amend that subpart if the regulations are consistent with—

(A) the regulatory gap findings identified in the report of the National Research Council entitled “Hardrock Mining on Federal Lands”; and

(B) statutory authorities in effect as of the date of enactment of this Act.

(2) LIMITATION.—Nothing in this section expands the statutory authority of the Secretary of the Interior in effect as of the date of enactment of this Act.

(b) PERIOD OF EFFECTIVENESS.—This section—

(1) takes effect 1 day after the date of enactment of the Act enacting H.R. 3194 referred to in subsection (a); and

(2) notwithstanding any other provision of law repealing or terminating the effectiveness of this Act, shall remain in effect unless repealed by Act of Congress that makes specific reference to this section.

SEC. . . MILLSITES.

(a) IN GENERAL.—For the purposes of section 1000(a)(3) of division B of the Act enacting H.R. 3194 of the 106th Congress, in lieu of section 337 of title III of H.R. 3423 of the 106th Congress, as introduced on November

17, 1999, regarding the millsites opinion, the following shall apply:

(1) MILLSITES OPINION.—No funds shall be expended by the Secretary of the Interior or the Secretary of Agriculture, for fiscal years 2000 and 2001, to limit the number or acreage of millsites based on the ratio between the number or acreage of millsites and the number or acreage of associated lode or placer claims with respect to—

(A) any patent application excluded from the operation of section 112 of the Department of the Interior and Related Agencies Appropriations Act, 1995, by section 113 of that Act (108 Stat. 2519);

(B) any operation or property for which a plan of operations has been approved before the date of enactment of this Act; or

(C) any operation or property for which a plan of operations, or amendment or modification to an existing plan, was submitted to the Bureau of Land Management or the Forest Service before May 21, 1999.

(2) NO RATIFICATION.—Nothing in this Act or the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31) shall be construed as an explicit or tacit adoption, ratification, endorsement, approval, rejection, or disapproval of the opinion dated November 7, 1997, by the Solicitor of the Department of the Interior concerning millsites.

(b) PERIOD OF EFFECTIVENESS.—This section—

(1) takes effect 1 day after the date of enactment of the Act enacting H.R. 3194 referred to in subsection (a); and

(2) notwithstanding any other provision of law repealing or terminating the effectiveness of this Act, shall remain in effect unless repealed by Act of Congress that makes specific reference to this section.

The PRESIDING OFFICER. Under the previous agreement, there is 5 minutes equally divided for debate at this time.

Mr. WELLSTONE. Mr. President, can we have order in the Chamber, please?

The PRESIDING OFFICER. The Senator is correct. Will the Senate please come to order?

The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, I had earlier planned to speak at least 2 weeks on this amendment. We are getting a bargain. I am only going to speak 3 minutes, not 2 weeks. Let me just say this: I made my speech earlier today. I will not make it again now. I urge my friends to vote for this amendment. When God drove Adam and Eve from the Garden of Eden, he pronounced an edict: “In the sweat of thy brow shalt thou eat bread.”

The coal miners of West Virginia and Kentucky and other States of this country earn their bread in the sweat of their brow. But not only the coal miners have been affected by this court’s jurisdiction, by its ruling; the truckers, the railway workers, the men and women who operate the barges that go up and down the rivers, the suppliers—these people, their families are affected by this judge’s order.

This amendment does not seek to undercut, undermine, alter, modify, amend, or repeal the Clean Water Act or the Surface Mining Control and Reclamation Act. I say that on my honor. The other cosponsors and I do not seek

to do that. We only seek to put the situation back to where it was prior to the U.S. District judge’s order, the status quo ante, which at that time made West Virginia the most strictly controlled State in the Union environmentally as far as mountaintop mining was concerned, mountaintop mining—the strictest in the Union.

We want to go back to that, and the regulations that controlled then were agreed upon and devised by the administration’s own regulatory agencies—the Army Corps of Engineers, the EPA, the Interior Department through its Office of Surface Mining.

This amendment states, so there can be no doubt about it:

Nothing in this section modifies, supersedes, undermines, displaces, or amends any requirement of, or regulation issued under, the Federal Water Pollution Control Act (commonly known as the “Clean Water Act”) . . . or the Surface Mining Control and Reclamation Act of 1977 . . . as applied by the responsible Federal agencies—

Which are the agencies of this administration—
on October 19, 1999.

So there it is. The amendment has been misrepresented. There has been much misinformation about this amendment.

