

accountable for his or her vote and that accountability should be on what is right for America, not what the environmental lobby dictates.

I yield the floor.

I ask unanimous consent an article appearing in the AP entitled "U.S.-British Planes Bomb Iraq" dated Monday, February 4, be printed in the RECORD. We are importing 750 million barrels a day from Iraq at the same time we are bombing them.

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

[From the Associated Press, Feb. 4, 2002]

U.S.-BRITISH PLANES BOMB IRAQ

(By Ben Holland)

INSTANBUL, TURKEY.—U.S. and British planes patrolling a no-fly zone over northern Iraq bombed Iraqi air defense systems Monday in response to anti-aircraft fire, U.S. officials said.

It was the first time U.S. and British planes had bombed Iraq's north since the Sept. 11 terrorist attacks, said Capt. Brian Cullin, a spokesman for U.S. European Command in Stuttgart, Germany. The bombing came amid rising debate on whether Iraq will be the next target of the U.S. anti-terror campaign.

The bombs were dropped after Iraqi forces northeast of Mosul in northern Iraq fired on a routine air patrol, the U.S. European Command said in a written statement.

"All coalition aircraft departed the area safely," the statement said. Cullin said it would not be clear for some time how much damage was done to the Iraqi targets.

U.S. and British planes based in southeast Turkey have been flying patrols over northern Iraq since September, 1996. The two countries say the operation is designed to protect the Kurdish population of northern Iraq from Iraqi leader Saddam Hussein.

"There's a day-to-day commitment made by three very strong coalition partners . . . toward a population we still feel we have an obligation to protect," Cullin said.

Expectations that Iraq could be the next target of the U.S.-led anti-terror campaign were strengthened by President Bush's State of the Union address last week.

Bush said Iraq was part of an "axis of evil," along with Iran and North Korea, and accused it of seeking weapons of mass destruction.

Turkey, host to the air patrols and a launching pad for strikes against Iraq in the 1992 Gulf War, has expressed anxiety over the prospect of war in Iraq, fearing that the fall of the Baghdad regime could lead Kurds in northern Iraq to create a Kurdish state. That could in turn boost aspirations of autonomy-seeking Kurds in Turkey.

Turkey's Prime Minister, Bulent Ecevit, warned the Iraqi leader on Monday to admit U.N. weapons inspectors in order to head off possible U.S. military action.

Iraq has refused since 1998 to allow U.N. inspectors into the country to check if the Baghdad regime has dismantled its weapons of mass destruction. Baghdad has rejected a U.S. warning to admit the inspectors or face the consequences.

In a letter to Hussein, Ecevit warned of the "sever consequences to be encountered" if Iraq does not allow the inspection.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. REID. Mr. President, I say to the distinguished Senator from Alaska, I always enjoy his presentations. He is always prepared. He believes fervently

in what he was addressing. I look forward to the debate we are going to have on ANWR and a number of other issues on this energy bill, which is going to come up next week. The majority leader indicated last year that it would be brought up before the Presidents Day break. That break is a week from today.

We are on the agriculture bill. I think we can see the end of that, as I mentioned to my friend from Alaska today. I hope we can be on the energy bill by next Wednesday and work on that for a few days next week and maybe a few days after that when we come back. But I look forward to the debate. It is something we need to do. Energy policy is so important to this country.

While there are divergent views on what that energy policy should be, that is the American system. We are going to come here, work through all this, and come up this year with what I hope is a finalized version after we finish our conference. It will be something to give us a long-term energy policy for this country.

AGRICULTURE, CONSERVATION,  
AND RURAL ENHANCEMENT ACT  
OF 2001—Continued

AMENDMENT NO. 2471

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to the Crapo amendment, which was offered yesterday. I ask it be recalled for purposes of my offering an amendment to it.

The PRESIDING OFFICER. Without objection, the amendment is pending.

AMENDMENT NO. 2838 TO AMENDMENT NO. 2471

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2838 to amendment no. 2471.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2838, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent the amendment I just offered be withdrawn.

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

Mr. REID. Mr. President, a few weeks ago I saw a movie called "A Beautiful Mind." It is based upon a true story of a man by the name of John Nash who

is a mathematician from Blue Field, WV. He is probably one of the smartest men ever born on this Earth. I was so fascinated by the movie that I read the book which was the basis for the movie. The book was even more intriguing, interesting, and fascinating than the movie. It was a thick book. It read like a novel. I couldn't put it down.

This brilliant man could see the solution to the most complicated math problems. He could see a solution to the problem before he determined how the solution came about. Most people work the other way. They work up to finding a solution. He knew the solution. After he found the solution, he would work out the problems so other people could understand how he arrived at the solution.

Just one example: He won a Nobel Prize for what is called game theory in economics. Certainly, I am no mathematician. I will not explain it very well.

But there was another eminent scientist who figured out what would happen between two people playing a game—whether it was checkers, or a game of cards, or a game of two people playing basketball. He would determine what the result would be. But John Nash said that is not good enough. What you need to do is figure out what would happen when large numbers of people participated in a game. If two people, or four people, or any amount of people were playing a game, he could determine what would happen. It sounds fantastic and unbelievable that you can do that through mathematics, but he did it.

One of the things that could be determined, for example, were moves of the military during the cold war. Through a mathematical formula using John Nash's theory, you could determine what would happen if the United States did this. This is what the Soviet Union would do.

I will not go into any more detail other than tell you he was a brilliant man. But sadly, he became a schizophrenic paranoid. He had people talking to him all the time who were real to him. These people talking to John Nash were as real as if we were speaking to our wives when we left home today or speaking to one of the Senate staff. He believed things that he heard. As the movie depicts, he saw people on occasion.

Obviously, I was fascinated by this movie and by this book, but listening yesterday to the people come to this Chamber and talk about my language in this farm bill made me think of this movie and this book. I am not accusing them of being paranoid or schizophrenic because they were talking about something they either knew nothing about or they were imagining things because they came down here talking about how bad my water legislation was and they simply were without any basis in fact. I don't know where this came from.

I am from the West and people think about why a Senator from out West would talk about these "sacred issues" such as water, grazing, and wilderness. I do it for a number of reasons. No. 1, I feel competent and qualified to do that. I live in the West. We don't need someone from Rhode Island telling us what to do in the West, even though they have a right to do so because this is a national congress. But in addition to that, there is a new West out there.

I have great respect for cowboys, ranchers, and miners. But I am also realistic. The West has changed. Seventy percent of the people in the State of Nevada live in Las Vegas. We have to protect those people in Las Vegas as much as we do the people in the outlying areas. We need to make sure they have water. Reno has 20 percent of the people in the State of Nevada. Ninety percent of the people in Nevada live in two metro areas. I have an obligation to 90 percent of the people in the State of Nevada, just as I have for the other 10 percent of the people in the State of Nevada.

Water has changed. We know that agriculture uses huge amounts of water. In this farm bill, I thought it was time we started being realistic about the new West. Therefore, I worked hard to get a protection in that bill dealing with a conservation program. Why shouldn't we deal with conservation in a farm bill? Many of us involved in the farm bill are not from the breadbasket States. The Presiding Officer is from the State of Minnesota.

When I was Lieutenant Governor of Nevada, one night I went to the Governor's Mansion. My dear friend, Governor O'Calahan, taught me in high school and he taught me how to fight. That is where I learned to box—from Governor O'Calahan. He was a great fighter with over 200 amateur fights. He lost his leg in the Korean war and lost his boxing career.

I can remember we were there in the Governor's Mansion with his old uncle from Minnesota. I sat and listened to these two men—one an old man at that time and Governor O'Calahan who was a very young Governor—talk about growing up in Minnesota. I thought they were making it up. But I have checked with other people since. It is absolutely true that in Minnesota at nighttime in the hot summer you can actually hear the crops growing—snapping, popping out, and growing. That isn't the way of the West.

In Searchlight, NV, there are trees around my home. It takes hundreds of years for the Joshua and Spanish Daggers to grow. It takes hundreds of years. We have bushes all around my home in Searchlight. They take hundreds of years to grow. That is how the arid desert is different than the breadbasket.

So for many of us involved in the farm bill—we are not from the breadbasket States—the most important provisions of this bill are those that deal with conservation.

