

By Mr. SANTORUM (for himself and Mr. BROWNBACK):

S. Res. 340. A resolution affirming the importance of a national day of prayer and fasting, and designating November 27, 2002, as a national day of prayer and fasting; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. REID, Mr. EDWARDS, Mr. INOUE, Mr. KENNEDY, Ms. LANDRIEU, Mr. NELSON of Nebraska, Mr. SMITH of Oregon, Mr. WYDEN, Mr. WARNER, Mr. NICKLES, Ms. STABENOW, and Mrs. LINCOLN):

S. Res. 341. A resolution designating Thursday, November 21, 2002, as "Feed America Thursday"; considered and agreed to.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. Con. Res. 153. A concurrent resolution expressing the sense of the Congress that there should be established an annual National Visiting Nurse Associations Week; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1020

At the request of Mr. HARKIN, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Hawaii (Mr. INOUE), the Senator from Maine (Ms. COLLINS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1020, a bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas.

S. 2386

At the request of Mrs. LINCOLN, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2386, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to diagnose, evaluate, and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2577

At the request of Mr. FITZGERALD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2577, a bill to repeal the sunset of

the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

S. 2582

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2582, a bill to require a report to Congress on a national strategy for the deployment of high speed broadband Internet telecommunications services, and for other purposes.

S. 2655

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2655, a bill to amend titles XVIII and XIX of the Social Security Act to improve access to long-term care services under the medicare and medicaid programs.

S. 2712

At the request of Mr. HAGEL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2712, a bill to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

S. 2790

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2790, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2884

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2884, a bill to improve transit service to rural areas, including for elderly and disabled.

S. 2935

At the request of Mr. GREGG, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2935, a bill to amend the Public Health Service Act to provide grants for the operation of mosquito control programs to prevent and control mosquito-borne diseases.

S. 2935

At the request of Ms. LANDRIEU, the names of the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2935, *supra*.

S. 3054

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland

(Mr. SARBANES) was added as a cosponsor of S. 3054, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S.J. RES. 49

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S.J. Res. 49, a joint resolution recognizing the contributions of Patsy Takemoto Mink.

S. RES. 307

At the request of Mr. TORRICELLI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 322

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 322, a resolution designating November 2002, as "National Epilepsy Awareness Month".

S. CON. RES. 94

At the request of Mr. WYDEN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. Con. Res. 94, A concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

S. CON. RES. 138

At the request of Mr. REID, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. Con. Res. 138, a concurrent resolution expressing the sense of Congress that the Secretary of Health And Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

S. CON. RES. 142

At the request of Mr. SMITH of Oregon, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 142, a concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

S. CON. RES. 148

At the request of Mr. BROWNBACK, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from North

Carolina (Mr. HELMS) were added as co-sponsors of S. Con. Res. 148, a concurrent resolution recognizing the significance of bread in American history, culture, and daily diet.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 3111. A bill to compensate agricultural producers in the State of New Mexico that suffered crop losses as a result of use of a herbicide by the Bureau of Land Management; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill that I do believe should not be necessary, and I hope ultimately will not be needed. Unfortunately, the failure of the Federal Government to own up to its responsibility has left a small group of farmers in Southern New Mexico with no other option.

As I understand it, last July the Bureau of Land Management and the Natural Resources Conservation Service applied herbicide, Tebuthiuron, on a ranch in Southern Eddy County to help control woody brush. The brush control was part of an EQIP project under NRCS.

I have no reason to doubt the application was consistent with label requirements and normal practice. Unfortunately, as frequently happens in New Mexico in July, a heavy rainstorm struck the area and the pellets of herbicide were apparently washed into the Black River. The river is the source of irrigation water for a number of farmers in the vicinity of the town of Malaga.

Unaware of the contamination in the water, farmers irrigated their fields in the normal way. Almost immediately, damage to cotton, hay and other crops was observed. The Eddy County Extension Office of the Cooperative Extension Service at New Mexico State University was asked to investigate the damage to the crops.

Mr. Woods E. Houghton of the Eddy County Office conducted a thorough review of the evidence and in a report dated August 20, 2002, concluded that Tebuthiuron was the likely cause of the crop damage. The report noted levels of Tebuthiuron of over 2 parts per million in some samples. Later tests by the State Chemistry Laboratory found levels over 5 ppm. I ask unanimous consent that the August 20th Cooperative Extension Service report be printed in the RECORD at the conclusion of my remarks, exhibit 1.

