



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, WEDNESDAY, FEBRUARY 13, 2002

No. 13

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Blessed God, our Father, You have shown us that there is great spiritual power in praise. When we praise You, our minds and hearts are opened to Your Spirit, burdens are lifted, problems are resolved, and strength is released. So we join our voices with the Psalmist: "I will tell of all Your marvelous works. I will be glad and rejoice in You; I will sing praise to Your name, O Most High."—Psalm 9:1-2.

We confess that often it is difficult to praise You in troublesome times and with frustrating people. And yet it is when we deliberately praise You for them that we receive fresh inspiration. Help us remember what You have taught us: Praising You for the most challenging situations and contentious people transforms us and our attitudes as well as them.

Give us greater confidence in Your inner working in people and Your unseen, but powerful, presence in every situation. Again we join the Psalmist, "Because Your lovingkindness is better than life, our lips shall praise You. Thus I will bless You while I live."—Psalm 63:3-4a. This is a day to praise You, O Lord! Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON S. CORZINE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 13, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CORZINE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Thank you, Mr. President.

ORDER OF PROCEDURE

Mr. REID. The Senator from Pennsylvania is in the Chamber. Under the order, we are to begin consideration of the farm bill at 9:40.

I ask unanimous consent that the Senator from Pennsylvania be recognized for 4 minutes to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my distinguished colleague for yielding me the time.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 1937 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1731, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1731) to strengthen the safety net for agricultural producers, enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

Pending:

Daschle (for Harkin) amendment No. 2471, in the nature of a substitute.

Daschle motion to reconsider the vote (Vote No. 377—107th Congress, 1st session) by which the second motion to invoke cloture on Daschle (for Harkin) amendment No. 2471 (listed above) was not agreed to.

Lugar (for Kyl/Nickles) amendment No. 2850 (to amendment No. 2471), to express the Sense of the Senate that the repeal of the estate tax should be made permanent by eliminating the sunset provision's applicability to the estate tax.

Lugar (for Domenici) modified amendment No. 2851 (to amendment No. 2471), to require the Secretary of Agriculture to make payments to milk producers.

Harkin (for Kerry/Snowe) amendment No. 2852 (to amendment No. 2471), to provide emergency disaster assistance for the commercial fishery failure with respect to Northeast multispecies fisheries.

Reid (for Conrad) amendment No. 2857 (to amendment No. 2471), to express the Sense of the Senate that no Social Security surplus funds should be used to pay to make currently scheduled tax cuts permanent or for wasteful spending.

TEXT OF AMENDMENT 2834, AS MODIFIED

On page 2, line 10, after the word "forestry," insert: "or commercial fisheries".

AMENDMENTS NOS. 2857 AND 2850

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 9:40 a.m. having arrived, there will now be a total of 10 minutes debate equally divided on the Conrad amendment No. 2857 and the Kyl amendment No. 2850.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, if the Chair would alert me when I have used 4 minutes.

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mr. CONRAD. Mr. President, the Conrad amendment states the following:

Since both political parties have pledged not to use Social Security surplus funds by spending them for other purposes, and since under the administration's fiscal year 2003 budget the Federal Government is projected to spend Social Security surplus funds for other purposes in each of the next 10 years, and since permanent extension of the inheritance tax repeal would cost, according to the administration's own estimate, approximately \$104 billion over the next 10 years, all of which would further reduce the Social Security surplus, therefore, it is the sense of the Senate that no Social Security surplus funds should be used to pay to make currently scheduled tax cuts permanent or for wasteful spending.

Here is where we are. There are no surpluses left. This chart shows, from 1992 to 2012, the fiscal condition of the country. It shows that, while we were able to avoid using Social Security funds or most of the Social Security funds for 4 years, we have now gone back to the old, bad ways of taking every dime of Social Security funds for other purposes—for the President's tax cuts and for other spending priorities.

This is something we all pledged not to do. It is not just in the context of the economic downturn and the war. It is a condition that will confront us the entire rest of this decade, as this chart shows.

Where did the money go? The Congressional Budget Office tells us over the 10-year period 42 percent of the reason for the return to deficits is the tax cut the President proposed and pushed through Congress last year; 23 percent is a result of the economic downturn; 18 percent results from the additional defense and homeland security costs necessitated by our response to the attack on our country; 17 percent came about as a result of technical changes, largely underestimations of the cost of Medicare and Medicaid.

Last year we were told we would have \$2.7 trillion of non-trust-fund surpluses over the next decade. That is where the President's tax came from. Now that entire projected surplus is gone, and what we are left with is deficits of \$2.2 trillion—every dime of it being financed by the Social Security and Medicare trust funds under the President's proposal.

Last year we were told we would be paying down \$2 trillion of debt in the next 10 years. Now the administration informs us that will be only \$521 billion.

The consequence of more debt is that we will be paying \$1 trillion more in interest costs than we were told last year. That means \$1 trillion not available to improve the defense of the country or to strengthen homeland security or to pay down the debt.

Now the Senator from Arizona comes and says we ought to dig the hole deeper. The Senator from Arizona says: We ought to make permanent the estate tax elimination that was part of the tax bill last year. That would cost \$104 billion for the rest of this decade, and over the next decade it would cost \$800 billion, right at the time the baby boomers begin retiring in large numbers.

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. CONRAD. Mr. President, this is where we are headed. In 2016, the Social Security trust funds turn cash negative. Then these surpluses that are being used to pay for tax cuts and other expenses of Government are going to vanish, and instead we will have massive deficits.

I urge my colleagues to support the Conrad amendment, to say no to making permanent tax cuts that would be financed out of the Social Security trust funds. Every Member, virtually every Member, has pledged not to do that. This is the time to reaffirm that commitment to the integrity of the trust funds.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Arizona.

Mr. KYL. Mr. President, the problem with the argument of the Senator from North Dakota is that there is not one shred of truth to it. It is absolutely false to contend that we are going to be spending Social Security surplus funds on "permanentizing" the repeal of the death tax. It is simply false.

I ask unanimous consent to print in the RECORD the budget estimates from President Bush's 2003 budget submission which demonstrates this fact.

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

BUDGET ESTIMATES—PRESIDENT BUSH'S 2003 BUDGET SUBMISSION
(In billions of dollars)

	2008	2009	2010	2011	2012	2003–2012
Baseline non-social security surplus	17	51	99	199	395	463
Effect of extending death tax repeal	-3	-3	-4	-25	-61	-104
Resulting non-social security surplus	14	48	95	174	334	359

Source: President's 2003 budget, OMB.

Mr. KYL. Mr. President, what this shows is that during the period of time we are talking about, we are going to have a non-Social Security surplus of almost a half trillion dollars, \$463 billion to be exact.

The Senator from North Dakota can't have it both ways. In his resolution he uses these statistics to calculate how much a permanent repeal of the death tax is going to cost and says it is \$104 billion over 10 years. That is what the budget says. But you can't use that statistic and then ignore the other half of the equation, which is that during the same period of time we will have a surplus of \$463 billion. That

doesn't count any of the Social Security surplus.

If you subtract 104 from 463, you are not even close to getting to the Social Security surplus. You still have a significant \$359 billion surplus, plus Social Security.

I ask my colleague this: I would be happy to support his resolution if he would be willing to drop the clause that says it is going to cost \$104 billion over the next 10 years, all of which would further reduce the Social Security surplus, since that is a false statement, and also if he would drop the sentence "Under the administration's fiscal budget, the Federal Government is projected to spend the Social Security surplus for other purposes in each of the next 10 years," because that also is demonstrably false under the President's budget submission. Would the Senator from North Dakota be willing to drop those provisions of his amendment, in which case I would be happy to support it and urge my colleagues to do the same?

Mr. CONRAD. I have no intention of dropping those statements which accurately reflect precisely what the President's budget—

Mr. KYL. If the Senator from North Dakota is not willing to amend his resolution, then I will have to urge my colleagues not only to oppose his resolution, because it is simply false in its recitations and is an inaccurate portrayal of what we are going to be doing, but, secondly, it totally misrepresents the effect of our resolution, our sense of the Senate which is very straightforward.

It says: We voted to repeal the death tax. Let's make that permanent. Let's not try to play games with the American people and say we did something which we all know is only going to be in effect for 1 year after which it sunsets.

I defer to my colleague from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. How much time remains?

The ACTING PRESIDENT pro tempore. Two minutes.

Mr. NICKLES. On the other side?

The ACTING PRESIDENT pro tempore. Eight seconds.

Mr. NICKLES. Mr. President, I urge my colleagues to support the Kyl-Nickles-Gramm-Sessions amendment to make the death tax repeal permanent. To say we are going to reduce the death tax for the next 9 years, have it go to zero in the year 2010, and then in the year 2011 we are going to have a big increase and go back to death tax rates of 50 or 60 percent is absurd. We need to make it permanent.

This is a sense of the Senate that says it should be permanent. I believe there is a competing resolution offered by my colleague that says: Wait a minute. This is going to take Social Security money. That is not correct. My colleague is entitled to his own

opinion. He is not entitled to his own facts. The facts are projected by OMB.

The administration's estimate by OMB is that we are going to have a \$99 billion surplus in the year 2010, \$199 billion in the year 2011, and \$395 billion in 2012. That is not counting Social Security. That is over and above Social Security. Those are the administration's estimates. So we ought to be factual. I don't mind the "therefore, it is the sense of the Senate that the Social Security surplus funds should not be used to make currently scheduled tax cuts permanent or for wasteful spending." Who is for wasteful spending? The part of this that says the \$110 billion would be used to reduce Social Security is not factual.

You should not be using a death tax to pay for Social Security in the first place. But it is not in this resolution or in the amendment offered by my friend and colleague from Arizona.

I urge my colleagues, let's do something for agriculture that would be positive and repeal the death tax. Talk to your farmers and ranchers and small businesspeople. Is there something you can do to help them? Yes, repeal the death tax. The Government should not take one-half of somebody's property just because they die. Let's make the death tax repeal permanent.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, Senator KYL talks about the budget baseline. He is not talking about the President's budget. I submit the President's budget that shows clearly it will be raiding the Social Security trust fund by \$1.6 trillion over the next 10 years, and add to it, if we pass the Kyl amendment.

The ACTING PRESIDENT pro tempore. All time has expired. Under the previous order, the question is on agreeing to the Conrad amendment No. 2857.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Utah (Mr. BENNETT) are necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—98

Akaka	Bunning	Collins
Allard	Burns	Conrad
Allen	Byrd	Corzine
Baucus	Campbell	Craig
Bayh	Cantwell	Crapo
Biden	Carnahan	Daschle
Bingaman	Carper	Dayton
Bond	Chafee	DeWine
Boxer	Cleland	Dodd
Breaux	Clinton	Dorgan
Brownback	Cochran	Durbin

Edwards	Kennedy
Ensign	Kerry
Enzi	Kohl
Feingold	Kyl
Feinstein	Landrieu
Fitzgerald	Leahy
Frist	Levin
Graham	Lieberman
Gramm	Lincoln
Grassley	Lott
Gregg	Lugar
Hagel	McCain
Harkin	McConnell
Hatch	Mikulski
Helms	Miller
Hollings	Murkowski
Hutchinson	Murray
Hutchison	Nelson (FL)
Inhofe	Nelson (NE)
Inouye	Nickles
Jeffords	Reed
Johnson	Reid

NOT VOTING—2

Bennett

Domenici

The amendment (No. 2857) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the next series of votes be 10 minutes in duration.