In the State of the Presiding Officer—the land of lakes—Minnesota has hundreds of lakes, I am told. In Nevada, we have very few lakes. We have Lake Mead that is man made. We have Lake Mojave that is man made because of Davis Dam and Boulder Dam. We have Pyramid Lake and Walker Lake, two desert terminus lakes. There are only 20 lakes like those in the rest of the world.

We do not have many lakes. We have very few rivers. And what we call rivers, people from the Presiding Officer's part of the country would laugh at. You can walk across our rivers. So conservation is important to us in the West.

I started my service in the Senate as a member of the Environment and Public Works Committee. I am still a member of that committee. I have been chairman of the committee twice. Probably the most controversial issue about which we have dealt in that committee is how we deal with the negative environmental effects of farming and ranching.

One time I was serving as chairman of the subcommittee that dealt with fish and wildlife, and we worked on the difficult issue of the Endangered Species Act with the late John Chafee, my dear friend, who at that time was the chairman of the Environment and Public Works Committee; my friend MAX BAUCUS, who now is chairman of the Finance Committee, and at that time was the ranking member of the Environment and Public Works Committee, and Senator Dirk Kempthorne, now the Governor of Idaho. We worked together and crafted a very fine reform of the Endangered Species Act.

That effort failed for a couple reasons. One reason it failed was because it was not moved on quickly enough by Senator LOTT, the then-majority leader. He had his own reasons for not moving on it, I am sure. At the time it gave people too much time to nitpick our legislation.

But I think the main reason the bill failed is that it gave landowners and farmers financial incentives and benefits for helping endangered species but the funding was not mandatory. So the farmers and landowners were afraid we would not give them any money. People did not know if the appropriations process would put money in their hands. So for the farmers and landowners who wanted financial help, we could not give it to them.

This program that is in this bill right now, that my friend, Senator CRAPO, is trying to change, fills the void that bill could not. It brings real money to the table to help address these problems through voluntary incentives.

One of my colleagues from the western part of our country who discussed this issue in the Chamber yesterday asked: Why are we talking about water in the farm bill? For heaven's sake, why shouldn't we talk about water in the farm bill?

In the arid West, agriculture consumes the lion's share of the water.

Sometimes that use comes into conflict with other users.

We have had a long, ongoing problem with the tiny little Truckee River that runs through Reno, NV. It is tiny by the standards of Minnesota and other States where there is a lot of water, but in Nevada that is a river that is the lifeblood for the northern part of the State.

I worked and got passed, about 10 years ago, legislation that settled a 100-year water war between the States of California and Nevada, which involved two Indian tribes, two endangered species, involved the cities of Reno and Sparks, agricultural interests, and involved a wetlands that had gone from 100,000 acres to 2,000 very putrid acres that were killing fish and animals that even came there. We resolved that. Now there is fresh water going in there. The legislation is almost implemented.

At that time, the cities of Reno and Sparks were using 69,000 acre-feet of water a year. The farmers were getting out of that same little river, not long before that, 400,000 acre-feet of water a year. It was just a very few farmers. A lot of the water was being wasted that the farmers were using. The only way the wetlands were maintained, even as they were, was because of the overflow from the farms because the Newlands project—the first ever Bureau of Reclamation project, that created that farming community—dried up one lake—Lake Winnemucca is gone—and was in the process of drying up Pyramid Lake, lakes controlled and in the land of the Indians.

We were able to reverse that. I think we are going to have a healthy agricultural community, and certainly we are going to have a better Indian community. They have been able to do a lot of things as a result of that legislation.

But I only gave that example to show the huge amount of water that is used in agriculture. And at the time, they grew basically hay and alfalfa, which are very water intensive.

This section in this bill is a place to address these conflicts. The amendment, which I will offer at the appropriate time, to that program—I am amending my section through the amendment that will be offered to Senator CRAPO's legislation—is to account for the legitimate concerns people have raised since this legislation first came up before the end of last year.

Some of my Western colleagues noted yesterday there will be an amendment to strike the program. That is what Senator CRAPO is doing, trying to eliminate it.

My amendment, and the provision in the bill that I have, is supported by hundreds of groups. The vote that we will take on my amendment and Senator CRAPO's will be scored by the League of Conservation Voters. They already have a letter out on that.

But the groups supporting this legislation I talked about are too numerous to mention. There are scores of organizations that support this legislation,

national organizations, such as the National Audubon Society, the World Wildlife Fund, The Wilderness Society, Trout Unlimited, Environmental Defense, and State and local organizations—well over 100 of them from Alabama to Wisconsin.

This is really good legislation.

Mr. President, I ask unanimous consent that letters that I have just spoken about be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

LEAGUE OF CONSERVATION VOTERS,  
Washington, DC, February 7, 2002.

Re oppose anti-environment amendments to the farm bill (S. 1731).

U.S. Senate,  
Washington, DC.

DEAR SENATOR: The League of Conservation Voters (LCV) is the political voice of the national environmental community. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the press.

LCV urges you to oppose the following amendments to Senator Harkin's (D-IA) Farm Bill:

A Smith (R-OR) amendment that would use crop disaster relief funds to pay farmers for implementing environmental laws. These payments to implement a broad range of federal laws and contracts could create a huge drain on funds that are needed to compensate farmers for real disasters and would chill enforcement of important federal environmental, labor and other safeguards.

A Crapo (R-ID) amendment that would strike a program that would purchase or lease water rights from farmers to help endangered fish and other species. The program guarantees state water law protections and state approval of all water purchases and leases.

A Roberts (R-KS) amendment that would allow self-interested parties, such as fertilizer company representatives, to become federally-reimbursed advisors to farmers on conservation practices. This "fox guarding the hen house" provision could allow commercial businesses with an interest in promoting heavy use of chemical inputs to formulate conservation plans designed to limit such inputs to protect water quality.

Two Burns (R-MT) amendments: the first would prohibit farmers from enrolling more than half of the farms in the Conservation Reserve Program, which could break up CRP into smaller tracts of land that have significantly less habitat value and bar the enrollment of some highly sensitive lands. S. 1731 already prohibits more than 25% of eligible land in any county from being enrolled in regular CRP. The second Burns amendment would require that the Secretary pay more for enrolling less productive lands in CRP than more productive lands. Many valuable enrollments, such as stream buffer strips, are on both productive and non-productive lands. Reducing payments for productive lands would effectively preclude their enrollment.

A Hutchinson (R-AK) amendment to exempt USDA's Wildlife Services program from National Environmental Policy Act (NEPA) review in the killing of migratory birds. It would also eliminate the authority of the Fish and Wildlife Service (FWS) to regulate such killings and create a dangerous prece-

dent for piecemeal exemptions from NEPA and our international treaty obligations.

LCV's Political Advisory Committee will consider including votes on these issues in compiling LCV's 2002 Scorecard. If you need more information, please call Betsy Loyless in my office at (202) 785-8683.

Sincerely,

DEB CALLAHAN,  
President.

FEBRUARY 5, 2002.

DEAR SENATOR: We urge you to help resolve conflicts between farmers and endangered fish and other aquatic species by supporting the incentive-based Water Conservation Program in the conservation title of S. 1731, the Agriculture, Conservation and Rural Enhancement Act of 2001.

The Water Conservation Program authorizes the U.S. Department of Agriculture to acquire or lease water rights on 1.1 million acres of land, so long as water transfers are consistent with state water law and have been approved by state officials. State officials must also permit the Secretary of Agriculture to implement the program in their state.

Freshwater species are North America's most endangered class of species—they are vanishing five times faster than North America's mammals or birds and as quickly as tropical rainforest species. Inadequate stream flow is among the leading threats to endangered fish because low summer flows reduce dissolved oxygen levels, increase water temperatures, and limit access to food and spawning habitat. The absence of rising spring flows—which triggers spawning and aids fish migration—is also a major threat.

We urge you to support this voluntary, incentive-based approach to one of the nation's most pressing environment challenges. Please support the Water Conservation Program in the conservation title of S. 1731, the Agriculture, Conservation and Rural Enhancement Act of 2001.