All the evidence seems to point to the government's application of Tebuthiuron as the most likely source of the poisoning of the crops in Malaga. Last month, I asked the heads of BLM and NRCS to look into the situation and to advise me what recourse is available to the farmers who have lost their crops. Unfortunately, the agencies have not assumed any responsibility

for the contamination. Moreover, normal crop insurance doesn't cover damage caused by chemicals.

What are the farmers of Malaga, NM, to do? Through no fault of their own, they have lost their crops, and the Federal Government is not willing to take responsibility. For example, Mr. Oscar Vasquez and his family have lost 130 acres of cotton, 20 acres of hay and 1 acre of full-grown pecan trees. As Mr. Vasquez points out, his losses may persist for several years. He has asked for my assistance in securing compensation for his losses. I ask unanimous consent that a letter to me by Mr. Vasquez be printed in the RECORD at the conclusion of my remarks, exhibit 2. It appears that as many as nine farmers have suffered direct losses from the contamination of their crops and an additional thirteen farmers suffered losses when they couldn't irrigate because of the contamination in the water.

I have urged the heads of BLM and NRCS in the strongest terms possible to do what they can to assist the farmers of Malaga. Unfortunately, nobody wants to take responsibility. The Federal Government's response so far is to suggest the farmers sue the government, but that's a long, drawn-out process. It is also an unacceptable response if the Federal Government is found to be responsible.

The farmers of Malaga need help paying their bills now. These are not rich people, but hard working family farmers. Many have farmed the same land for many, many years. I ask unanimous consent that a recent article from the Carlsbad Current Argus describing the impact this event is having on a number of the farmers of Malaga be printed in the RECORD at the end of my remarks, exhibit 3.

At this point I don't see any other option than to ask that Congress provide some relief to the farmers of Malaga that have suffered losses because of this unfortunate situation. I note that last year Congress provided financial compensation to farmers in Idaho that suffered crop losses in a very similar situation and where BLM and NRCS refused to provide compensation. When a federal program was clearly the source of the contamination in the water, I do believe the government has a responsibility to come to the assistance of the people who have suffered losses.

It is my hope that the agencies involved will step forward, acknowledge their responsibility, and do what is right and necessary to compensate the farmers. Unfortunately, it now appears the agencies are not inclined to do the right thing. Instead, they tell us the affected farmers are free to file a tort claim; we all know what a costly and time-consuming process any legal action can be. However, the farmers need help right now. While it is not the best way, I do believe Congressional action may be the only way of getting these farmers the financial help they need in a timely manner.

The bill I am introducing today simply authorizes the Secretary of Agriculture, in consultation with the Secretary of the Interior, to use funds of the Commodity Credit Corporation to compensate the farmers for their losses. We are still working with the Cooperative Extension Service at New Mexico State University to determine the total amount of the losses, but in light of the small area affected, I fully expect the sums needed to be very modest, indeed.

Mr. President, I ask unanimous consent that a letter supporting this legislation from Frank DuBois, New Mexico's Secretary of Agriculture, exhibit 4, and a copy of the bill be printed in the RECORD.

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

S. 3111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATION OF NEW MEXICO PRODUCERS FOR CROP DAMAGE FROM BLM USE OF HERBICIDE.

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with the Secretary of the Interior, may use such funds of the Commodity Credit Corporation as are necessary to compensate agricultural producers in the State of New Mexico that suffered crop losses as a result of the use of the herbicide tebuthiuron by the Bureau of Land Management during the 2002 calendar year.

(b) LIABILITY.—Nothing in this section constitutes an admission of liability by the United States arising from the use of the herbicide tebuthiuron by the Bureau of Land Management.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this section.

(2) PROCEDURE.—The promulgation of the regulations and administration of this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

COOPERATIVE EXTENSION SERVICE,

NEW MEXICO STATE UNIVERSITY,

Las Cruces, NM, August 20, 2002.

Saturation report of cotton damage in the Malaga NM area approximately, 350 acres.

Background: Oscar Vasquez farm, and his landlords.

2001 crop year, cotton except 10 acres (Duarte); 23 acres on home place, which was in alfalfa.

Pre 15 January 2002 field were moldboard, disked to comply with pink bollworm regulations. They were also treated with 1 pint Trifluralin, 1 pint Caporal per acre. This was incorporated with a spring tooth harrow and disked one time. Watered on 15-30 January 2002 and first part of February 2002, with black river water.

15 March 2002 stale bed worked up.