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

Under the previous order, the question is on agreeing to the Kyl amendment No. 2850.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Utah (Mr. BENNETT) are necessarily absent.

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

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—56

Allard	Frist	Nelson (FL)
Allen	Gramm	Nelson (NE)
Baucus	Grassley	Nickles
Bayh	Gregg	Roberts
Bond	Hagel	Santorum
Brownback	Hatch	Sessions
Bunning	Helms	Shelby
Burns	Hutchinson	Smith (NH)
Campbell	Hutchison	Smith (OR)
Cleland	Inhofe	Snowe
Cochran	Johnson	Specter
Collins	Kyl	Stevens
Craig	Landrieu	Thomas
Crapo	Lincoln	Thompson
DeWine	Lott	Thurmond
Ensign	Lugar	Voinovich
Enzi	McConnell	Warner
Feinstein	Miller	Wyden
Fitzgerald	Murkowski	

NAYS—42

Akaka	Breaux	Carper
Biden	Byrd	Chafee
Bingaman	Cantwell	Clinton
Boxer	Carnahan	Conrad

Corzine	Hollings	Mikulski
Daschle	Inouye	Murray
Dayton	Jeffords	Reed
Dodd	Kennedy	Reid
Dorgan	Kerry	Rockefeller
Durbin	Kohl	Sarbanes
Edwards	Leahy	Schumer
Feingold	Levin	Stabenow
Graham	Lieberman	Torricelli
Harkin	McCain	Wellstone

NOT VOTING—2

Bennett

Domenici

The amendment (No. 2850) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2851, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes debate prior to a vote in relation to the Domenici amendment, No. 2851, as modified. Who yields time?

Mr. LUGAR. Mr. President, I yield 1 minute in favor of the amendment to myself.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the Domenici amendment is a straightforward and simple amendment. It says, if we are going to have a dairy support program in the country, it should be fair and equitable for all dairymen. Currently, the bill provides for \$2 billion, split 25 percent for New England, although New England provides only 18 percent of the milk. There are other inequities throughout. The Domenici amendment simply says treat everybody the same throughout the country.

It likewise does away with a lot of bureaucratic, complex maneuvers in terms of trying to compute this formula, changing it to a straightforward, once-a-year payment, the same for every dairyman. Because of the equity of the amendment and its simplicity, I commend the amendment to Senators and ask for their vote.

Mr. HARKIN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the Domenici amendment is a reflection of failed policies. What it basically says is you pay dairy farmers when markets are good. But when the markets are bad, as Senator LANDRIEU has pointed out time and time again, there is too little help for our dairy farmers. That makes absolutely no sense.

Second, we have a balanced dairy program in the bill, carefully crafted, so that no parts of the country are discriminated against. What the Domenici amendment does is it upsets that. It will foster regional fights again and again and again in the future. We do not want that. We have it carefully crafted in this bill.

Third, we just overwhelmingly voted for payment limitations, but in the Domenici amendment, no matter how

big you are, you can get more and more payments. There is no payment limitation whatsoever, no matter the size of the dairy operation.

For those three reasons, I believe the Senate should turn down the Domenici amendment and keep the underlying bill that is fair to the whole country.

Mr. BINGAMAN. Mr. President, I rise today in support of the dairy amendment by my friend and colleague, Senator DOMENICI. I do believe this amendment is an improvement to the dairy provision in the Daschle/Harkin substitute the Senate is now considering. I urge my colleagues to support the amendment.

I believe a market-oriented approach is the right approach for national dairy policy. The existing price support program and the federal milk marketing orders have served the producers and consumers for many years and I am pleased the farm bill extends the price support program until 2006.

The Daschle-Harkin substitute creates a new \$2 billion federal dairy payment scheme. Mr. President, the independent Food and Agricultural Policy Research Institute has analyzed the dairy provisions in the substitute. The analysis shows that during the five years of this farm bill, the new federal payments will encourage overproduction and drive down market prices. For the first two years of the farm bill, producer income is up because of the federal payments. But by the third year, the federal payments drop off dramatically and producers are actually worse off for the final two years of the farm bill. Moreover, the market prices for milk used for cheese, butter, and powdered milk are lower every year.

I don't believe the nation will be well served by the new dairy payment scheme in the Daschle/Harkin substitute. That's why I proposed an amendment last month with Senator CRAPO to eliminate the new dairy payment program. Our amendment failed on a vote of 51 to 47.

Though I do not support creating any new dairy payment program, I support this modest amendment because it recognizes the fact that the dairy industry in America has become one national market. Today, milk and milk products are transported long distances economically to meet the needs of consumers in every state. Mr. President, competition encourages efficiency and consumers benefit from national markets.

Unfortunately, the bill as it now is divides the country into two markets. One for 12 Northeast States where producers receive one federal payment for their milk and another one for producers in the other States with a different federal payment. No other agricultural commodity is treated this way in this farm bill. Producers in the 12 States will receive 25 percent of the federal payments, though they produce less than 18 percent of the nation's milk. Moreover, farmers in the 12 States are guaranteed a payment of

nearly \$17 dollars per hundredweight, while payments elsewhere are based on a fraction of the market rates and undoubtedly will be substantially lower. This amendment combines the two regions and treats producers in every State equally.

Another concern I have with the underlying language is that it is not fair to all farmers. Federal payments would be capped at 8 million pounds, which will put producers in New Mexico at a serious disadvantage in marketing their milk. Because of the cap, producers in New Mexico would receive an average of less than 20 cents per hundredweight for their milk—48th out of the 50 States. Only farmers in Arizona and Wyoming would do worse than New Mexico. Under our amendment, all producers are paid at the same rate.

Finally, we have not fully considered the boundary effects of the new dairy payment scheme. What's going to happen to producers in States like Ohio and Virginia, which border the 12-State region? Will the higher federal payment to producers inside the region hurt the producers just outside the region? Under our amendment, there are no boundary effects because there is only a single, nation-wide payment rate.

New Mexico has one of the nation's fastest growing dairy industries, more than tripling in the past 10 years. In 2001, New Mexico moved up from the tenth to the eighth largest dairy producing State. More recently New Mexico has moved into seventh place. A recent study by Dr. Michael Loooper of New Mexico State University showed the dairy industry payroll in New Mexico in 2000 was \$25 million per year and the total annual economic impact in the State was \$1.6 billion. In Chavez County alone, the economic impact of milk production was a whopping \$527 million per year. Dairy is now a critical element of my State's economy, especially in rural areas. I cannot support any new federal program that could endanger New Mexico's vibrant dairy industry.

New Mexico tends to have large, efficient dairies, which are the big losers under the current dairy proposal. These are family-owned dairies in rural areas—just like in the other States. They are bigger because New Mexico has the land and resources to support larger dairies. This amendment is good for the dairy farmers in New Mexico and a positive improvement to the underlying bill because it treats farmers in every State equally.

I believe we should work toward a balanced national dairy policy that is fair to all farmers, not one that pits one State against another and large dairies against small producers.

I hope the Senate will soon complete work on this farm bill and I look forward to working with Chairman HARKIN to further improve the dairy programs as the bill moves to conference. I do believe this amendment is a step in the right direction

I commend Senator DOMENICI for his amendment and urge my colleagues to support it.

Mrs. FEINSTEIN. Mr. President, I spoke on the floor in December about how devastating the original farm bill would have been to the California dairy industry. And I have said California cannot be left out of any dairy equation.

California is the largest dairy State in the nation. Last year, California dairy farmers produced 32.2 billion pounds of milk—over 19 percent of the nation's supply. With over 2,100 dairy farms in the state, California leads the Nation in total number of milk cows at approximately 1.5 million. The original bill agreed to in the Agriculture Committee would have cost California dairy farmers \$1.5 billion over 9 years and driven up prices for consumers by \$1.5 billion over 9 years.

The bill on the floor, however, will hold California harmless. While it is difficult to project exactly how much income California dairy farmers will receive, I believe that by supporting the dairy language in the farm bill, an even better result can be achieved for California's dairy farmers. I wish to thank a number of Senators for working together to find a way that the California dairy industry can be held harmless by the dairy provisions in the farm bill.

While the amendment offered by the Senator from New Mexico might seem like a better deal for California than what has been agreed to in the farm bill, I believe the California dairy industry will be better off in the long run if I continue to support the careful balance achieved during the farm bill debate in December. In theory, the amendment offered by the Senator from New Mexico would be good for California because there are no caps, or limitations, on the size of the dairies that will qualify for payments.

However, the California dairy industry is at the point where they believe, like many other farm groups, that we need to get a farm bill passed in the Senate and get to conference. Voting against the Domenici amendment will allow us to pass a bill. A vote for the amendment will bring it down. I will keep a close eye on the conference negotiations and expect California to continue to be held harmless, or made better off.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I move to table the Domenici amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Utah (Mr. BENNETT) are necessarily absent.

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

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—56

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Biden	Edwards	Miller
Bond	Feingold	Murray
Boxer	Feinstein	Nelson (NE)
Breaux	Grassley	Reed
Byrd	Gregg	Reid
Cantwell	Harkin	Rockefeller
Carnahan	Hollings	Santorum
Carper	Inouye	Sarbanes
Chafee	Jeffords	Schumer
Cleland	Johnson	Smith (NH)
Clinton	Kennedy	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Stabenow
Corzine	Landrieu	Torricelli
Daschle	Leahy	Wellstone
Dayton	Levin	Wyden
Dodd	Lieberman	

NAYS—42

Allard	Fitzgerald	McConnell
Allen	Frist	Murkowski
Bayh	Graham	Nelson (FL)
Bingaman	Gramm	Nickles
Brownback	Hagel	Roberts
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Campbell	Hutchinson	Smith (OR)
Cochran	Hutchison	Stevens
Craig	Inhofe	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Ensign	Lugar	Voinovich
Enzi	McCain	Warner

NOT VOTING—2

Bennett	Domenici
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The motion was agreed to.

Mr. LUGAR. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2852

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote in relation to the Kerry-Snowe amendment No. 2852.

Who yields time?

Ms. SNOWE. Mr. President, I am delighted to cosponsor Senator KERRY's important amendment which would provide necessary assistance to a collapsing commercial groundfish fishery. I urge my colleagues to join me in supporting it.

This amendment addresses a very serious problem facing the Northeast, a collapse of its groundfish fishery. This fishery provided over 80 million pounds of food for our Nation last year. This collapse is comparable to a crop failure and is equally deserving of our assistance.

The Federal Government has issued three times the number of permits as the fishery can sustain. The fishermen are now being held accountable for the government's actions and subjected to draconian management measures as a result. We need to help them permanently remove some of this extra capacity.

In particular, the fishermen who rely on catching cod and other groundfish are in need of assistance. This amendment provides \$10 million in disaster assistance for these commercial fisher-

man. It will bring much needed help to those fishermen who need and more importantly want help.