Sincerely,

National Organizations: American Lands; Department of the Planet Earth; Endangered Species Coalition; Environmental Defense; Environmental Working Group; Institute for Agriculture and Trade Policy; Institute for Environment and Agriculture; Land Trust Alliance; National Audubon Society; Rails-to-Trails Conservancy; Restore America's Estuaries; Trout Unlimited; The Wilderness Society; World Wildlife Fund.

State and Local Organizations: Alabama Rivers Alliance, AL; Altamaha Riverkeepers, GA; American Bottom Conservancy, IL; American PIE—Public Information on the Environment, MN; Amigos Bravos, NM; Arkansas Nature Alliance, AR; Ascutney Mountain Audubon Society, VT; Audubon Arkansas, AR; Audubon California, CA; Audubon Colorado, CO; Audubon of Florida, FL; Audubon Society of New York State, Inc./Audubon International, NY; Bear River Watershed Council, UT; Belgrade Regional Conservation Alliance, ME; Blue Heron Environmental Network Inc., WV; Cacapon Institute, WV; California League of Conservation Voters, CA; California Trout, Inc., CA; Campaign to Safeguard America's Waters, Earth Island Institute, AK; Citizens for a Future New Hampshire, NH; Citizens for a Quieter Santa Barbara, CA; Citizens for Alternatives to Chemical Contamination, MI; Citizens of Lee Environmental Action Network, VA.

Clean Air Now, CA; Clean Up Our River Environment (CURE), MN; Clinch Coalition, VA; Coalition for a Clean Minnesota River, MN; Coalition for Jobs and the Environment, VA; Coast Action Group, CA; Coldwater Fisheries Coalition, Inc., NH; Committee on the Middle Fork Vermilion River, IL; Community Environmental Council, CA;

Community Forestry Resource Center, MN; Concerned Citizens Committee of SE Ohio, OH; Delaware-Otsego Audubon Society, NY; Devil's Fork Trail Club, VA; Douglaston Chapter of the Sierra Club, NY; Dutchess County Farm Bureau, NY; ECO-Action, FL; ECO-Store, FL; Endangered Habitats League, CA; Environmental Action!, GA; Environmental Defense Center, CA; Experience Appalachia!, OH; Federation of Fly Fishers, MT; Forest Guardianas, NM; Forest Watch, VT; Friends of Butte Creek, CA; Friends of Critters and the Salt Creek, IL; Friends of Poquessing Watershed, PA; Friends of the Locust Fork River, AL; Friends of the Nanticoke River, MD; Friends of the North Fork of the Shenandoah River, VA.

Friends of the Santa Clara River, CA; Friends of the St. Joe River Association, Inc, MI; Friends of the Wekiva River, Inc, FL; Friends of the White Salmon River, WA; Great American Station Foundation, NV; Great Basin Mine Watch, NV; Group for the South Fork, NY; Halifax River Audubon, FL; Hancock County Planning Commission, ME; Hardy Groves, Inc, FL; Humane Education Network, CA; Juniata Valley Audubon Society, PA; Keepers of the Duck Creek Watershed, OH; Lake Champlain Committee, VT; Lake Superior Greens, WI; Maine Congress of Lake Associations, ME; Maine Farmland Trust, ME; Marion County Water Watch, KY; Michigan Resource Stewards, MI; Montana Fishing Outfitters Conservation Fund, MT; Montana River Action Network, MT; Mountaineer Chapter Trout Unlimited, WV; My Mothers Garden Inc. Organic Herbs, FL; Nanticoke River Watershed Conservancy, DE.

New Jersey Chapter of the National Wild Turkey Federation, NJ; New Ulm Area Sport Fishermen, MN; New York Rivers United, NY; North Carolina Smart Growth Alliance, NC; North Fork River Improvement Association, CO; North Shore Audubon, NY; Ohio River Advocacy, OH; Ohio Valley Environmental Coalition, WV; Oregon Shores Conservation Coalition, OR; Organic Consumers Association, MN; Organic Independents, MN; Palomar Audubon Society, CA; Palos Verdes/South Bay Audubon Society, CA; Palouse Land Trust, ID; Pamlico-Tar River Foundation, NC; Park County Environmental Council, MT; Patrick Environmental Awareness Group, VA; PCC Farmland Fund, WA; Pequannock River Coalition, NJ; Planning and Conservation League, CA; Potomac River Association, MD; Preserve Calavera, CA; Rahway River Association, NJ; Rio Grande Restoration, NM; River Tales, PA; River Touring Section, John Muir Chapter, Sierra Club, WI; Rivers Council of Minnesota, MN; Rural Vermont, VT.

Seattle Chapter—Izaak Walton League of America, WA; Seavey Funds, Inc, CA; South Carolina Forest Watch, SC; Southern Illinois University, Environmental Law Society, IL; Southwest Environmental Center, NM; S.A.V.E. (Students Against the Violation of the Environment), IL; Students Improving the Lives of Animals, IL; Taking Responsibility for the Earth and the Environment, VA; United Anglers of California, Inc., CA; Utah Open Lands, UT; Utah Water Project of Trout Unlimited, UT; Vermont Association of Conservation Districts, VT; Virginia Forest Watch, VA; Walburg Realty & Investments Corp., CA; West Virginia Council of Trout Unlimited, WV; West Virginia Rivers Coalition, WV; Wisconsin Council of the Federal of Fly Fishers, WI.

AMERICAN RIVERS, CHESAPEAKE BAY FOUNDATION, DEFENDERS OF WILDLIFE, EARTHJUSTICE LEGAL DEFENSE FUND, ENVIRONMENTAL DEFENSE, ENVIRONMENTAL WORKING GROUP, FRIENDS OF THE EARTH, HUMANE SOCIETY OF THE UNITED STATES, INSTITUTE FOR AGRICULTURE AND TRADE POLICY, NATIONAL AUDUBON SOCIETY, TROUT UNLIMITED, THE WILDERNESS SOCIETY,

February 5, 2002.

DEAR SENATOR: As the Farm Bill debate continues, we urge you to support or oppose the following amendments:

**Amendments to SUPPORT:**

**Wellstone Amendment:** Senator Wellstone's amendment would institute safeguards to ensure that funds from the USDA's main water quality protection program (Environmental Quality Incentives Program—EQIP) are not used for the expansion of large confined animal feeding operations (CAFOs). The Farm Bill heading to the Senate floor, S. 1731, removes the animal unit eligibility cap for the Environmental Quality Incentives Program, opening the program to CAFOs of over 1,000 animal units. Our nation's agricultural policy should help family farmers and encourage sustainable agriculture and should not provide incentives for further concentration of livestock into ever-larger factory farms. The proposed Wellstone amendment would prevent EQIP from becoming a massive giveaway to the nation's largest industrial animal factories.

**Grassley/Dorgan Payment Cap Amendment:** Senators Grassley and Dorgan are offering a major commodity program reform amendment to reduce the payment limit per farm for direct payments to \$75,000 and for marketing loan payments to \$150,000. This compares to the levels in the underlying bill of \$200,000 on direct payments and a \$300,000 nominal limit and no effective limit at all on marketing loan gains. The amendment removes the major loopholes in current law and tightens the "actively engaged in agriculture" rules. The amendment would reinvest ¾ of the \$1.3 billion savings in the food stamp program, with the remainder to the Initiative for Future Agriculture and Food Systems program.

Although farm programs are typically justified as aid to family farms, farm payments in fact today go overwhelmingly to the largest farms, many of which obtain more than \$1 million per year. According to USDA, these farms use these funds to out-compete and then buy-out smaller and medium-sized farms. This amendment will help restore integrity to the programs. It also helps the environment because it will reduce some of the pressure for overproduction, which leads to loss of habitats and excess use of chemicals.

**Durbin Amendments:** The Durbin Amendment would curtail incentives created by farm program payments to cultivate new lands and increase production beyond levels supported by the market. Farm program payments, designed to serve as a safety net for the nation's commodity producers, are giving farmers incentives to maintain and increased production at levels not supported by the market. According to USDA analysis, roughly 23 million acres of range and pastureland were converted to row crops between 1982 and 1997. These conversions contribute to crop surpluses, low prices, and higher government payments, as well as to significant declines in grassland ecosystems and many bird and other wildlife species that depend upon them. CBO estimates that the Durbin amendment could save \$1.4 billion over ten years, which the amendment would devote to added nutrition programs.