Mr. President, I close by thanking those who have cosponsored this amendment with me. Their names are on the amendment.

How much time have I used?

The PRESIDING OFFICER. The 2½ minutes.

Mr. BYRD. I yield myself another minute and a half.

The PRESIDING OFFICER. The time was 5 minutes equally divided, which is 2½ minutes.

Mr. BYRD. I ask unanimous consent that I may speak another minute and a half.

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

Mr. BYRD. I thank the Chair.

The amendment is proposed by Mr. BYRD, for himself, Mr. MCCONNELL, Mr. ROCKEFELLER, Mr. BUNNING, Mr. REID, Mr. CRAIG, Mr. BRYAN, Mr. HATCH, Mr. BENNETT, Mr. MURKOWSKI, Mr. CRAPO, Mr. ENZI, Mr. BURNS, and Mr. KYL—I thank all those Senators who supported this amendment and others who will vote for it. Particularly I want to recognize the efforts of my chief cosponsor, the distinguished senior Senator from Kentucky, whose early and strong support was given to this amendment, for which I am extremely grateful. I thank both leaders for making this vote possible. I could speak longer, but I have said enough already.

I urge all Senators to vote for this amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank my colleague from West Virginia. I appreciate his leadership not only on behalf of the coal miners of Kentucky but miners all across America.

The President of the United States came to Hazard, KY, this summer. He bit his lip; he felt our pain. He said he wanted to help us. We said: We need jobs. And when the opportunity came to support the Byrd amendment which would at least keep the jobs we have now, the President would not support him.

This administration is trying to destroy the mining industry in America, make no mistake about it. That is what this amendment is about.

I thank the Senator from West Virginia for his leadership, and we hope very much our colleagues will be able to support us.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I hope other Senators will want to speak in opposition. I think there should be opposition to this amendment. I have tremendous respect for my colleagues who have offered this amendment. I will say a couple things especially in response to the Senator from Kentucky.

I am a Senator who cares a great deal about workers and about mine workers. I am a Senator who appreciates the sentiment behind this amendment. But the question is, What happens when the strip mining takes place, and what are the consequences for the people who live in these communities?

I can speak certainly from what I have seen in eastern Kentucky, and it is pretty awful when that leftover rock and earth gets dumped into the streams. Many of the people have the wealth taken away from them, but they still have the land, they still have the streams, they still have the water, and now we see that kind of devastation.

My concern is this amendment will create a loophole to the Clean Water Act. I know my colleague from West Virginia believes otherwise, but it is a very real concern. I point out to colleagues that it is my understanding the Federal district judge put a stay on his own decision while it was being appealed to the court of appeals. So it is not operative right now.

I do not know why we are taking this action tonight. It is a big mistake from an environmental point of view, and I do not accept, I say to my colleague from Kentucky, the tradeoff that he presents as to workers versus some protection for the environment and some concern about the strip mining.

I did not want to be the person to speak in opposition, but I do believe there is another perspective. I will vote no.

I yield the floor.

Mr. BYRD. Mr. President, I ask unanimous consent to speak for 3 minutes.

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

Mr. BYRD. Mr. President, I know what is in this amendment. I prepared this amendment. I have been explaining it now for weeks. And, upon my

honor, there is nothing in it that undermines or undercuts the Clean Water Act or the Surface Mining Control and Reclamation Act, both of which I supported, one of which I called up as majority leader in this Senate in 1977.

I know what I am talking about. I have lived under a coal miner's roof, ate from a coal miner's table, slept in a coal miner's bed. I have known the joys and the sorrows of coal miners. I married a coal miner's daughter. I know what I am talking about. I haven't just made a trip into West Virginia and come back to Washington to issue a news report on the State and its people. I have lived there for many years.

I will be 82 years old the day after tomorrow. I know what those miners need. I am not misleading anybody. Let me say this to the Senator: That stay he refers to that the judge put on has no legal basis. The judge stated that it has no legal basis. He put it on, and he can lift it the day this Congress winds up its work.

I hope Senators will vote for this amendment. There were 125,000 coal miners when I went to the House of Representatives; 125,000 in West Virginia. Today there are 20,000 or less. My dad was a coal miner. My wife's sister's husband died with black lung. My wife's sister's husband's father died under a slate fall. I know the joys and the sorrows of the mining people. I have helped to carry those miners, the heavy coffins, on the steep hillsides of West Virginia. I have not just gone into those hills poking around, and then coming back, and issuing news reports about their poverty. I know what they need, because I am one of them.