As a voluntary program, this amendment will extend a helping hand to those fishermen who wish to make a transition and permanently exit the multispecies groundfish fishery in the Northeast by giving the Federal Government the means to provide assistance. Additionally, I have worked with Senator KERRY to develop language that ensure the equitable and efficient distribution of this aid.

In my home State of Maine, fishing is an integral part of our livelihood, a common thread that runs along our coast and throughout the State. Unfortunately, we are at a time where fisheries in Maine are in trouble and in need of help. This amendment would provide the needed help.

It is not often that we are presented with a win-win situation, like we are here. Not only will this amendment provide the funding and flexibility needed to help fisherman, but it will promote conservation of the fishery.

I am pleased to support an amendment that will provide the necessary funding and framework to meet one of the many challenges facing our fisherman. Again, I would like to thank Senator KERRY for sponsoring this amendment, and I urge my colleagues to support it.

Mr. KENNEDY. Mr. President, I am pleased to cosponsor the Kerry-Snowe amendment, and thank Senator KERRY and Senator SNOWE for their leadership in bringing this important proposal before the United States Senate.

The Atlantic Northeast Multispecies Fishermen Permit Buyback Program established under this amendment would allow hard-working New England fishermen to retire from this economically stressed industry with dignity, while the work continues to rebuild our fish stocks to sustainable levels.

This fishermen's permit buyback will help end the cycle of boom and bust that plagues our fisheries and assist in developing a long-term sustainable fishery in New England.

Fishing has been an important industry in the United States. In my own state of Massachusetts, as in other states, it is a trade that is rich in tradition. Generation after generation of families has passed on their knowledge of this trade to their children. So it is not just a key part of our economy. It is also as much a part of our heritage as the family farm.

Many port cities across the country rely on fishing as their main industry. This is particularly true in Massachusetts. The city of New Bedford, Massachusetts is the second biggest fishing port in the United States. And we have in our state more than 10,000 fishermen who rely on the sea to earn a living and care for their families.

Over the past few years, we have taken a number of steps to help these hardworking families and this important industry.

The fishermen in Massachusetts did not have health insurance until the State and Federal Government intervened. In fact, even though this is one of the most dangerous occupations in the world, our fishermen did not have health insurance until 1998. Today, as a result of our efforts, 800 fishermen and their families now have health care.

Fishermen have also suffered because of Federal regulations. As a result of federal actions over the past decade, fishing has declined, and the incomes of these families has plummeted as a result.

In recent times, the National Marine Fishing Service has taken steps to help rebuild the fish stocks. The fishing season has been shortened from twelve months to six months and there are catch limits to prevent overfishing of fragile stocks.

At the same time, fishermen have adapted to the changes and working with scientists at the National Marine Fishing Service to help both the fishermen and the government to better understand the steps necessary to protect fishing stocks, while protecting fishing jobs.

For example, in 1999, the scallop industry off George's Bank was set to be closed because it was believed that the scallop stocks were depleted. Scientists and the fishermen worked with NASA to obtain satellite photographs of scallop beds of George's Bank. They were able to get accurate pictures of the scallop beds and found that stocks were full.

This past year the scallop industry logged a record year, with profits over \$350 million. This is an example of how science has helped the fishing industry, and is the kind of cooperation that should be supported.

The fishermen have also made changes to their equipment to minimize damage to the environment and fishing stocks.

Preserving this historic industry will be an ongoing challenge. And the Kerry-Snowe amendment moves us ahead in meeting that challenge.

Mr. HARKIN. Mr. President, we have examined this amendment on our side, and we have no objection to this amendment. We are willing to accept this amendment to help the fisheries in the northeastern part of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, we are prepared to accept this amendment. We are hopeful that the fisheries that will be helped by it will move toward a healthier situation generally for fishing in New England.

We have consulted with our Senators from New England. This is a very important issue for them and to others in the industry. For these reasons, we are prepared to support the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HARKIN. Yes.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2852.

The amendment (No. 2852) was agreed to.

Mr. HARKIN. I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. LUGAR. Madam President, during these moments while we are attempting to work out the managers' amendment, I would like to take a few minutes to thank the distinguished chairman of the committee, Senator HARKIN, and his staff for their remarkable work and cooperation with members of our staff as we have worked in the Agriculture Committee. I thank also the leaders, Senator DASCHLE and Senator LOTT, Senator NICKLES, and particularly Senator REID, who has guided this process with great persuasion and effectiveness.

I wanted to mention by name each of the members of the Agriculture Committee minority staff to whom I am greatly indebted for their expertise, their faithfulness, and their patience. I commend Katie Boots, Danny Spellacy, Andy Morton, Carol Dubard, Chris Salisbury, Beth Bechdol, Dave Johnson, Erin Shaw, Michael Knipe, Walt Lukken, Terri Nintemann, Jeff Burnam, Andy Fisher, Mark Tyndall, and Keith Luse, who has headed this effort so ably.

We have also had detailees to the committee. From GAO, we had Pat Sweeney, and from USDA, Carol Olander, Dave White, and Benjamin Young. I thank them all, as I know my colleagues do, for their remarkable work.

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

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

The Senator from Arizona.

Mr. MCCAIN. Madam President, I apologize to my colleagues for holding up the proceedings of the Senate on this very important legislation, but at some point someone has to say "enough."

When I first came to the Senate, which was not as long ago as a number

of the other Members, a package of technical amendments was sometimes two, three, four, five amendments that were purely technical in nature. We now have a new Senate record. This package of technical amendments, the managers' package which has been subject to neither debate nor discussion by any Member of this body, is now 396 pages long. It has 137 amendments. Billions of dollars are in the managers' package.

I want to repeat, it is longer than the original House bill. There are authorizations from nutrient reduction pilot programs to a technical correction to the wildlife incentive program changes from \$350,000 to \$50 million a year in fiscal year 2007. None of these has been debated and discussed, that I know of.

I have selected three that are particularly egregious, on which we will have votes. I would like to say I am familiar with the details of these three amendments on which I am seeking votes, but I am not, because they are technical amendments in a package. In fact, I am interested to see the Senator from Wisconsin in the Chamber because he has sort of been a triggering mechanism to what I am doing right now.

When we had an appropriations bill and I said, "Who has seen the managers' package?" no one said a word, and because it was late at night, I let it go. There were 15 amendments in a managers' package which was millions of dollars earmarked for specific States. I said I would not let that happen again.

Now we have a bill, as I say, a managers' package, which is 396 pages long with 137 amendments. We have been working on this bill for months, as the majority leader pointed out to me. We saw 100 of the amendments last night. We did not see the additional 30 technical amendments until 10 minutes before we were supposed to vote. We cannot operate this way. We cannot operate this way with the taxpayers' money.

If anyone has ever seen a package of technical amendments that exceeds this, I would like to hear from them. I do know what a managers' package is supposed to be, and that is some technical amendments that make technical corrections, not amendments such as No. 127, which adds a section authorizing a technical assistance program for geographically disadvantaged farmers. Do you have that? This is a technical assistance program for geographically disadvantaged farmers, \$10 million a year between 2002 and 2006. This is in a managers' package. There are Delta regional economic development grants, additional nutrition technology in the delta region, of \$7 million a year. And a pilot program for the Chesapeake Bay until 2006, \$70 million.

I am sure these may be good programs. They may be very beneficial. Particularly in the case of the Chesapeake Bay, they may be very important. What is it doing in a managers'

package? What is it doing with 130 other amendments in a managers' package?

I will ask for votes on these three amendments. They will, I am sure, be resoundingly carried. I tell my colleagues, the next time we do this, we will have extended debate and discussion and second-degree amendments. It has to stop. My constituents deserve the right to know what is in these amendments. When they are talking about \$10, \$20, \$70 million in an amendment, they should not be in a so-called managers' package.

I don't want to impede the progress of the Senate too long, but I cannot allow this practice to continue. The Senator from Kansas is here. He was the manager of major legislation. I ask if the Senator from Kansas has ever seen a bill with this kind of a managers' package in it? I ask unanimous consent for the Senator from Kansas to respond.

Mr. ROBERTS. I am happy to respond to the distinguished Senator from Arizona. The answer is: No.

Mr. MCCAIN. Madam President, I will be glad to address the first amendment. We will have short debate and discussion. As I said, I would like to debate it at length, but I don't know anything about it. That is the reason I am forcing a vote. Maybe we will know something about these various amendments.

I say again to my colleagues, this is not the right way to do the people's business. It is not the right way to do the people's business, a 396-page package of managers' amendments that are supposed to be technical in nature. I am glad to vote on whichever amendment the distinguished managers choose to bring forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWBACK. Madam President, I think the Senator from Arizona has an excellent point. I know people are working hard to try to get the bill completed. There are things in the bill that I think are very good and there are things in the bill I do not agree with at all. There are some amendments that a number of people are concerned about that are important, that are legitimate.

I don't think in the effort of expediency we should be throwing everything in this package. I would hope to have a much more deliberative process in this bill and future bills on something so important to my State, so important to many of the States.

I realize the managers are pressed to get a bill through in a timely fashion. That is important. But on such an extensive bill I don't think we are serving the people's business well to move through it so rapidly. Maybe we have to go longer in the evenings, voting at night, to get some of these amendments done. This is important legislation. It should not be rushed.

Regarding this bill, there is some of it with which I agree; much of it I do

not. I hope we do not follow this procedure when we move forward with future pieces of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I defer for a moment before I propound a unanimous consent request.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I will respond to the Senator from Arizona on the issue he has raised.

I agree fully with the necessity of openness and providing an opportunity for review, and we have certainly sought to do that to make this amendment available. At the same time, we cannot operate as the Senate unless we have an element of trust in those who have been appointed or elected to lead our committees on both the majority and the minority side. That is why we as a Senate delegate to committees both the authority and the responsibility to develop legislation, to have hearings, to come up with the bills and to bring them on the floor.

I ask any Senator, how could we ever operate as a Senate if every line, every paragraph, every little item in every bill had to be fully debated and discussed and if every Senator is obliged to sit down and go through and debate every item on the floor? It is impossible. That is why we have built up a system involving openness but also trust. That is why when we receive a request for an amendment, if a senator comes from one side and says, he or she wants to put this amendment in the bill, in the managers' amendment, I look at it to make my judgment and then go to Senator LUGAR, the Ranking Member on the other side. I say: Someone on our side is suggesting they want to do this; would you take a look at it, talk to your staff, go to whomever you want to on your side and look it over. I go to Senators on my side and see if there are any objections. If no one raises any objections, and it is good policy we put it in the managers' amendment.

We also are careful that items added through the managers to the bill are not of such major importance that they substantially affect the underlying legislation. That is true of the amendments in here.

The Senator spoke about billions of dollars being in the managers' amendment. That is simply not so. We have kept within the budget allocation. Nothing in the managers' amendment goes beyond our budget allocation. I asked my staff to add up the total in the managers' amendment, all of the items in there. That is, what additional cost is in the managers' amendment that is not in the pending legislation already? It adds up to only about \$38 million more over 10 years in mandatory spending than is already in the underlying bill. It is not billions of dollars: \$38 million over 10 years. These are items that are not large. There are

some technical changes, adjustments and so forth. But it is a very small amount of money when you consider we are talking about a \$73.5 billion bill.