**Amendments to OPPOSE:**

**Smith (OR) Amendment:** Senator Gordon Smith's amendment would use crop disaster relief fund to pay farmers for implementing environmental law. Although the amendment has been explained as helping farmers deal with "regulatory disasters," the amendment opens up potential liability to pay farmers for the simple reason that they have only subordinate water rights and they face a dry year. Throughout the West, the water available in rivers is over-appropriated, meaning it is owned many times over. Only in the wettest years, can all potential water users be satisfied. This amendment could put the government in the position of paying landowners in essence for water they do not own.

**Crapo Water Conservation Amendment:** Senator Crapo has introduced an amendment that would weaken the water conservation provisions of the bill by converting a program designed to pay farmers to reduce water use to benefit endangered species into additional traditional CRP acres. The water conservation program in the bill does not take land out of production but instead allows farms to install more efficient water use equipment or shift to more water-efficient crops and lease their surplus water to protect endangered species. It therefore provides an incentive-based tool to alleviate conflicts between farmers and endangered species. Attacks on this program have mistakenly claimed that it would interfere with state water rights. But all leases must meet state water law and therefore in general must be approved by state officials, and the program will only be implemented where Governors have agreed. It is quite possible that other amendments designed to weaken this provision will also be introduced.

**Roberts Technical Assistance Amendment:** Senator Roberts has introduced an amendment that would weaken and threaten the quality and integrity of the valuable technical assistance that farmers need to implement cropping practices that are environmentally sound. The amendment could exclude employees of state of local governments, such as conservation district personnel, from being able to offer the technical assistance needed to help farmers implement the farm conservation programs. At the same time, the amendment would allow fertilizer company representatives and other self-interested actors to become federally reimbursed advisors to farmers on conservation practices, including fertilizer and pesticide use, while being reimbursed for their services by the federal government. This "fox guarding the hen house" provision could lead to widespread abuse because commercial business with an interest in promoting heavy use of chemical inputs would be formulating conservation plans designed to limit such inputs to protect water quality. In addition, the amendment would establish the Certified Crop Advisers Program, just one of many private sector-established programs, as the "standard" for the technical assistance certification program that the Natural Resources Conservation Service must develop. This eliminates flexibility for the Secretary to establish a sound certification program that people must meet in order to become providers of conservation technical assistance.

**Burns Amendments:** Senator Burns has introduced two amendments to deal with the legitimate concern that the Conservation Reserve Program may be enrolling too much land in a few states. Unfortunately, the amendments would do more harm than good. The first amendment would prohibit farmers from enrolling more than half of their farms in the program. The affect would be to break up CRP into smaller tracts of land that have

significantly less habitat value and to bar the enrollment of some highly sensitive lands. Senator Harkin's bill (S. 1731) already prohibits more than 25% of eligible land in any county from being enrolled in regular CRP. In addition, producers cannot receive more than \$50,000 total in CRP program payments. While it takes sense to enroll more CRP land in practices like buffer strips, enrolling many half farms (regardless of the size of the farm) may be the worst solution. The Harkin bill already includes new provisions to encourage more buffer strip enrollments.

A second amendment by Senator Burns would require that the Secretary pay more for enrolling less productive lands in CRP than paid for more productive lands. In general, CRP criteria can and should target less, rather than more, productive lands. But many of the most valuable enrollments are strips of land, such as stream buffers, on both productive and non-productive lands. In addition, some highly productive lands are also highly erodible or otherwise very sensitive. USDA has followed a policy of discouraging enrollment of productive lands but not precluding their enrollment when there is a strong environmental justification. This amendment would require that USDA greatly reduce payments for these high value enrollments on productive lands, effectively precluding their enrollments. In many parts of the country, this policy could preclude almost all enrollments.

**Hutchinson NEPA and Migratory Bird Exemption Amendment:** Senator Hutchinson has introduced an amendment to exempt USDA's Wildlife Services program for National Environmental Policy Act (NEPA) review before the killing of migratory birds and would eliminate the authority of the Fish and Wildlife Service (FWS) to regulate such killings. The amendment presently applies to all migratory birds, but may be narrowed to apply just to cormorants. The amendment should be opposed in either form.

The Hutchinson amendment short-circuits the efforts by the FWS to address cormorant management issues through the regulatory process. After a complete environmental review, FWS has concluded that cormorants have not caused any clear adverse effects on fish populations in open water (as opposed to aquaculture). The Hutchinson amendment would also create a dangerous precedent to establish a wholesale exemption from NEPA and our international treaty obligations for a single species.

**Mr. REID.** Mr. President, the amendment that I will offer is a complete substitute for the Water Conservation Program that is in the bill. It addresses all the arguments that have been raised about it since last year.

It prohibits the Federal Government from holding, leasing or buying water rights in any way whatsoever.

It gives control over the program to the States with Federal oversight, consistent with existing United States Department of Agriculture farm conservation programs.

It gives States real money to help address real problems through programs they are implementing already.

This program is important because when a drought occurs, competition for water becomes fierce. Farmers and fish—that is lakes—both get less water because of the drought. Or it could be a stream or a river. If conditions become bad enough, the farmer loses

whatever water he has. No one gives the farmer a way to get by until the drought is over.

My existing Water Conservation Program that is in the bill—and this substitute—would get him that payment to tide him over until the drought is over.

The existing program said that if a farmer wanted to transfer his water to benefit fish or water, lake, stream, or river during a drought year, he would get a Federal payment in return.

It would be up to the farmer and up to the State to decide if the State law would allow the transfer to occur. Many States already have programs such as this: California, Idaho, Oregon, Nevada.

Some of my colleagues from the West raised some concerns about the program before we recessed in December. They said a lot of things about the program that were not intended or just were not true.

Some of these arguments were repeated on the floor yesterday. They said it gave the Federal Government the right to confiscate water. I don't know how to say it other than it doesn't. It is ridiculous. They said if one farmer decided to transfer his water under a short-term contract, they could take away the other farmer's water. Think about the logic of that. If you are a farmer or a rancher who is using his water to irrigate, who, under this program, now decides to leave his water in the stream, how can leaving water in a stream ever mean another farmer is going to get less water? That is illogical. It doesn't make sense.

Some of my colleagues had some legitimate questions about the program. The main concern was that the States rights and traditional role in setting their own water could be affected. So it was decided that one way to deal with this problem was to let the States decide whether they want the program or not. Senators DOMENICI and BINGAMAN and I amended the program to say that. If you don't want to participate in the program, you don't participate. If you want to, come on in.

I thought more about their concerns and decided the best way to get water conservation programs implemented in the right way was to let the States run them as they do under a few USDA conservation programs already. The Conservation Reserve Enhancement Program and the Farmland Protection Program both put States in the driver's seat with respect to conservation. The USDA makes sure that the State's conservation ideas are sound and that the State implements conservation plans and agreements with USDA oversight.

That is what this amendment does. It replaces the existing program with two pilots. Both pilot programs are run by the States—not by big brother in Washington—according to the existing model. Both pilots get mandatory conservation money into the hands of

States and gives them discretion on how to spend it to solve their water conservation needs.

The first pilot program would expand a successful partnership between the USDA's Conservation Reserve Program and the State of Oregon to restore habitat and to lease water to help fish and wildlife. The second provision would create a new State-delegated program to help fund irrigation efficiency measures, help willing farmers convert from water-intensive crops to less water-intensive crops, and to lease, sell options, or sell water. The programs provide \$375 million for States to use on this menu of different water-conserving options.

Both provisions will help resolve conflicts between endangered species and farmers such as we have seen in the Klamath Basin in Oregon, the San Francisco Bay Delta, and the Truckee-Carson Basin in Nevada. Let me explain how these programs work.

First, the Water Conservation Enhancement Program will build on the successful Conservation Reserve Enhancement Program. This program permits USDA and States to combine CRP and State funds to target critical resources for protection and restoration. Today, 17 States have these programs to target protection of important resources, such as the Chesapeake Bay.

The Water Conservation Enhancement Program expands to other States the Conservation Reserve Enhancement Program developed by the State of Oregon which pays farmers irrigated land rates if they voluntarily transfer their water rights to the State for a limited amount of time. Under this model, farmers may also enter into the program and not transfer their water if the enrollment would benefit the fish habitat in some way. The provision would reserve a half million acres of this Conservation Reserve Enhancement Program for this purpose; 40 million acres would remain available for traditional uses of the CRP.