Those 20,000 coal miners earn their bread in the sweat of their brow. Let's give them a vote. If the Senator from Minnesota had people who were faced with the loss of their jobs, this Senator would vote with the Senator from Minnesota and not say a word about it. I resent anything such as has been said by the Senator about my State and its people.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I have 1 minute to respond.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I appreciate the words of my colleague. It is an honest difference of interpretation of the amendment.

The only thing I want to respond to, I do not want to be personal, but I would like to say to my colleague, I do not pretend to know West Virginia like you know West Virginia and Senator ROCKEFELLER does; that is not the position I am taking, but as to the bopping in and bopping out, I will say that I want my colleague to know I have spent quite a bit of time in eastern Kentucky. That is where my wife's family is from. Her grandparents were all coal miners. I have spent time in east Tennessee as well. I spent a lot of

time with people. I have seen what the strip mining has done to those communities. I am just expressing my honest viewpoint. That is all I am trying to do, I say to the Senator.

I yield the floor.

Mr. ROBB. Mr. President, I join many others in this body in expressing my support for miners and for mining communities. In Virginia's Southwest region, mining creates the jobs that provide enough income to lift the next generation, that put the sons and daughters of miners through college, and that gives the region options other than coal.

Virginia miners have expressed deep concerns that the broad application of Judge Haden's ruling would result in the devastation of the mining industry in the Southern Appalachian coal fields. The Judge's decision is not limited to the mountain top mining that was the subject of the original suit. It would apply to the use of valley fills from other forms of mining, including underground mining. The practical effect of this ruling is a virtual moratorium on mining in mountainous regions. We need to protect the environment and we also need to protect the livelihood of those hardworking families. I had hoped we could reach a compromise on this issue that would effectively allow us to do both.

I have reviewed the Memorandum of Understanding between the federal and state agencies that could be used to mitigate the consequences of valley fills if they were allowed to continue. It was signed by the EPA, Department of the Interior, Army Corps of Engineers, and the State of West Virginia. All the signatories are sworn to protect the nation's water. I am convinced that if the MOU stood, the agencies involved would work diligently to mitigate any negative consequences from mining in the West Virginia coal fields. Nevertheless, it is imperative that we continue to be vigilant on the effects of mining on the environment, and work to minimize its effects.

I have also reviewed Judge Haden's ruling and see in that ruling the underlying conflict between what the regulations intend to do, and the actual costs of applying those regulations. It demonstrates once again how essential acting on regulatory reform is going to be in this Congress. It is imperative that we set in place a method of analyzing the true cost of the regulations, before they are put into place. I am certain the agencies involved want to do the right thing, by both miners and the environment. The rules as I read them make that virtually impossible. I am hopeful that this conflict can be resolved as quickly as possible. In the meantime, I intend to support the miners of Southwest Virginia.

I must however, voice my strong opposition to the language on hard rock mining that has been added at the last minute to this amendment. My vote on this amendment stems only from my concern for the immediate effect Judge

Haden's ruling would have on the economy of Southwest Virginia. I have opposed and will continue to oppose efforts to delay the review and revision of the nation's hard rock mining standards. My vote in no way supports the inclusion of hard rock provisions in this package.

I ask unanimous consent that this statement be placed in the RECORD before the vote on Amendment No. 2780.

Mr. BUNNING. Mr. President, I urge my colleagues to support the Byrd amendment.

We are scrambling around right here in the U.S. Senate to pass a stopgap spending bill to keep from shutting down a major portion of the Federal Government.

So, it is very fitting that we add an amendment to that stopgap spending bill that would help us keep a Federal judge from shutting down the coal mining industry in West Virginia and possibly other States like Kentucky as well.

This is a matter of survival for many of our coal mines. It is essential that we act now to prevent unnecessary damage to the industry—to prevent unnecessary unemployment—and to prevent unnecessary economic devastation in areas which have already been bypassed by the economic boom times that have blessed much of the Nation.

A Federal district court judge in West Virginia ruled on October 21 that a well-balanced working agreement between the U.S. Environmental Protection Agency, the U.S. Department of the Interior, the U.S. Army Corps of Engineers and the West Virginia Division of Environmental Protection violated the Clean Water Act.

That arbitrary ruling which basically overrules three Federal agencies' interpretation of the law is going to jeopardize the coal industry immediately in West Virginia and potentially in other States like my own State of Kentucky as well.

We need to pass the Byrd Amendment to stay this ruling until we have had time to get the results of a pending environmental impact statement.