I say to my friend from Arizona, we must operate on a system of trust around here. Obviously, with trust there has to be sunshine. The underlying bill and earlier versions of the managers' amendment have been out there for quite some time. Additional amendments were recently added in order to wrap up the bill. These were available for anyone to see. In addition to the checking I described earlier, any Senate staff or any Senator who wants to come see what is in the managers' package can at any time. They just need to ask. There is no secrecy. That is the way we operate.

I hope the Senator from Arizona is not saying from now on, no matter how available and open we make the process, we will not trust anyone. We cannot trust Senator LUGAR; we cannot trust Senator HARKIN; we cannot trust Senator KOHL; we cannot trust Senator ROBERTS. Everything has to be brought onto the Senate floor for every Senator to debate and vote on the most minute detail. We would never get anything done in this Chamber.

This managers' amendment has been carefully drafted. It has been vetted. It has been fully aired and exposed to the sunshine. It has been out there for people to see as it has been drafted. I did not go to the Senator from Arizona and—

Mr. MCCAIN. Will the Senator yield for a question?

Mr. HARKIN. I am delighted to yield for a question.

Mr. MCCAIN. The fact is, we didn't see 30 of these amendments until 10 minutes before the vote. So how can the Senator say they are out there when we did not see them? We have asked to see them. We have told him we want to see them. It is well known we want to see them. How in the world can the Senator from Iowa say they have been out there when we didn't see them until this morning, and we didn't see the other hundred until last night? The Senator from Iowa is simply not stating the facts as they are.

Mr. HARKIN. I say to my friend from Arizona that my staff tells me that as they have developed the managers' amendment over the last few months, staff has made available the various versions. That they have been e-mailed out constantly to the staff of Agriculture Committee members, so that any one who wanted to, at any point in time, could have seen what was being requested and considered as an amendment. As for the later amendments, we have done the best we can to make them available as soon as possible. Again, both Senator LUGAR and I have signed off on them and worked with members on our respective sides. Finally, the amendment and a summary of it is available for review. We are operating under a consensus approach to this managers' amendment. If there is

an objection to putting something in the managers' amendment it does not go in. That is exactly the process that applied to the Kerry-Snowe fisheries amendment. It was our understanding that the Senator from Arizona did not want that amendment in the managers' amendment so we have dealt with it separately on the floor this morning.

Mr. MCCAIN. If the Senator will yield further, we did not see 30 of the amendments until this morning. They were not available to anyone. It is a fact. Just as no one had seen the 15 amendments that were earmarked in the appropriations bill I complained about. No one had seen them. It is a fact.

Mr. HARKIN. I do not agree with the characterization by the Senator from Arizona. There were not 30 amendments to the managers' amendment dropped on the Senate just this morning—that is a fact. Some additional work on the managers' amendment occurred last evening. That is the nature of putting together such a substantial bill as this legislation is. But any modifications were signed off on and accepted by the minority staff. They have been available for review. And I am told that most of them, were e-mailed out at around 6 o'clock last night.

Mr. MCCAIN. One hundred were mailed out last night at 6 o'clock, and then 30 more came in this morning. That is a little bit different version of the facts.

Mr. HARKIN. I say to the Senator, I have checked again with my staff. There were no where near 30 amendments of a substantial nature that came in this morning.

Mr. MCCAIN. I will be glad to get a list of those we were given this morning. There are 30 that we were given shortly before the vote, the final vote on the bill that we were apprised of that we had asked for.

Mr. HARKIN. I am not certain what that is all about. I am told there may have been some after 6 p.m. But, again, I say to the Senator from Arizona, these were cleared on both sides. We never kept any from Senator LUGAR. He never kept any from us—not on either side. We have had our staffs look at them. We have checked with other members. That is what I am talking about—openness and availability but also trust and trusting whether or not committee chairmen and their staffs are sensitive enough, and ranking members are sensitive enough, to say: We don't need to burden the entire Senate with this. We can make a judgment, check as appropriate and make the amendment available.

I also say to my friend from Arizona, even though these are in the managers' package—first of all, it is not billions, it is \$38 million, I say to my friend.

Mr. MCCAIN. I will be glad to discuss that with the Senator from Iowa. No. 18 is changed from \$375,000 to \$355 million, and change \$50,000 to \$50 million. That is just amendment No. 18.

Mr. HARKIN. This was a clear technical amendment. If you look at the underlying bill you will see that previous fiscal year funding was all in the millions. The fact that the latter years were in thousands is obviously a typographical mistake. This did not add any money to the managers' package because it already was scored by CBO as being in the millions.

I say further to my friend—

Mr. MCCAIN. I ask unanimous consent to engage in a dialog with the Senator, if that is agreeable? I just want to make sure we observe the rules of the Senate. I ask unanimous consent to engage in a dialog with the Senator from Iowa.

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

Mr. HARKIN. I am not sure what you would like to debate here.

Mr. MCCAIN. It says technical correction in the Wildlife Habitat Incentive Program, technical correction, mandatory funding language, change it from \$375,000 to \$355 million, in fiscal year 2006; and change \$50,000 to \$50 million in fiscal year 2007.

Obviously, this is a technical change. Obviously, it is a change of many millions of dollars.

Mr. HARKIN. May I respond? I asked my staff about that. At a cursory reading, as the Senator has done, he says: My gosh, we are going from \$375,000 to \$355 million in a managers' amendment.

Here is what that is about. In the underlying substitute, there was either a typographical error or a mistake made. It was listed in the legislative language as \$375,000, but it was known by everyone to be \$375 million, as it was scored by CBO as the correct amount. As I pointed out earlier, if you look at all the funding for WHIP in context it makes sense. There was just a mistake made. So we are correcting the mistake in the underlying bill. A shift was also made of \$20 million from WHIP in the managers' amendment, but that did not add to the score in the managers' amendment.

I say to my friend from Arizona, it has already been scored.

Mr. MCCAIN. You are still correcting in the underlying bill some \$400 million.

Mr. HARKIN. No, there is \$375 million already in the underlying bill that has been scored by CBO.

Mr. MCCAIN. Plus \$50 million. I don't care if it has been scored by CBO or not, it is not in the underlying bill.

Mr. HARKIN. It is in the underlying bill as fully understood. The managers' amendment is only a technical correction to conform to the clear understanding.

Mr. MCCAIN. Then you don't need the technical correction. I ask unanimous consent to eliminate technical amendment No. 18.

Mr. HARKIN. I object. Because it is clearly a technical correction that you have taken out of context. What you contend is that real money has been

added in the managers' amendment and that is not true. What CBO scores does matter because CBO recognized the typo and we fixed it in the managers' amendment.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. In the underlying bill, the amount of money for the Wildlife Habitat Incentive Program funding language was scored by CBO at \$375 million. It was a printing error that was made in the text of the bill, it is mistakenly listed as \$375,000 in the underlying bill. Look at all the previous funding levels—they are all in the millions. The technical correction here is to make the underlying bill comport with what CBO has already scored. That is what technical corrections are for.

So I say to my friend from Arizona, if this is illustrative of the problems he has with managers' amendments, I say again, that is why you have to have some trust in the ranking member and in the chairman and our respective staffs, that we are operating above board with openness but also that we are only proposing technical corrections and matters that are acceptable to both sides and not objected to by any member.

Mr. MCCAIN. Let me repeat. It's a technical amendment that adds some \$400 million.

Here is another one, authorized to be appropriated, \$7 million for each of the fiscal years 2000 through 2006. That is another "technical amendment."

But the larger issue here is—the larger issue is why do we need 396 pages of technical corrections to a bill which is larger than the entire House bill and has 130-some technical corrections? There is something wrong here. There is something fundamentally wrong.

I say to the Senator from Iowa, I have been here almost as long as he has—not as long. I have never seen bills that required trust of 396 pages and 130 technical amendments. I have never seen any other farm bill that did, nor has the Senator from Kansas, who used to shepherd these bills through the House.

I am supposed to trust a managers' amendment of 396 pages? I am glad to trust, but in the words of a former President of the United States, "trust but verify" because time after time after time, I have seen amendments put in that are earmarks, specifically for specific areas, specific States, specific congressional districts. I have seen them time after time. It is not only me who is objecting to that. The Citizens Against Government Waste and the Taxpayers Union and every other watchdog organization condemn this practice, and so do I.

I say to the Senator from Iowa, again, I don't know what is done with Agriculture Committee members or Agriculture Committee staff. I know I have had a longstanding request to see any amendments, and particularly any technical amendments. Either the Sen-

ator from Iowa or his staff did not show us those amendments until last night. And there were a number of amendments that were added as short a time as a half hour before the final vote.

Your staff can deny it, but it is a fact. So I will not sit still for that kind of procedure. That is why we will have these votes. I am sorry the Senator does not like the fact that I don't trust 130-some amendments I have never seen that cover 396 pages. I think my constituents deserve better than me "trusting"—particularly given all the earmarking and pork-barreling I have seen going on, on the increase over the past several years.

I cannot debate these amendments very well because, as I said, I have not seen them because they were not shown to me or other Members of the Senate. That is pretty much the situation. I am sure many of them are virtuous, but the fact is there is all kinds of money and programs in here.

There are interesting things in here. There is one, No. 110: Adds "gender" to the list of socially disadvantaged groups covered by section 2501, the outreach program for socially disadvantaged farmers.

Could the Senator, just out of curiosity, tell me what a socially disadvantaged farmer is?

Madam President, will the Senator from Iowa yield for a question? What is a "socially disadvantaged farmer"?

Mr. HARKIN. I know the Senator is being a little provocative to make his point. That is OK. There is an existing program to help farmers, including minority farmers, who because of circumstances have a harder time getting credit and making a go of it in farming. While the socially disadvantaged program covers minority farmers, there was not a mention of gender, at least for all of the USDA programs involved. It came to the attention of a member—not me, but someone who wanted us to do this—that women were not adequately covered in existing law. This was just a correction to put in that program the definition that gender is a basis on which someone may qualify for assistance under the socially disadvantaged program. That way, along with other disadvantaged groups the law would include gender so women in agriculture would receive fair treatment and opportunity. It seems to me to be a very harmless type of provision to put in there. Again, I don't understand why that should be such a big item. We cleared it on both sides.

I hope the Senator is not saying that every time—maybe he is saying this but I do not know—an amendment comes to the managers' package that has been cleared on both sides and is mailed out that we have to send a message to his office specifically asking him to look at it. The process is open. If the Senator wants to have his staff come over at any time, the door is open. They can look at any amendment they want.

Mr. REID. Madam President, will the Senator yield?

Mr. HARKIN. Without losing my right to the floor.