Just like the current program, States must develop and submit proposals to the secretary so States have the control. Farmers do not have to participate in the program. If they do participate, they do not have to transfer their water rights to the State.

Under the provision, farmers could simply choose to receive funds to restore lost wetlands, grasslands, and other habitat, and retain their water rights.

The second provision creates a new \$375 million water benefits program run by States that could use the money for any of the three broad water conserving programs. Most Western States already have programs to do this. This Federal money will bolster these programs. First, States can use the money to help farmers install irrigation efficiency infrastructure, such as lining canals and building fish screens. Second, States can use the money to help farmers switch crops and use less water. For these options, the State

would get 75 percent of the cost of the measure adopted. A farmer, the State, or a conservation group can match the remaining cost.

The amount of water saved by virtue of the Federal contribution would be transferred for an environmental purpose while the measure is in place and only while the measure is in place.

The amount saved by the farmer's contribution can be used by the farmer any way he wants. If the farmer wants to contribute more to the cost of the measure, say, 50 percent of the irrigation measure, he uses that 50 percent of the saved water.

Third, States can use the money to lease, sell options on, or buy water rights from willing farmers for fish and if consistent with State law. Like the Water Conservation Reserve Enhancement Program, States would have complete control over the program. For people walking in here yesterday saying they are taking away the States rights, my water engineer, a man by the name of Mike Turnipseed, a very conservative person, believes this is a great program.

States must affirmatively ask to be certified by the Secretary to administer the program, and the State must designate an appropriate State agency to administer the program. The State would hold any water rights leased or acquired under this program. The Federal Government is strictly prohibited by this legislation from holding or buying water rights. In addition, States would have to subject all water leases and purchases for the review and approval of the State water boards—in our case, the State water engineer.

As I have mentioned, both programs have to be initiated by States subject to State water law, approved by State water officials, and ensure that the water rights be held by States. If that is not clear enough, I have added general language to make it clear that the State water law is paramount. I have also added language to ensure that private property rights are fully protected.

Both of these programs would help ease the conflicts between the needs of farmers and the needs of endangered fish, as we have seen in the Klamath Basin and in my State in the Truckee and Walker River Basins. These programs will give States the resources they need to plan ahead for years when water supplies are too low to meet all needs. These programs will give farmers greater flexibility.

Under this program, a farmer who wouldn't have enough water to have a profitable year can, if he or she chooses, transfer that water to benefit a lake or fish or a stream.

The contract payment can then tide the farmer over until better water years, years in which the fish don't need the water. These programs will also help protect freshwater species, species which are important to the recreational and commercial economies of States in the West.

Freshwater species are North America's most endangered class of species. They are vanishing five times faster than North America's mammals or birds and as quickly as tropical rain forest species. Habitat loss and degradation are the single biggest threat to freshwater species in trouble. Inadequate streamflow is the largest.

In closing, there are a few things to remember about these water conservation provisions: The Water Conservation Reserve Enhancement Program and the Water Benefits Program. First, both programs are completely voluntary. No farmer could be coerced, forced, or in any way cajoled into participating in either of them.

Second, the Federal Government, by this legislation, is explicitly prohibited from leasing, buying, and holding water rights.

Third, States must choose to participate in these programs. If they do, the programs are run by States and must be consistent with State water law.

Fourth, State water boards and engineers must review and approve all water transfers.

Fifth, the water benefits programs will pay for irrigation efficiency projects that not only conserve water for fish and other things, but will also conserve water that farmers can use to grow more crops or can sell to other farmers.

But I think, most importantly, lastly, the program will help reduce conflicts between the needs of farmers and the needs of this Nation's fish and wildlife, rather than just one or the other.

Mr. President, I have already asked that the list of organizations supporting this legislation be printed in the RECORD. It is extensive. I don't see other Senators here in the Chamber, but virtually every State has organizations that support this legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. LEAHY). The distinguished senior Senator from Montana is recognized.

AMENDMENT NO. 2839 TO AMENDMENT NO. 2471

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

The PRESIDING OFFICER. The pending amendment is laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS), for himself, Mr. ENZI, Mr. REID, Ms. LANDRIEU, Mr. DORGAN, Mr. JOHNSON, Mr. CONRAD, Mrs. CARNAHAN, Mr. DAYTON, Ms. STABENOW, and Mrs. LINCOLN, proposes an amendment numbered 2839.

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

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

The amendment is as follows:

(Purpose: To provide emergency agriculture assistance)

On page 128, line 8, strike the final period and insert a period and the following:

**Subtitle —Emergency Agriculture Assistance**

**SEC. 01. INCOME LOSS ASSISTANCE.**

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this subtitle as the "Secretary") shall use \$1,800,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying income losses in calendar year 2001, including losses due to army worms.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for the quantity and economic losses as were used in administering that section.

(c) USE OF FUNDS FOR CASH PAYMENTS.—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments not for crop disasters, but for income loss to carry out the purposes of this section.

**SEC. 02. LIVESTOCK ASSISTANCE PROGRAM.**

(a) IN GENERAL.—The Secretary shall use \$500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which \$12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-51).

**SEC. 03. MARKET LOSS ASSISTANCE FOR APPLE PRODUCERS.**

(a) IN GENERAL.—The Secretary of Agriculture shall use \$100,000,000 of funds of the Commodity Credit Corporation for fiscal year 2002 to make payments to apple producers, as soon as practicable after the date of enactment of this Act, for the loss of markets during the 2000 crop year.

(b) PAYMENT QUANTITY.—A payment to the producers on a farm for the 2000 crop year under this section shall be made on the lesser of—

(1) the quantity of apples produced by the producers on the farm during the 2000 crop year; or

(2) 5,000,000 pounds of apples.

(c) LIMITATIONS.—The Secretary shall not establish a payment limitation, or income eligibility limitation, with respect to payments made under this section.

**SEC. 04. COMMODITY CREDIT CORPORATION.**

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subtitle.

**SEC. 05. ADMINISTRATIVE EXPENSES.**

(a) IN GENERAL.—In addition to funds otherwise available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to pay the salaries and expenses of the Department of Agriculture in carrying out this subtitle \$50,000,000, to remain available until expended.

(b) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

**SEC. 06. REGULATIONS.**

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this subtitle.

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

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

(2) 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

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

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

**SEC. 07. EMERGENCY REQUIREMENT.**

The entire amount necessary to carry out this subtitle is designated by Congress as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)).

Mr. BAUCUS. Mr. President, this amendment will help farmers who have experienced very deep, strong disasters due to weather conditions. It provides desperately needed disaster assistance for America's farmers and ranchers.

I begin by thanking Senators ENZI, REID, BURNS, LANDRIEU, DORGAN, JOHNSON, CONRAD, CARNAHAN, DAYTON, STABENOW, and LINCOLN for cosponsoring this.

I also thank the 57 Senators who voted in support of this measure when we tried to append it to the stimulus package a couple weeks ago. We came very close to passing this amendment. Unfortunately, 10 of our colleagues were not present for the vote, and given the strong showing of bipartisan support and the likelihood that I think more than 60 Senators support this measure, it is vital that we try again with more Senators present.

The amendment extends to the 2001 crop the same agricultural disaster programs that have proven crucial to American farmers in recent years. What could be more obvious and commonsense than to extend to the 2001 crop the same programs that have proven crucial to American farmers in recent years?

The amendment provides \$1.8 billion for crop disaster program and covers quality loss due to army worms. It provides \$500 million to the livestock assistance program, with \$12 million directed to the Native American livestock feed program. It also addresses the concerns of our apple producers and provides \$100 million toward their market loss assistance program.

Producers desperately need these disaster programs. They need them to help mitigate the devastating effects of an unprecedented streak of poor weather throughout the United States.

Mr. President, I know you will remember when you came to Montana, I



think in the 1980s, how bad that drought was, walking out in the fields, virtual dust, with no crops. That was, I think, in the late 1980s. I must tell you, regrettably, I was thinking about that trip you and I, Senator John Melcher, and others took to Montana earlier this year when I was in an area a little way from where we were, with the same conditions—dust, no crops. In about a 200-square-mile area nothing was combined.