It is a matter of simple fairness. The jobs and lives of many of our constituents are at stake.

I urge my colleagues to support the Byrd amendment.

Mr. LEVIN. Mr. President, I voted in support of the Byrd amendment to provide for a 2-year moratorium during which mountain top mining activities may continue under a memorandum of agreement with the Environmental Protection Agency, the Department of Interior and the Army Corps of Engineers. The EPA which is in charge of implementation of the Clean Water Act was a party to the agreement which would continue to force during the 2-year moratorium. An environmental impact study will go forward during the moratorium and regulations pursuant to the environmental impact statement can be promulgated. My vote on this amendment does not commit me

to support the continuation of any such moratorium beyond this 2-year period during which the courts and the regulatory agencies will more fully evaluate the impacts on both the environment and the affected coal miners and their communities. The fact that the court has stayed the effect of its own opinion is further evidence that this legislative moratorium is both warranted and will do no damage to the underlying act.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, has all time expired?

The PRESIDING OFFICER. All time has expired.

Mr. LOTT. Mr. President, I ask unanimous consent that I be allowed to offer an amendment at this time on behalf of Senators HELMS and EDWARDS of North Carolina with regard to funds for their disaster. And I ask unanimous consent that that vote occur in a stacked sequence, after it is debated, after the vote on the amendment by Senator BYRD and Senator MCCONNELL, and that the first vote be just 10 minutes, and then the second vote would be 10 minutes also.

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

AMENDMENT NO. 2781

Mr. LOTT. Mr. President, I send to the desk then the amendment on behalf of Senators HELMS and EDWARDS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. HELMS and Mr. EDWARDS, proposes an amendment numbered 2781.

The amendment is as follows:

At the appropriate place insert:

COMMODITY CREDIT CORPORATION PRODUCER-OWNED MARKETING ASSOCIATIONS FORGIVENESS

SEC. 1. The Secretary of Agriculture shall reduce the amount of any principal due on a loan made to marketing association incorporated in the State of North Carolina for the 1999 crop of an agricultural commodity by at least 75 percent if the marketing association suffered losses of the agricultural commodity in a county with respect to which—(1) a natural disaster was declared by the Secretary for losses due to Hurricane Dennis, Floyd, or Irene; or (2) a major disaster or emergency was declared by the President for losses due to Hurricane Dennis, Floyd, or Irene under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

If the Secretary assigns a grade quality for the 1999 crop of an agricultural commodity marketed by an association described in subsection (a) that is below the base quality of the agricultural commodity, the Secretary shall compensate the association for losses incurred by the association as a result of the reduction in grade quality.

Up to \$81,000,000 of the resources of the Commodity Credit Corporation may be used for the cost of this provision: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) and Section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 2. In administering \$50,000,000 in emergency supplemental funding for the Emer-

gency Conservation Program, the Secretary shall give priority to the repair of structures essential to the operation of the farm.

Mr. LOTT. Mr. President, I am honored they would allow me to do this on their behalf because I believe they were not treated properly in the wee hours of the morning with regard to an amount of money for disaster assistance for North Carolina. We are determined to assist them in getting that. We hope this will be accepted by the House in this form. But if not in this form, we will be back to carry out our commitment to the people in North Carolina and as a symbol to people all across America that, when it comes to disasters, there are no party lines and there is no division between the Capitol; we will do what is necessary to help people when they are desperate and need help.

So I urge my colleagues to vote for this amendment.

Mr. BYRD. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Mr. President, I ask for the yeas and nays on the second amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 2780

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2780. 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 Missouri (Mr. ASHCROFT), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. McCAIN), and the Senator from Oregon (Mr. SMITH), are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from New York (Mr. MOYNIHAN), are necessarily absent.

The result was announced—yeas 56, nays 33, as follows:

[Rollcall Vote No. 370 Leg.]

YEAS—56

Abraham	DeWine	Inhofe
Allard	Dodd	Inouye
Bayh	Domenici	Kohl
Bennett	Dorgan	Kyl
Breaux	Edwards	Levin
Bryan	Enzi	Lott
Burns	Gramm	Mack
Byrd	Grams	McConnell
Campbell	Grassley	Mikulski
Cleland	Gregg	Murkowski
Cochran	Hagel	Nickles
Conrad	Hatch	Reid
Coverdell	Helms	Robb
Craig	Hollings	Roberts
Crapo	Hutchinson	Rockefeller