Mr. REID. If I may correct something, I listened to this. I had a heart-to-heart discussion with the Senator from Arizona earlier today. I think that maybe I am partially to blame for what has gone on. I say that because I have been here with the two managers of the bill for several weeks. The Senator from Arizona is right. I do not know which bill it was, but it was one of the last bills we had before the new year. The Senator asked me if I would in the future when there was a managers' package notify him or his staff. He did ask me that. There is no question about that. Last night I should have done that, and I didn't do that. It is not Senator HARKIN's fault or Senator LUGAR's fault. But the Senator from Arizona did come to me the last time we had this problem and I told him I would do that. I didn't do it. It is certainly nothing that is deceptive. I simply didn't do it. I forgot. One of the reasons is that I have such great confidence in the two managers of the bill. I do not know on the minority side if there is a Senator who I have such great respect for than Senator LUGAR. This man is top of the line. He has worked very closely with us on this bill, as my friend, Senator HARKIN, has spoken about many times.

I don't think we need to discuss it here today. I think the Senator from Arizona has a right to be concerned, but his concern should be directed towards me, because, in fact, the last time he indicated he, in the future, was going to raise objections to the managers' amendment. I should have brought this to his attention.

When we talked earlier today, he indicated he wanted to offer amendments to each one of these. I indicated that the unanimous consent agreement wouldn't allow that.

Certainly the Senator from Arizona can do whatever he wishes, but I think we can get to the heart of this if he makes a motion to strike each of these three things about which he is concerned. I think his points will be very well taken.

When this happens again, I will do my best to make sure that he or his staff are aware of the managers' package. I don't want the Senator from Iowa or the Senator from Indiana to be blamed for any of this. I should have on my own brought this to the attention of the Senator from Arizona.

Mr. HARKIN. Madam President, if I might reclaim my time, I thank the Senator from Nevada for that. I harbor no ill will at all. I have great respect for the Senator from Arizona. He knows that. I am just trying to be as open as possible. We all know that legislative matters and requests for changes do come up throughout the process of putting a bill together. Some do come in late, but that is the right of senators to request modifications.

However, nobody is trying to ram anything through that people don't know about.

I will say to my friend from Arizona that this managers's amendment has been scrubbed and checked carefully, but there is another stopgap within this process just in case something gets through inadvertently that may not have been obvious or to which someone had a serious objection but had not raised it for some reason. We have to go to conference. Everything in this bill and managers' amendment is out there in that conference. Everything is out there for everybody to see. I say to my friend that there is another level which we are going through. This amendment and this bill are not the final word.

That is the only point I am trying to make.

I yield the floor.

Mr. MCCAIN. I thank the Senator from Nevada. I appreciate his comments on this issue. I say to the Senator from Iowa that I would like to trust everything that goes through this body. I can tell you too many stories of things that went through without my knowledge that cost the taxpayers a whole lot of money. I will tell you about one.

Put into an appropriations bill was a provision that two ships would be built in Pascagoula, MS, in return for which there would be exclusive rights for those ships to sail to the Hawaiian Islands. I never saw that amendment until after it was done. Associated with that was over \$1 billion in loan guarantees from the Maritime Administration. I never saw the amendment. The outfit just went bankrupt. The taxpayers have already spent some \$300 million-plus which they lost from those loan guarantees, and they stand to lose over \$1 billion. I am sure it was a well-meant and a well-intentioned amendment to help both Mississippi and the Hawaiian Islands. I knew it would fail because I know enough about shipbuilding in the United States of America.

Those are the kinds of things that happen time after time—maybe not of that magnitude—because of amendments, which are well-intentioned and probably good in many respects but don't undergo the scrutiny and the hearings and the authorizations necessary to prevent that from happening put into these pieces of legislation.

That proposal I told you about would have never cleared either the Commerce Committee or the Armed Services Committee. It never would have gotten through. It was stuck in an appropriations bill, which we do time after time. The night I was here, I asked: Does anybody know what is in the managers' package? No. It was late at night. So I said: OK. I don't object. There were 15 earmarks of millions of dollars for specific States. That is my taxpayers' money, too.

I say to the Senator that this system is broken. We are now up to 8,000 ear-

marks on appropriations bills. That is up from less than 2,000 3 years ago. It is wrong. It is just wrong. It is wrong from the standpoint of fiscal discipline and budgetary reasons, but it is also wrong in the respect that these matters need to go through the proper authorizing and appropriations process. At least this is an authorization bill.

I thank the Senator from Nevada for his comments. I am very grateful for the courtesy that he has shown me, not only now but for many years.

I withdraw my requirement to object and to seek to strike these three amendments, and I will agree to go to final passage.

But I say to the Senator from Iowa one more time that this is unprecedented with 396 pages of technical amendments in the managers' package. It is wrong and 1,130-plus technical amendments is wrong. It is not the right way for us to do business. I hope we can do better in the future.

I yield the floor. I am prepared to move to final passage.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Iowa.

AMENDMENT NO. 2859

Mr. HARKIN. Mr. President, I call up the amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Iowa [Mr. HARKIN], for himself and Mr. LUGAR, proposes an amendment numbered 2859.

Mr. HARKIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

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

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2859.

The amendment (No. 2859) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The amendment (No. 2471), as amended, was agreed to.

Mr. HARKIN. 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. COCHRAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. COCHRAN. Mr. President, I am pleased the Senate is about to complete action on this farm bill. While the bill has some positive and helpful provisions, particularly with respect to

conservation, rural development, research, and nutrition, I plan to vote against the bill.

One of the primary objectives of farm legislation should be to improve the predictability and effectiveness of the financial safety net available to farmers. However, the payment limitation amendment that was adopted by the Senate will reduce the level of price support and shred the safety-net that our farmers need. According to the Congressional Research Service, cotton farmers would be able to receive benefits on approximately 880 acres, and rice farmers would be able to receive benefits on about 490 acres. Any additional acreage planted to these commodities would not be eligible for any government assistance.

Since 1985, the marketing loan program has been the centerpiece of our Nation's farm policy. The marketing loan program provides reliable and predictable income support for farmers while allowing U.S. commodities to be competitive in the global market. This legislation will make the marketing loan program completely useless.

Considering the bleak forecast for the farm economy, it does not stand to reason that Congress should pass legislation that imposes new rules and regulations which will restrict government assistance so drastically.

I hope we can resolve the differences we have over this bill in conference with the House and bring back a truly beneficial farm bill. I pledge my best efforts to achieve that result.

PRESERVATION OF LAND FOR JOHN OGONOWSKI

Mr. KENNEDY. Mr. President, I commend Senator HARKIN for his effective work on this legislation. I particularly commend Senator HARKIN for his leadership in including programs in this farm bill that will help farmers across the Nation, including those in the Northeast.

I would like to take a few moments to speak about John Ogonowski, the courageous pilot of American Airlines Flight 11, which was hijacked by terrorists on September 11th and which crashed into the first tower of the World Trade Center that day. At the time of his tragic death, John Ogonowski had been working tirelessly to preserve 33 acres of land that had once been part of the Ogonowski farm in Dracut, MA. The Farmland Protection Program serves as a vehicle to help preserve farmland, and I hope that the funds from that program can be used to preserve the land that John cared so much about. I hope that we can make John's dream come true.

Mr. HARKIN. Mr. President, I will be honored to work with the Senator to try to preserve the land in memory of John Ogonowski who was a proud farmer and a brave man. The land in Dracut, MA would stand as a fitting memorial to him. I will work, as the bill progresses, to encourage the use of Farmland Protection Program funds for this important cause.

Mr. KENNEDY. The land in Dracut is along a road that is traveled by many families, commuters, and tourists. All

those who pass by the land will know of John Ogonowski's life and his family's love of farming.

John farmed these fields for many years as a young man and was often seen riding on his John Deere tractor with a wave and a smile for those he passed. His family continues to maintain substantial farmland in the community, but John was deeply concerned about this portion that had been sold recently. To John, the original Ogonowski farm was one of the wonders of the world, and John had worked skillfully and tirelessly to create the Dracut Land Trust to preserve it. Now, in a well-deserved tribute to John Ogonowski, we will work to help the Dracut Land Trust preserve these 33 beautiful acres.

CHESAPEAKE BAY NUTRIENT REDUCTION PILOT PROGRAM

Mr. SARBANES. Mr. President, I would like to clarify that it is the intent of this provision to encourage the development of innovative solutions to the nutrient pollution problem in the Chesapeake Bay. The principal focus of the program, as envisioned by Bay-area scientists and organizations, is to create new incentives for farmers to reduce the application of nitrogen by at least 15 percent below what is normally considered best practice and to provide financial protection in the event of reduced yields. In order to implement the provision, it is my expectation that the Risk Management Agency will make available the Nutrient BMP Insurance Endorsement that was approved by the Federal Crop Insurance Corporation on December 12, 2001 in the states of the Chesapeake Bay region, with such modifications as necessary to effectuate the purposes of this section.

Mr. HARKIN. The Senator is correct. The purpose of this provision is to support the development of new and innovative solutions to the Chesapeake Bay's nutrient over-enrichment problem. It provides \$70 million for States in the Chesapeake Bay watershed to test new practices that could provide major reductions in nutrient pollution. It will clearly require an underlying risk management instrument and we would expect the Risk Management Agency to make its programs available to implement the yield insurance aspect of this provision. I will be happy to work with the Senator from Maryland in Conference to ensure that the mechanisms to carry out this provision are created or made available.

Mr. SARBANES. I thank the Chairman of the Committee. This provision is a win-win situation for the Bay and farmers. It will reduce nutrient inputs to the Bay and it will enable farmers to lower their operating costs by avoiding the cost of unneeded fertilizer, without risking loss of a portion of their crops. Experience gained in this pilot program will allow better understanding of risks and benefits of this practice.

TECHNICAL ASSISTANCE PROVIDERS

Mr. ROBERTS. Mr. President, it is my understanding that the section on certification of third party technical providers allows the Secretary to cer-

tify providers. The legislative language, regarding the certifying programs run by the United States Department of Agriculture is designed so that the USDA does not run the programs in a manner that directly or indirectly undermines the ability of private, long-standing, and highly regarded certification programs like those operated by the Certified Crop Advisors and National Alliance of Independent Crop Consultants.

The intention of the conservation title, and especially this section, as I understand it, ensures that the Nation's farmers and ranchers will be able to continue to receive high quality conservation technical assistance, and that there will be enough technical assistance to allow the complete and proper delivery of the conservation programs funded in the farm bill.

In addition, it is my understanding that the Secretary of Agriculture will consult with and be advised by representatives from federal, state, and local agencies as well as representatives from the private and non-profit sectors on an Advisory Council. It is expected that in selecting representatives, the Secretary shall appoint representatives from the following groups: Natural Resources Conservation Service, Forest Service and Farm Service Agency, the National Association of Conservation Districts, the Certified Crop Advisors, the National Association of State Foresters, the National Alliance of Independent Crop Consultants and the American Society of Agricultural Engineers. Together with other appointed members of the Advisory Council, these representatives will advise the Secretary of the management of certification programs for the provision of technical assistance by third party providers.

Mr. LUGAR. I agree with Senator ROBERTS that those are the intentions of the language regarding non-federal technical assistance providers.

Mr. HARKIN. I also agree with Senator ROBERTS and Senator LUGAR and thank them for working with me on the important work of expanding and enhancing conservation technical assistance. I am a strong supporter of the work done by private third parties including the Certified Crop Advisors and the National Alliance of Independent Crop Consultants. Our bill will allow them to prosper while enhancing technical assistance nation-wide.