This chart basically indicates the drought impact in the United States. The red, as you can see, are areas of our country already declared disaster because of drought. The green patches you can see here are areas that are recovering from drought. They are obviously not out of the woods. They have been in a drought situation. The yellow represents drought watch areas. That means close to being declared a drought area. That is an area qualifying for disaster assistance.

On the map, essentially all of the United States down around the Mississippi River is either in drought conditions or drought watch conditions. I don't know whether it is climate change that is causing this or global warming. All I know is that very strange weather conditions are hurting farmers and ranchers. It is our job to do what we can to be sure they are made whole.

These weather conditions could not have happened at a worse time. While struggling to survive 3 disastrous years in agriculture, farmers also have faced sharply escalating operating costs. Just think of it. The drought hits, operating costs go up—high operating costs due to high energy and fertilizer prices—income is not doing too well, and farm debt is increasing.

A couple words about farm expenses. Total farm expenses were estimated to rise another \$4.5 billion in 2001. That is after the rise of nearly \$10 billion in the preceding year. Farm debt has been rising in the last 3 years, after recovering from the crisis in the mid-1980s. We just talked about the late 1980s, and now farmers are borrowing as much or higher, and that adds to their operating costs.

Statistics kept by USDA's Economic Research Service demonstrate that net farm business income was at a decade low in 1999 and in 2000. Thanks to a limited recovery in income last year—very slight—which means that unless Government assistance continues, net farm income in 2001 is projected to be lower than farm income in 1999 or 2000. Thus, if our efforts are curtailed, if weather problems continue, costs rise, and there is no time to recover from the contraction of farm operating income since 1998, the impact on rural America will be devastating.

You might ask: Why now? Why this amendment on the farm bill? Basically, simply, because the clock is ticking. People need help now. They can't wait. Farmers in economic distress are not able to make the usual purchases of

seed or fertilizer now, not to mention—I don't want to overdramatize this—in some cases, plain old food and clothing.

Equipment and tractor dealers close their doors, as do rural schools and local merchants, which makes the agricultural sector—which is directly and indirectly responsible for nearly one-fifth of the U.S. gross domestic product—among the worst affected areas in the United States and the most vulnerable sectors of the U.S. economy.

Our amendment extends the disaster relief programs that have been critical to shoring up farm income over the last 3 years. This relief will allow farmers—and rural economies that depend on them—to get back on their feet.

I want to address several issues that were raised when we last debated this issue. First, some worried that these payments would go to millionaire farmers. Why should this agricultural disaster assistance, they say, go to millionaire farmers? I might say that charge is totally inaccurate, unfounded, and probably misunderstood.

The crop disaster benefits under this amendment are limited to \$80,000 per person and no one with an annual gross income of \$2.5 million or more is eligible. That is, if your gross income is \$2.5 million or more, you don't qualify. That sounds like a lot of money, but that is gross income, not net income. Most farmers have no net income. If you take the gross and subtract out the costs, whether it is debt service or expenses, or whatever else it might be, the net income for most farmers is negligible—if there is income at all.

Second, some Senators believed these disasters were already covered under the crop insurance program.

Let me be clear: I support Federal crop insurance. I think most Senators do. However, Federal crop insurance only covers a small percentage of farmers, as well as only a fraction of their losses. That is due to adverse weather conditions in 2001.

To quote the president of the National Association of Wheat Growers, Gary Broyles:

Current crop insurance only covers up to 57 percent of a farmer's loss, but farmers do not operate with a 25 percent profit margin, especially in areas that have had multiple years of weather-related problems.

In addition, other sectors in the agricultural industry such as specialty crops and livestock are not eligible for Federal crop insurance. For them, their losses are really real. They particularly need help. If producers have crops that qualify in the Government programs, I would think livestock and other specialty crops in agriculture should also qualify.

On a related note, farmers who do receive assistance under this program are required to obtain crop insurance on their next crop if it is available.

One final point. Producers are now making planting decisions for next year. Without these disaster payments, I have to say—and I hear this constantly—many banks will refuse to

provide operating loans. They will refuse to extend the credit that farmers need to try planting for another year. Without these loans, many farmers will be unable to plant, it is that simple, which is giving up any hope of economic recovery in the near future.

This hits pretty close to home. In my State of Montana, it is anticipated 40 percent of producers seeking operating loans this year will be denied; that is, denied if we fail to provide this assistance under this amendment. It is that timely. It is that significant. Of course, that is going to very much hurt the agricultural economy with individual farmers.

In conclusion, I have many letters of support for this amendment. They literally continue to pour in. They include the National Association of Wheat Growers, the National Cattlemen's Beef Association, the National Farmers Union, the National Cotton Council, the American Farm Bureau, the United Stockgrowers of America, the National Barley Growers Association, the U.S. Canola Association, American Soybean Association, the National Sunflower Association, the Northwest Farm Credit Services, and others.

Today we have another chance to help these farmers get back on their feet. If we cannot make it rain, we can make a difference. I urge my colleagues to support this amendment to provide the disaster assistance so many in American agriculture need given these whacky weather conditions we are experiencing this year which is hurting American agriculture.

I yield the floor, and 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. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CONRAD. Mr. President, I'm pleased to be a cosponsor of the amendment offered by the Senator from Montana to provide disaster assistance to those farmers and ranchers who suffered crop or livestock-related losses in calendar year 2001.

American agriculture is beginning its fifth straight year of rock bottom prices. For those farmers lucky enough to raise a decent crop, the only thing that's been keeping them in business is the supplemental relief that Congress has provided in each of the past four years. Last month, the Department of Agriculture confirmed that net farm income will fall by 20 percent this year, to \$40.6 billion, unless Congress responds with improved farm policy.

As bad as this situation is, however, the blow is doubly hard for producers whose crops have been ravaged by drought, excess moisture, or some other natural calamity. These producers have little to fall back on, they

cannot hope to make up in volume what they are losing under Depression-era prices. In North Dakota, the brutal reality of today's farm economics leaves little margin for either error or misfortune, and for many of those producers suffering natural disaster losses, their luck has run out. That is why Congress must respond.

I want to commend the Senator from Montana for his tireless efforts to address the disaster situation. I know that his State has been hard hit by consecutive years of drought, and his ranchers are reeling. He's been trying since last fall to respond in some way.

In my own State of North Dakota, we have received some of the rains that passed over Montana. Unfortunately, those rains came just as our wheat crop was maturing, and the result has been serious losses due to scab and other quality problems. Some estimates put North Dakota's disaster losses last year at near \$200 million. Even those who have purchased crop insurance find that their indemnity payments won't restore profitability to their operation, so that is why this additional assistance is required.

To vividly illustrate what last year's disaster losses have done to the typical farming operation in North Dakota, I would like to cite some figures from an instructor in an adult farm management program in my state.

According to this farm management instructor, the farm operations he is advising—located in an area hit hard by natural disasters—had an average net farm income last year of just \$25,937—down 54 percent from the previous year. These net farm income figures actually include government payments received under existing farm programs. If farm program payments are excluded, these farmers would have had a substantially negative farm income—losing \$46,665 per farm, on average, last year. That's the harsh reality of farming in the Northern Great Plains today.

So again, for all these reasons, I am pleased to cosponsor this needed amendment, and I urge its adoption.

Mrs. CARNAHAN. Mr. President, I am pleased to have the opportunity to express my support for the Baucus amendment to the farm bill. I want to commend Senator BAUCUS for his leadership on this amendment.

This amendment provides much needed relief for our farmers and farm communities. This emergency assistance will provide an immediate boost to the sagging farm industry in Missouri. I am especially grateful to Senator BAUCUS for his assistance in providing relief to farmers whose crops were damaged by an invasion of armyworms. Armyworms marched through Missouri and left a trail of crop destruction and economic loss in their wake. The armyworm is a caterpillar only about one and a half inches long, but they march in large groups, moving on only after completely stripping an area. Last winter's unusually warm weather and the

summer drought conspired to make life easy for the armyworm and hard for the farmer.

Thousands of farmers across southern Missouri were devastated. One official at the Missouri Department of Agriculture said that last year's invasion was the worst he has seen in his 38 years at the Department. Agriculture Secretary Ann Veneman declared 32 counties in Missouri disaster areas due to the extent of the armyworm damage.