Mr. DAYTON. Mr. President, I commend the chairman and ranking member of the Senate Agriculture Committee for accepting my amendment to provide mandatory funding for the Biodiesel Fuel Education Program.

Biodiesel is a home-grown renewable fuel. Even as world oil prices are tightening, America's farmers are producing record crops of soybeans. Unfortunately, U.S. soybean prices are now at record lows. Building demand for biodiesel will help increase these commodity prices while enhancing our Nation's energy security. In Minnesota,

soybeans are the number one cash crop, grown on about 7 million acres. As we increase demand for soybeans, thus boosting market prices, we are also investing in the economic well-being of farmers and rural communities across our country.

Minnesota has been a long-time leader in the production of renewable fuels such as ethanol, wind-generated electricity, biomass, and solar energy. As Minnesota's Commissioner of Energy and Economic Development during the 1980's, I know firsthand the important role that federal and state programs play in developing these industries during their infancies. So I strongly support legislation that promotes the use of renewable energy and programs that educate the public in order to create demand.

Last June, I, along with Senator TIM HUTCHINSON of Arkansas, introduced legislation to provide tax incentives for increased use of biodiesel, a renewable fuel made from soybean and other vegetable oils. The biodiesel bill provides a Federal excise tax credit similar to the excise tax credit for ethanol-blended gasoline. The U.S. Department of Agriculture estimates that the resulting increase in biodiesel sales will increase soybean prices by at least 25 percent per bushel. As market prices go higher, the cost of government price supports become lower. The savings realized by the Commodity Credit Corporation, and the American taxpayer, would then be used to cover the cost of the tax credit. My bill directs the savings to the Commodity Credit Corporation to reimburse the Federal Highway Trust Fund for its lost revenues.

Over the past year I have been working with the Senate Finance Committee to include the biodiesel tax credit in the energy tax package that is scheduled to be marked up by the committee this afternoon. I wish to commend the Senator from Arkansas, Mrs. LINCOLN, for her help in this effort. If we are successful in passing this tax credit, an effective education program to educate the public on the benefits of biodiesel fuel will be essential as biodiesel makes the transition from research and development to commercialization.

During the markup of the energy title of the farm bill, the Senate Agriculture Committee passed my amendment to authorize \$25 million over the next five years for the Biodiesel Fuel Education Program. My amendment, which passed the committee unanimously, increased the amount available from \$1 million to \$5 million annually through 2006 for grants to educate Americans about biodiesel. The passage of this amendment was a critical step toward encouraging the production and use of biodiesel.

I am pleased to report that the chairman and ranking member of the Senate Agriculture Committee have now accepted my floor amendment that will provide mandatory funding for the Biodiesel Fuel Education Program. My

amendment will avoid the need to go through the annual appropriations process by providing \$5 million in mandatory funding annually in fiscal years 2003 through 2006.

The biodiesel tax credit, together with the Biodiesel Fuel Education Program, provides a comprehensive approach to facilitate the entry of biodiesel fuels into the marketplace. Working in tandem, these legislative initiatives will educate the public, increase demand for biodiesel, bring higher prices for farmers, lower government outlays, improve the environment, and lower our dependence on foreign oil.

Mr. BINGAMAN. Mr. President, I rise today to comment Senator HARKIN for including in the farm bill a provision that is crucial to the Great Plains region of our Nation. The provision addresses the alarming decline in groundwater in the Southern Ogallala Aquifer, which extends under four States: Texas, New Mexico, Oklahoma, and Kansas.

A reliable source of groundwater is essential to the well-being and livelihoods of people in the Great Plains region. Local towns and rural areas are dependent on the use of ground water for drinking water, ranching, farming, and other commercial uses. Yet many areas overlying the Ogallala Aquifer have experienced a dramatic depletion of this groundwater resource. Some areas have seen a decline of over 100 feet in aquifer levels during the last half of the twentieth century.

This provision would establish a voluntary 4-year groundwater conservation incentives program for the Southern High Plains Aquifer region. Incentive payments would be made for voluntary land management practices, which may include changes from irrigated to dryland agriculture, changes in cropping patterns to utilize water conserving crops, and other conservation measures that results in significant savings in groundwater use. Cost-share payments will be made for structural practices that will conserve groundwater resources of the High Plains Aquifer, which may include improvement of irrigation systems and purchase of new equipment.

The provision also requires the Secretary of Agriculture to undertake groundwater education efforts in the southern High Plains Aquifer area, co-operating in these efforts by working with the southern High Plains Aquifer states, the land grant colleges and universities in the area and their state co-operative extension services, other educational institutions, and private organizations, as appropriate.

This provision brings focus to an issue that concerns the long-term economic viability of communities in much of America's heartland. This is farm country, and the cornerstone of its economy is its groundwater supply, the Ogallala Aquifer, which allows for irrigated agriculture. The Department of Agriculture estimates that there are

over 6 million acres of irrigated agriculture overlying just the southern portion of the Ogallala. These farms use between 6 and 9 million acre feet of water per year. The problem we are confronting is that the aquifer is not sustainable, and it is being depleted rapidly. This threatens the way of life of all who live on the High Plains. This provision will take significant steps to address this serious problem.

Mr. THURMOND. Mr. President, I have offered an amendment, cosponsored by my colleagues from North and South Carolina and Virginia, that will provide temporary relief to flue-cured tobacco growers in our States. I express my appreciation to the chairman and ranking member for accepting our amendment into the manager's package.

Flue-cured tobacco is produced under a system of acreage allotments and marketing quotas. This system involves both the amount of land on which the tobacco may be grown and the amount of tobacco harvested or the yield from that land. Hence, the allotment refers to acreage, while the quota refers to the right to market or sell the poundage produced on the allotted acreage. Usually to simplify discussion of this system, reference is only made to the term "quota".

Originally quota was owned by the producers as a tangible asset that could be passed down through inheritance from the owner to his spouse, his children, his grandchildren, or other heirs. Over time as people left the farm, we now find quota owners who no longer have any connection with Flue-cured tobacco production other than that they derive income from the leasing of their quota to Flue-cured tobacco producers.

In the late 1970s and early 1980s, there was a view that the competition for flue-cured tobacco leases was driving up the cost of production. As a result, in 1983 Congress passed Public Law 98-180. Section 205 of that act stated that flue-cured tobacco growers would not be permitted to lease their allotments and transfer their quotas for 1987 and subsequent crops. The rationale was that if tobacco growers could not lease tobacco quota and transfer it to their farms, then it was presumed that tobacco growers would buy the flue-cured tobacco quota from the quota owners. Conversely, if quota owners could not lease and transfer their quotas, they would be forced to sell them. For whatever reasons, this provision of law has never been enforced by the Secretary of Agriculture. Therefore, quota owners did not sell their quotas to producers. However, since growers could no longer lease and transfer quota, they began to rent the land to which the quota belongs. Through a United States Department of Agriculture, USDA, administrative procedure known as reconstitution, growers combined the quota owners' farms into their own.

Now, the Secretary has determined that USDA will, commencing with the

2002 Flue-cured tobacco crop, began enforcing this 1983 law by a strict interpretation of the rules that define a farm and govern farm reconstitutions. This action by the Secretary is causing considerable confusion and concern among flue-cured tobacco producers and quota owners. Incomes and balance sheets are at risk.

This current effort to enforce the 1983 law to force the sales of flue-cured tobacco quota is most ill times. Current conditions make quota too expensive for the tobacco producers to buy. There are two main reasons for this. First, quota owners are receiving "tobacco quota payments" as a result of the National Tobacco Grower Settlement Trust Agreement, also known as the Phase II settlement. Second, The President's Commission on Improving Economic Opportunity in Communities Dependent upon Tobacco Production While Protecting Public Health has recommended a tobacco quota buyout. Given the current and the potential income streams to tobacco quota owners over and above the quota's value to tobacco growers, few if any tobacco producers could now afford to buy flue-cured tobacco quota. Moreover, the ultimate objective of the recommendations of The President's Commission is to completely do away with the system of tobacco quotas. With the uncertainty surrounding the Federal tobacco program, it is very doubtful that any financial institution would even be willing to lend money to producers to purchasing quota.

My amendment suspends the enforcement of this provision of law for one year, for the 2002 flue-cured tobacco crop. Additionally, it addresses a problem whereby certain local USDA offices are requiring flue-cured tobacco farm combinations to follow the rules governing reconstitutions of production flexibility contract farms rather than the specific rules that control reconstitutions of flue-cured tobacco farms. It also directs the Secretary of Agriculture to study the issue and report back to the Congress within 90 days of enactment of this bill.

Finally, I would note that while flue-cured tobacco is also grown in Georgia, Florida, and Alabama, my amendment, as a result of a particular set of circumstances, will not have any effect on flue-cured tobacco production in those three States nor on any other type of tobacco production. We shall be doing our Carolina and Virginia flue-cured tobacco farmers and quota owners a great service by adopting this amendment in order to give the Secretary time to review the belated, unintended impact of this 1983 legislation and to allow time for a thoughtful, deliberate implementation or consideration of repeal of the provision.

Mr. McCAIN. Mr. President, let me first express my appreciation and respect for the work of the Chairman, Senator HARKIN, and the ranking member, Senator LUGAR, for their dedication to address the challenging issues

facing American farmers. In addition to funding commodity programs, this farm bill addresses the country's trade policy commitments, goals to improve farming practices through conservation measures, establishes energy and forestry initiatives, and reauthorizes food and nutrition programs.

Every few years we debate a new farm policy, attempting to reach that elusive goal of economic sustainability in the agriculture sector. Yet little seems to change from farm bill to farm bill except the title of the bill. We're always taking one step forward and two steps back. Payments are more generous, new subsidies are created, and the Federal Government's role is expanding, not shrinking, hurting small farmers, compromising agricultural exports, and penalizing American consumers and taxpayers.

In 1996, we passed a farm bill that was intended to implement a more market-oriented farm policy and wean farmers off government assistance. Instead, five years later, farm subsidies have ballooned by 400 percent. In the year 2000 alone, farm subsidies reached a record level of \$22 billion.

Just a few days ago, the Senate approved an amendment to implement a stricter limit on payments to farmers. While certainly laudable, I was disappointed that this amendment does not save the taxpayers any money—the savings are simply redistributed to other federal programs.

Even with this change, it's quite obvious that farm spending is still undeniably generous, with an additional \$73.4 billion dedicated to commodity and other farm programs over the next ten years, which is new spending over and above the CBO baseline. Although the Senate bill includes a five-year authorization, and the House bill proposes ten years, both bills propose to spend, in one way or another, the full \$73.5 billion in additional spending included in last year's budget resolution. That means, irregardless of a five-year or ten-year bill, the budget commitment for taxpayers could still tab up to \$170 billion in total to pay for current programs and cover the costs for new ones proposed in this farm bill.

That is an enormous federal commitment. Just this past December, the Administration proposed to spend \$26 billion for its new education bill, a relatively meager amount to be spent on school programs in comparison to farm programs. What is more incredible is that we are asking American taxpayers to foot this \$170 billion bill when other compelling priorities remain backlogged or unfunded.

For example:

Indian schools on Native American reservations, suffering from the worst dilapidated school conditions in the country, need \$1.2 billion to fix the deferred maintenance backlog at 185 schools.

The Individuals with Disabilities Education Act, which has never been fully funded, would require \$10 billion.

And, about \$5–6 million a year for Special Subsistence Allowance payments to military households would help get service members off food stamps.

Unfortunately, these will remain low priorities and underfunded as long as farm spending increasingly consumes the federal treasury.

Yesterday, the Senate also voted to suspend budget rules to include an additional \$2.4 billion in crop and livestock disaster assistance for 2001 crops in this farm bill. This \$2.4 billion is, of course, not subject to budget limitations. This is spending in addition to the \$5.5 billion already allocated by the Congress for 2001 crops and \$33 billion in ad-hoc or emergency farm assistance provided over the last four years. So, that makes a grand total of \$35.4 billion in additional farm spending over and above the \$70 billion authorized in the 1996 farm bill.

Where's the reform? Where does this unlimited spending end?

Unfortunately, at the end of the debate, special interests win once again. Let's take a look at the grab-bag for special interests in this farm bill:

This bill restores counter-cyclical target price payments that were eliminated in the 1996 farm bill, potentially spending up to \$70 billion for commodity programs for the life of this bill.

A new direct payment program is created for dairy farmers at a cost of \$2 billion over a 3–4 year period, with one-quarter of these funds earmarked to the northeast States.

Establishment of a new peanut direct payment program, costing \$2.6 billion over 5 years.

Honey, and wool and mohair subsidy programs are reinstated, programs which were either phased out or eliminated in the 1996 farm bill.

Higher loan rates are provided for specific crops such as wheat, corn, cotton, and others.

The Federal sugar subsidy program receives additional props in this bill, not only penalizing consumers with artificially high sugar prices but costing taxpayers \$254 million to support the program.

New authorization for payments and loans available to producers of dry peas, lentils, and large and small chickpeas.

Addition of new benefits for soybeans and minor oilseeds farmers.

Mandatory country-of-origin labeling requirements for wild fish—a provision that has not been debated or reviewed, but simply included in the manager's package.

\$100 million in emergency assistance for apple producers.

Farm spending has gone unchecked for decades. Only until the GAO and other independent taxpayer groups singled out the disparity of farm payments has some light been shed on this unlimited spending.

The GAO's report, which highlighted the egregious disparity in farm benefits, demonstrated that over 80 percent

of farm payments have been distributed to large and medium sized farms, leaving small farmers in the cold.

Even with changes in this bill for payment limitations, there simply is nothing to prevent farm groups from seeking future disaster relief and emergency spending when their commodity payments are limited as proposed in this Senate bill. It would be nothing short of miraculous if this payment limitation provision survived conference negotiations given the expected resistance from entrenched farm interests. The bottom line is that taxpayers face the threat of a return to basic status quo farm policy, lavishing government payouts to large farming operations and conglomerates.

We had an opportunity to implement a real reform proposal, as presented by my distinguished colleague, Senator LUGAR, and I applaud him for his efforts. Senator LUGAR fought a brave fight to force the Senate to debate a more sensible reform of farm policies, fighting against a tide of pressure from his colleagues, the distinguished chairman, and many agriculture groups.

He offered a proposal to substantially reduce federal farm payments and focus assistance on a needs-based approach. He boldly proposed to phase out cherished sugar, peanuts and dairy subsidies. He also suggested that federal assistance is more appropriately focused to those farmers that genuinely need assistance. Sadly, his proposal will never see the light of day beyond this chamber because too many are willing to adhere to the status quo rather than accept progressive policies.

This bill is a great disappointment.

While not all of my colleagues are equally budget conscious when passing such comprehensive legislation, more than a few should be concerned about how this bill could potentially impact U.S. trade commitments.

Today, agricultural exports account for approximately one-fourth of U.S. farm income. Because of this, removing trader barriers to U.S. agricultural goods is more important now than ever. But as we travel around the world, championing the cause of free trade, we must practice what we preach. We cannot possibly expect foreign governments to reduce barriers to entry for U.S. agricultural products, while the United States Congress continues to build up greater barriers domestically, to reduce competition from foreign products.

I am a supporter of free trade. I want American farmers to be able to sell their goods around the world. This bill continues protectionist policies that raise barriers to foreign goods. These efforts will jeopardize the ability of America's farmers to continue to export goods abroad and profit from expanded exports. Passage of this legislation could very well lead to violations of international trade rules and will no doubt complicate the position of the United States in future trade negotiations.

For example, a current one-year ban on catfish imports in effect right now because of a last-minute rider to the agriculture appropriations bill we passed last year. I opposed this ban, but, unfortunately, special interests have also secured a ten-year ban on catfish imports in the House farm bill.

Also included in the managers' package of amendments is a provision that requires country of origin labeling for "wild fish." Not many of my colleagues realize how difficult this provision will be to implement because so many different fish from different sources are often processed within the same fish processing plant. Fish processors will have to completely change the way they operate their business in order to comply with this protectionist measure. Other such trade distorting programs such as dairy and sugar price support programs remain a constant in farm bills.

Farm policy is among the most volatile and complicated matters we deal with in the Congress. But what seems clear to me is that the farm economy seems unable to operate unless the Congress infuses billions of dollars in the form of direct federal payments, mandates government fixed prices, and imposes distorted quotas.

We continue to spend and spend on farm subsidies, despite the projections from CBO, which indicate that if current tax and spending policies remain in place, the total unified budget will show a deficit of \$21 billion in 2002 and \$14 billion in 2003, and net surpluses every year thereafter through 2012.

According to CBO, the on-budget accounts are projected to post deficits of \$181 billion in 2002, \$193 billion in 2003, and declining amounts through 2009. On-budget surpluses do not appear again until 2010. And, let's face it, medium- and long-term budget projections are worth little more than the paper they're printed on.

At this time of economic uncertainty, this farm bill is an appalling breach of our federal spending responsibility and our national integrity, while continuing the heavy burden long placed on taxpayers.

I regret that I cannot support this bill. I realize that many agricultural producers in Arizona have relied on some of these farm subsidies and other agriculture programs, particularly from rural development initiatives. Unfortunately, this farm bill, like most other farm bills in years past, tilts benefits toward the bigger farm producing States while Arizona, like many other States, will lose out over the long term.

Sadly this bill fails by all accounts to provide a sound and defensible national farm policy.

Mr. CORZINE. Mr. President, I oppose this legislation, and I wanted to take a few moments of my colleagues' time to explain why.

Let me begin by commending the distinguished chairman of the Agriculture Committee, Senator HARKIN, for his

outstanding leadership on agricultural issues and his strong commitment to farmers. There is no more passionate advocate on these issues in the Senate.

Let me also say that I grew up on a farm—a 120 acre family farm. I understand what it means to wake up early and put in the long, hard hours that go along with family farming. I have tremendous respect for the men and women who put food on our nation's table. And I represent a state, the Garden State, with an important agricultural history, although one less dominant today.

But, in my view, the legislation before us is the wrong way to support America's farmers. It perpetuates an outdated system of subsidies that distorts the market, unfairly benefits a limited number of producers, and, most importantly, imposes excessive costs on all consumers. It distributes these subsidies in a manner that leaves farmers in states like New Jersey with little assistance. And, while this bill does more than other farm bills in recent history, it will use Social Security surpluses for unrelated spending, just when we should be saving to prepare for the baby boomers' retirement.

If we were starting from scratch, no rational person would design the system of agricultural policies that we now have in place, a system begun during the Great Depression. This system provides that most of the federal assistance goes to four crops: wheat, corn, cotton and rice.

If we were starting from scratch, the first question would be: why? What is it about wheat, for example, that justifies giving its producers large subsidies?

The answer is that there is little reason. We have done it in the past. But there is no good reason to give wheat, or any of the other program crops, special treatment that is not provided to other producers.

When Government chooses arbitrarily to favor some products with subsidies, it creates distortions in the market. Farmers might ordinarily be inclined to grow vegetables, soybeans, apples, or other fruits. That may be what consumers want and might make sense economically. But if those fruits do not enjoy government subsidies, many farmers will choose instead to plant more wheat. That reduces the supply of fruit, which raises its price. At the same time, it increases the supply of wheat, which lowers its price.

Under the farm program, moreover, a reduction in the price of wheat then triggers even more Government subsidies. In other words, Government subsidies lead to more government subsidies, as the market gets increasingly distorted. The end result is often higher prices for consumers and, eventually, higher taxes for everybody.

Let me focus on this last point. This bill calls for a dramatic increase in overall spending on agriculture: as reported by committee, a total of \$73 billion over baseline levels in the next

decade. Note that baseline levels already incorporate the effects of inflation. So a \$73 billion increase is a huge amount of money. And the fact is, we cannot afford it.

In large measure because of the tax cuts enacted last year, we already are looking at deficits for years to come. President Bush's budget calls for raiding Social Security surpluses of \$1.5 trillion over the next 10 years. And I am afraid that this bill will mean that Social Security surpluses are diverted to pay for farm subsidies. That, in my view, is wrong.

Our Nation faces a huge demographic bubble, as the baby boom generation moves toward retirement. We simply must save more to prepare for that. This is the wrong time to be calling for huge increases in agriculture subsidies.

I also would point out that this bill, like the existing system of farm subsidies, is fundamentally unfair to my State of New Jersey. The overwhelming bulk of the subsidies in this bill will go for commodities that, by and large, are not produced in the Garden State.

In New Jersey, our farmers grow large amounts of specialty crops, such as blueberries, eggplant and asparagus. In fact, New Jersey ranks second in the nation for blueberry production, and fourth in the nation for eggplant and asparagus production. Yet, though New Jersey's farmers meet much of the nation's needs for these crops, none of our blueberry, eggplant or asparagus farmers receive support under the existing commodity programs. That is one reason, Mr. President, that New Jersey got less than one-twentieth of one percent of the total commodity assistance provided by the Federal Government in fiscal year 2001. Less than one-twentieth of one percent!

The people of my State get one of the worst returns on their tax dollar of any State in the nation. This Congress can be generous when it comes to rural areas in other parts of the country. But our State has very different needs. And, when it comes to supporting urban areas, like Newark, Camden or Trenton, we tend to come up short. Yes, HUD helps some. Yes, there are some subsidies for transit. But, overall, the Federal government is not treating my State equitably. We are continuously the 49th of the 50 States in our return on the Federal dollar. That bothers a lot of New Jerseyans. And it bothers me.

Having said that, I recognize that if you simply compare this bill to existing law, there are a few provisions that represent improvements. I do support most of the conservation and nutrition provisions. And I acknowledge the hard work of Senators LEAHY and TORRICELLI in pushing for more fairness for specialty crops.

Yet at the end of the day, the existing system of farm subsidies essentially remains intact in this bill, and the subsidies for favored crops are only increased. That means we will continue

to subsidize a limited number of producers. We will continue to distort the market. We will continue to impose higher costs on consumers and taxpayers. We will continue to invade the Social Security Trust Fund. And we will continue to treat my State of New Jersey unfairly.