Missouri wasn't the only State hit hard by the armyworm infestation. Farmers throughout the Midwest and Northeast were all affected. The armyworms work extremely fast. Jim Smith, a cattle farmer in Washington County, completely lost 30 acres of hay field and most of the hay on another 30 acres. He said that he did not even know he had armyworms until 20 acres had been mowed down "slick as concrete" by the insects. In his 73 years on the farm, Mr. Smith says this is the worst he has even seen.

This invasion has had severe economic consequences for my State. Missouri is second in the Nation in cattle farming. As a result of crop loss, farmers are using winter hay reserves to feed their cattle and dairy cows. Farmers are not only losing thousands of dollars in crop loss, but also have the additional and substantial expense of purchasing livestock feed for their herds this winter. In addition, some farmers were forced to sell their yearlings earlier than normal. Due to premature sales of yearlings, farmers got below average prices for their heads of stock, further increasing farm loss. The effects of this infestation will continue to be felt.

It isn't just the farmers that are suffering economic loss. When the farmers hurt financially so do the feed merchants, farm supply dealers, and gas stations. The funds provided in this bill will help all of Missouri recover from the armyworm infestation. So, I support this amendment and I look forward to its inclusion in the farm bill.

Mr. HARKIN. Mr. President, President Bush was in Denver this morning. He has probably left by now, I suppose, and is on his way to the Olympics in Salt Lake City.

I was very interested in his stop in Denver because he gave an address to the National Cattlemen's Beef Association. He talked about some of his ideas for the new farm bill.

At the outset, I want to note I had a chance to speak personally with the President briefly when he visited Moline, IL, the home of John Deere, about 3 weeks ago. I asked if we could get together and meet on this farm bill, and he said that we could. I am still looking forward to that meeting.

The message that I thought came through to the President very clearly in Moline, IL, was that the farm bill is the economic recovery bill for rural America; that farmers need some certainty, and that our agricultural lend-

ers, agricultural businesses and rural communities need some certainty about what the farm program will be this year. Without some greater assurance, farmers cannot buy the supplies, equipment and other inputs they need and that affects the rural economy.

So I was hopeful and remain hopeful the President will help us try to get this farm bill through the Senate, but we are still stuck on it. I remain hopeful we will be able to finish this farm bill next week, but then again that is not certain.

I paid some attention to the speech the President gave in Denver, and I was interested in what he mentioned. First of all, he said he was committed to the \$73.5 billion over 10 years in new spending for the farm bill, which was in our budget resolution for this year. That is good, but it is important to note his budget also calls for dramatic reductions in commodity loan rates. A good share of that \$73.5 billion would be required just to make up for the large loan rate reductions. So it is critical to look carefully below the surface of the budget.

Now, the President then went on to talk about how new farm bill funding must be evenly spent over 10 years.

He says he doesn't want to "front-load" it, which he said "overpromises and underperforms." I don't quite understand that expression, but it is clear he wants to spend the farm bill funding evenly over 10 years.

There was one glaring omission in the President's remarks. He did not mention that his own Department of Agriculture, a month ago, estimated that net farm income this year would be 20 percent lower than it was last year unless we provide additional assistance. The President glossed over that fact about the dire state of the farm economy.

The President evidently is pointing at the Senate bill which puts somewhat more of the \$73.5 billion in the first 5 years than it does in the second 5 years. Actually not a lot more. Half of \$73.5 billion would be somewhere around \$37 billion. Our bill is about \$40 billion in outlays in the first five years. So it is only about \$3 billion more than half. We believed it important to put more funding upfront because now is when it is critically needed. The President's own Department of Agriculture said that we would see a 20 percent drop in net farm income this year. When farmers are hurting and going out of business, that is the time to come in and help.

I don't know what the farm economic situation will be 8, 9, or 10 years from now. It may be just fine. If that is the case, we should not need to spend much of any money on commodity programs 8, 9, or 10 years from now. But when commodity prices are low and farmers are struggling, as they are, now is the time to reach out and help. That is the main reason why there is more funding in the first 5 years than in the second 5 years. The President did not mention



that. He wants to say, whatever we spent this year is what we will spend 9 years from now. What sense does that make? I don't know what will happen 9 years from now. I hope farmers are making good money and don't need Government assistance 9 years from now. There is more money in the first 5 years of our bill because it is needed now to help farmers stay in business and for rural communities that are struggling economically.

The President said a good farm bill should include the farm savings account. That is fine. I have nothing against farm savings accounts. When you are losing 20 percent of net farm income, how do you have money to put into a savings account?

Then he said it must include conservation. I believe he said every day is Earth Day for people who rely on the land for a living.

If that is the case, why did the administration in December support a substitute to the Senate bill that slashed support for conservation? What the President is saying does not track with what the administration is doing in Washington on this farm bill.

The President was speaking to the National Cattlemen's Beef Association, the producers of our beef cattle. I am disappointed the President did not mention packer concentration. We debated that this morning. We had debate on it in December also, including the fact that four large packers control 81 percent of all the cattle slaughtered in America. If that is not undue economic concentration, I don't know what is. Yet the President did not talk about that.

We have an amendment on this bill to keep packers from feeding livestock so that our independent pork and beef producers can have a better bargaining position and a fighting chance to survive. But the President didn't mention the issue of economic concentration in Denver. I find that curious, at the least.

The President also said something about political budget gimmickry and cobbling together loose political coalitions. Is this the President who said we have to work together, that we should all work together in a bipartisan atmosphere?

There are competing interests. Agriculture covers a broad spectrum in America. Of course we want to take into account farmers in Vermont, as well as we take care of farmers in Texas, or in Washington, or in Maryland, or in Iowa. It is a broad country. As chairman of the Senate Agriculture Committee, my responsibility is to be cognizant and aware and supportive of agriculture nationwide. Yes, we have put together coalitions. Of course we have. But isn't that what the President wants to do? Work together in a bipartisan atmosphere and try to put together a coalition to get something through?

He said we cannot set the loan rates too high. Specifically, what does that

mean? He also vowed, when he became President, he would make agriculture the cornerstone of U.S. economic policy. Yet I have not received the specifics from the Administration that would allow us to negotiate to come up with the new farm bill.

To make something a cornerstone, you have to lay a foundation down first. I have not seen the specifics of a farm bill from the Administration to lay down a foundation for agriculture.

Last year when the Department of Agriculture under Secretary Veneman put out a policy book on American agriculture, I gave it high praise. I found I could support a lot of the objectives in that book, especially including stronger support for conservation. We put it in our bill. Most of it was in the Department of Agriculture book last year.

Again, I was very shocked in December when there was a substitute bill offered to ours that drastically cut the conservation we had put in our bill and the administration supported it. So I hope there will be less talk about political gimmickry and more cooperation from this administration when it comes to getting this farm bill finished.

I am looking forward to work with the President. I have said that time and time again. We have worked in a bipartisan atmosphere here. I continue to point out, as I always say, the facts give lie to rhetoric. The fact is, our bill came through our committee with strong bipartisan support, every single title except the commodity title, which still had bipartisan support but just not overwhelming bipartisan support. The bill on the Senate floor now commands a bipartisan majority. It is good for agriculture.

If we are accused of having gone overboard to represent the dairy farmers in Vermont, the sugar farmers in Louisiana, the cotton farmers in Texas, the rice farmers in Arkansas, the corn and soybean farmers in Iowa, the wheat farmers in Kansas, the pork producers in Iowa and the upper Midwest, the cattle producers all over America, the orchards in Michigan, and the apple growers in Washington State—if we are accused of having gone out of our way to help them survive and be a vital part of rural America, I plead guilty. You bet we have because I believe in American agriculture, and I believe it still should form the foundation for our economic policy in America.

Believing that, we have laid down the cornerstone, we have laid down the foundation, on energy and conservation and commodities and rural economic development and trade and, yes, nutrition.

On nutrition, for which the President's budget provides some \$4 billion less for nutrition than is in our farm bill, that is an important part of the farm bill.

I appreciate the President paying a visit to the National Cattlemen's Beef

Association. I look forward to working with him in a bipartisan atmosphere, to get through a sound farm bill. I just hope his speech writers and those who are advising him might better inform him what we are doing.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

The Senator from Vermont.

Mr. LEAHY. Mr. President, I had the privilege to be presiding while the distinguished Senator from Iowa was speaking of the work he has done putting together this farm bill. I listened. I have been chairman of the Agriculture Committee on one occasion, ranking member on another occasion, when we had to put through the 5-year farm bill.

I have worked with the distinguished chairman of the Senate Agriculture Committee, and now Presiding Officer, for over 20 years between the House and the Senate. I know how hard it is to put such a bill together.

The distinguished Senator from Iowa worked very closely with all Members—both Republicans and Democrats—in meeting after meeting, conversation after conversation, on the floor, in their offices, in the Senate dining room, walking across the Hill. I have been privy to a number of those conversations.

A farm bill has a number of diverse aspects to it. The President seems to wrap everything into some kind of sense of patriotism. We have to be patriotic. We have to have a missile defense system to be patriotic, we have to pass tax credits. Incidentally, the last tax cut and stimulus package they proposed would have given, I believe, a quarter of a billion dollars to Enron. I am not quite sure just what kind of patriotism comes out of giving another \$250 million of taxpayers' money to Enron. Maybe it is because I come from Vermont and not Texas, but it didn't seem all that patriotic. But I digress.

The point is, everybody in this body is patriotic, Republicans and Democrats. Why don't we just acknowledge that. We wouldn't be here otherwise. Let's think, though, what that means. That means protecting all aspects of our country.

The United States is the only significant power in the world able to feed itself and still export food—billions of dollars worth of food. That is part of our national security. We are not energy sufficient. Maybe someday we will be, if we do a better job of conservation. We are food sufficient. We are a nation of over a quarter of a billion people and we can feed ourselves from within our own borders, and that will

continue to be true if we continue the incentives that keep people on the land, keep the land productive, protect the environment for farmers so they can keep that land productive, and to be able to tell farmers: You will work hard and long, but you will be able to make a living out of it, your kids can go to college, someday you will be able to retire—all the things people desire.

I hope as we go forward the White House would realize we are all in this together. We are not talking about a partisan farm bill. One of the things I have enjoyed the most, serving for 27 years now on the Agriculture Committee, is the bipartisanship of that committee. I value my friendship with the current chairman. I value my friendship with the former chairman, Senator LUGAR. They are two of the closest friends I have in this body.

I remember Hubert Humphrey, George McGovern, and Bob Dole working closely together on nutrition matters. This is a diverse group, but I think one thing that united them was their great sense of humor and a passion, a special passion for feeding the children of this country.

There have been bipartisan coalitions on that committee ever since I came here. There was a bipartisan coalition that started the WIC Program, one of the best things for children, for pregnant women, for women post partum, after giving birth. These are programs that have come out of there—the School Lunch Program, which has improved the nutrition of our children and is now considered just a staple of Government. Yet as Harry Truman knew at the time of World War II, so many people were rejected for the draft because of lack of nutrition, so he started the School Lunch Program.

I say this to commend the tremendous work of the Senator from Iowa. I am proud of him. I am proud to be his friend. I am proud to serve as a member of his committee.

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

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

#### HAPPY BIRTHDAY GREETINGS TO SENATOR PAUL SARBANES

Mr. BYRD. Mr. President, I am delighted to extend, even though belatedly, happy birthday greetings to the senior Senator from Maryland, Mr. SARBANES. His birthday was on February 3, so he has now reached the grand age of 69. Oh, to be 69 again!

Let me say that Senator SARBANES and I have more differences than just our ages. He is of Greek ancestry, and proud of it. I am of southern and Appa-

lachian ancestry, and beyond that, going back through the years of time and change, of Anglo-Saxon ancestry, and I am proud of that.

He is a member of the Greek Orthodox Church. I am a member of the Southern Missionary Baptist Church.

He is from the Chesapeake region of the Eastern Shore of Maryland. I am from the coalfields of southern West Virginia.

His career began by waiting on tables, washing dishes, and mopping floors in the Mayflower Grill in downtown Salisbury, MD. Mine began by working in a gas station in the cold winter of January and February 1935, having to walk 4 miles to work and 4 miles back, and earning \$50 a month, \$600 a year.

But, Mr. President, Senator SARBANES and I share many common interests. One of these common interests that Senator SARBANES and I share is our love for the Senate. And I have always appreciated that in Senator SARBANES' career.

I have observed Senator SARBANES since he was first elected to the Senate in 1976—200 years after that historic year of 1776. I have admired the rational way that this perfectly reasonable man has always gone about his business.

I watch him when he is listening to witnesses in committees. I serve on the Budget Committee of the Senate with Senator SARBANES. He has a rare, subtle way of listening carefully and then going right to the crux of a matter. He is very effective in his questions and the manner in which he performs his work on committees.

He is a thinker. I spoke of his Greek ancestry. PAUL SARBANES is the epitome of the Greek thinker, of which we have read so much in history.

I have watched him as he has served as chairman of the Congressional Joint Economic Committee, as chairman of the Senate Banking, Housing, and Urban Affairs Committee.

He is also the chairman of the impressive and influential Maryland congressional delegation, which includes Senator BARBARA MIKULSKI in the Senate as well as Representative STENY HOYER in the House.

He has been a very effective member of the Senate Foreign Relations Committee and, as I earlier indicated, as a member of the Senate Budget Committee.

There is a long list of reasons I admire PAUL SARBANES. One of the reasons I came to admire PAUL SARBANES was the support he gave to me when I was the majority leader and when I was minority leader in the Senate. During troubling times, during the most difficult votes, in the midst of the most controversial issues, I nearly always called upon PAUL SARBANES for his counsel, for his advice. Every leader would be fortunate to have a PAUL SARBANES as a colleague to whom he could go and seek advice and counsel.

So there he was, with his advice and his friendship. I can't begin to say how

much I appreciated that in PAUL SARBANES, as one of the most probing, acute intellects that I have seen in my 56 years of serving in legislative bodies. His word is his bond. His loyalty is unchallenged. His integrity is beyond reproach.

So allow me to use these belated birthday greetings to say: Thank you; thank you, Senator PAUL SARBANES, for being a friend as well as a colleague; thank you for your tremendous work for your State and our country.

I should also thank the people of the State of Maryland for having the wisdom and the common sense to send PAUL SARBANES here to be with us in 1982, in 1988, in 1994, and in 2000. He is now the longest serving U.S. Senator in the history of the State of Maryland. The Senate and our country are the better for it.

Count your garden by the flowers,  
Never by the leaves that fall;  
Count your days by the sunny hours,  
Not remembering clouds at all.  
Count your nights by stars, not shadows;  
Count your days by smiles, not tears.

And on this beautiful February afternoon, PAUL SARBANES, count your life by smiles, not tears.

#### FAITH

Mr. BYRD. Mr. President, yesterday the President spoke at the National Prayer Breakfast. Let me just quote a few excerpts from the President's remarks. This is what he said. He said more, of course, but these are four paragraphs that I will excerpt from the totality of the remarks.

The President said:

Since we met last year, millions of Americans have been led to prayer. They have prayed for comfort in time of grief; for understanding in a time of anger; for protection in a time of uncertainty. Many, including me, have been on bended knee. The prayers of this nation are a part of the good that has come from the evil of September the 11th, more good than we could ever have predicted. Tragedy has brought forth the courage and the generosity of our people.

None of us would ever wish on anyone what happened on that day. Yet, as with each life, sorrows we would not choose can bring wisdom and strength gained in no other way. This insight is central to many faiths, and certainly to faith that finds hope and comfort in a cross.

Every religion is welcomed in our country; all are practiced here. Many of our good citizens profess no religion at all. Our country has never had an official faith. Yet we have all been witnesses these past 21 weeks to the power of faith to see us through the hurt and loss that has come to our country.

Faith gives the assurance that our lives and our history have a moral design. As individuals, we know that suffering is temporary, and hope is eternal. As a nation, we know that the ruthless will not inherit the Earth. Faith teaches humility, and with it, tolerance. Once we have recognized God's image in ourselves, we must recognize it in every human being.

Mr. President, I ask unanimous consent that the entire speech by President Bush be printed in the RECORD at the close of my remarks.