For these reasons, I cannot in good conscience support this legislation. And I hope that, in time, we can revisit a failed farm policy and achieve real, needed reform.

Mr. NELSON of Nebraska. Mr. President, I rise today to commend my colleagues and the Senate leadership for bringing this legislation, the new federal farm bill, to the floor so early in the year. I think the priority this bill received on the calendar reflects its priority to the Nation, our economy, and especially our rural and agricultural regions.

In my home state of Nebraska, 55,000 families earn their living on the farm. In total, one in four jobs in Nebraska is connected to agriculture. To say the farm bill and Federal farm programs are important to my state is an understatement.

Which is why I was part of a group of sensible, concerned Senators that pushed this body to consider, and pass, a new farm bill last year. We knew that we had to act fast to remedy the problems associated with Freedom to Farm. I know first hand, serving as governor of a rural state during the implementation of that program, that it was a failure and needed to be fixed.

We wanted to get it done last year for two reasons. First, we wanted to give farmers and their lenders as much time as possible to plan for a new federal program. Second, time was running short on the Federal budget clock and in order to maintain an acceptable level of funding for the farm bill, we needed get it done before the budget authority expired for \$73.5 billion in new farm bill funds we had secured.

But, that didn't happen. We had an administration that thought we should wait, and a merry band of Senators agreed. So, for reasons still unclear to me, the farm bill was defeated last year, and the only people who suffered were the farmers all across the country who depend on these programs to thrive.

Now, we are here on the precipice of progress. We have addressed the concerns that were raised last year and we may actually pass a new farm bill this week. I must say it's been an interesting process. As the debate on the farm bill was underway last December, simultaneous debates on how best to boost the nation's economy out of a recession were being conducted.

I was part of the economic stimulus discussions, and a part of the farm bill proceedings in the Agriculture Committee. I couldn't help but notice the parallel goals of both bills: to stimulate the economy and to stimulate the agriculture economy.

An argument might be made that the best economic boost for my state, Ne-

braska, is something to generate activity in the agriculture economic sector. Anything that improves the agricultural economy stirs the overall economy in my state. That is why I am here now. I am here to say that this farm bill represents the best economic hope for rural, agriculture-based, states like Nebraska.

Commodity prices for crops remain at historic lows for the fourth straight year. Livestock producers—the largest sector of agriculture in my State—are facing costly new environmental regulations with frightfully few federal resources to help share the burden.

This farm bill addresses these concerns and will have a positive impact on the rural economy. This farm bill is the right thing to do, even if it's a few weeks late.

We have made great strides with this bill. I am proud to say we have nearly doubled conservation spending—encouraging agriculture to improve resource management and for the first time providing incentives for conservation on land in production.

This farm bill promotes trade, promotes conservation and competition. It breathes new life into our commodity programs.

For example, it reauthorizes the programs for sugar beet growers, which are so critical to the 550 sugar beet families in western Nebraska. It also provides nutrition programs for hungry children and adults, supports our international food donation and trade efforts, and protects millions of acres of environmentally sensitive land, among other important priorities.

The farm bill before us makes a real commitment—both in programs and funding—to rural development. This farm bill removes barriers to the school lunch program for military families by eliminating an accounting glitch that uses their housing allowance to prohibit their participation.

I am pleased that despite the obstacles laid down before us, the Senate is about to do the right thing and pass this needed and important legislation. I urge my colleagues to support the people who feed our nation and the nations around the world, our farmers and ranchers, by supporting the new farm bill.

Mr. WELLSTONE. Mr. President, today I opposed the sense-of-the-Senate amendment offered by the Senator from Arizona. Senator KYL's amendment called for the removal of the sunset date for the estate tax changes made in last year's tax cut package. I opposed it because the proposal was both unfair and unaffordable.

The Senator's proposal was unfair because only a tiny number of Americans pay the estate tax under current law. In fact, in 1999 only 636 Minnesotans paid any estate tax whatsoever. This is simply not a burden that falls on many families. That does not mean that I don't support raising the estate tax exemption to a higher level to shield smaller estates—particularly the few

small business owners and farmers who end up being affected by the tax. I would support raising the exemption immediately to \$4-5 million, with perhaps higher exemptions for small businesses and farms.

The current law, as amended last summer, provides for much slower and uneven estate tax relief. It has made the estate tax process much more complicated—not less. And when full repeal phases in in 2010, it will shield the wealthiest estates in America—worth hundreds of millions and even billions of dollars—from any tax liability. That's what the Kyl amendment proposed we make permanent and I think it would be terrible policy.

And it is made all the more terrible because it is so expensive. The Kyl proposal would cost \$104 billion over the next 10 years—literally to protect a few thousand ultra-wealthy families. Even worse, from 2013-2022 it would cost other taxpayers over \$800 billion to provide this “relief.” Most of this cost would be financed out of the Social Security surplus and at precisely the moment that the baby boomers start to retire in large numbers.

I will not jeopardize Social Security—which tens of millions of Americans rely upon for their retirement—to grant tax breaks to the heirs of multimillionaires and billionaires. For that reason I opposed the amendment.

Mr. SARBANES. Mr. President, I rise today in support of S. 1731, the 2002 farm bill. This legislation makes much needed changes to the failed farm policies adopted under the 1996 Freedom to Farm Act and charts a course that promises a better future for all of America's family farmers.

The 2002 farm bill takes significant steps in ensuring that the family farmers throughout my State and across the Nation are able to carry on in the face of a rural economy that has continued to lag behind the general economy for two decades. Over the past several years, the Congress has repeatedly had to intervene with a series of ad hoc disaster relief measures in an attempt to remedy the failed farm policy instituted under the so-called “Freedom to Farm Act.” The 2002 farm bill takes significant steps toward ensuring that Federal support is provided to those farmers who are most in need. The legislation seeks to reform the farm system by reinstituting an income safety net to provide more support in difficult years and less during good years. It contains provisions to help ensure that commodity payments that individual farmers can receive reach those who need them most: our small and medium sized farmers.

Agriculture plays a vital role in Maryland. It remains the State's largest commercial industry, providing over \$17.5 billion in annual revenue. In all, agriculture and related industry employs about 350,000 residents, including those who own and operate Maryland's 12,400 farms. And 2.1 million acres, or 33 percent of the total area of

my State, is used for farming. This represents the largest single land use in Maryland.

The commodity title of the farm bill contains a number of provisions that are of particular importance to Maryland's agricultural economy. I would like to just touch upon two, those concerning our dairy producers and our specialty crop farmers.

First, our Nation's dairy policy has been amended to reflect the unique needs of dairy farmers in the Northeast, including Maryland. The 1997 Census of Maryland Agriculture indicates that there are 1,091 dairy farms in the State, a number that is about 600 below 1987, and one which I fear will be significantly lower upon the completion of this year's census. If these small dairy farmers are to succeed, it is essential that they be able to compete on a level playing field. This legislation creates a new counter-cyclical payment system for northeastern states when minimum fluid prices fall below \$16.94 per hundredweight.

The farm bill also includes provisions that address the needs of specialty crop producers, crops such as fruits and vegetables that do not benefit from traditional commodity support programs, which are making up an increasingly important part of Maryland's agricultural economy. The legislation includes several provisions concerning specialty crops, including a provision authorizing funds from USDA's Commodity Credit Corporation to be used to purchase these specialty crops over the next 5 years. Further, using savings incurred as a part of the payment limitations amendment, USDA's Risk Management Agency has been directed to develop cost-of-production insurance for a variety of specialty crops to cover documented costs of production in the event of low prices.

The farm bill also includes a significant increase in funding for vital conservation programs, devoting over \$21 billion in new spending to conservation efforts over the next 10 years. This figure is double the current baseline spending and marks the largest increase in conservation spending ever in a farm bill. These additional funds mean increased funding for programs of great interest to the State of Maryland, including: wetland restoration, wildlife habitat incentive programs, and above all farmland and grassland protection, critical to helping farmers resist the pressures of sprawl.

The legislation authorizes two new programs targeted specifically at restoring the health of the Chesapeake Bay. First, it authorizes a \$70 million nutrient reduction pilot program to encourage the development of innovative solutions to the nutrient pollution problem in the Chesapeake Bay.

Nutrient over-enrichment from agricultural operations and other non-point sources is one of the most serious problems facing the Chesapeake Bay. In 1987, the Chesapeake Bay Program

established a goal of a 40 percent reduction of controllable loads of nitrogen and phosphorus entering the bay by 2000—a goal that was unprecedented in this country. Over the past 15 years, farmers in the six-state Bay watershed, with assistance from the Conservation Reserve Enhancement Program or so-called CREP and other USDA conservation programs, have made substantial progress in reducing nutrient inputs. From 1985 to 2000, total nitrogen loads to the bay were reduced by 51 million pounds, with the largest percentage of this reduction coming from agriculture. Unfortunately, we continue to fall short of the nitrogen goal. If we are to remove nutrient impairments to the bay, additional reductions from agricultural sources must be made and that will only be accomplished with new and innovative programs.

A recent summit of leading agricultural and marine scientists from across the Nation convened in Maryland concluded that the most effective means to reducing nitrogen losses from agricultural lands is to reduce the over-application of nitrogen that the crops do not use. Because some agricultural crops are relatively inefficient nitrogen users at high yields, the last pound of nitrogen applied to a crop is the least helpful to a farmer's yield, but the most likely to run off into our nation's waters. By providing incentives and financial protections for farmers to accept slightly reduced yields in some years, the Nutrient Reduction Pilot Program will reduce farmers' risks, lower their operational costs, and at the same time substantially decrease nitrogen losses to the environment.

The principal focus of the Nutrient Reduction Pilot Program, as conceived by bay-area scientists and organizations, is to create new incentives for farmers to reduce the application of nitrogen by at least 15 percent below what is normally considered best practice and to provide financial protection in the event of reduced yields. The way the program is envisioned, farmers in an area would bid in and say how much money they would demand for each pound of nitrogen reduced so long as the 15 percent threshold is met. Farmers do not have to agree to farm in any particular way; the only question is have they reduced their nitrogen applications at least 15 percent below recommended levels. The program allows for flexibility in achieving nutrient retention targets through such methods as cover crops, constructed wetlands, stream buffers, and switch grass. The program would be monitored based on actual performance by comparing how much nitrogen is applied to how much is removed in crops. It would also provide rewards based on each increment of superior performance. The program goal is to increase enrollment annually and have one million acres of cropland enrolled in year four. Five to 10 percent of the funding will be used to support promotion and education as well as monitoring and evaluation of program impacts.

I anticipate that in implementing this program, the Department of Agriculture will work with States and the private sector to create the mechanisms to carry out this provision. Specifically, I would anticipate that the Department would work to achieve the following in implementing the program: Target investments in nutrient reductions where they are most cost effective through competitive selection processes and through a bidding process to establish incentive rates; reward producers for each incremental level of nutrient reduction and possibly increasing incentive rates for each incremental level; test a variety of reduction techniques including both decreasing nitrogen inputs by at least 15 percent below land grant university recommended rates and increasing nitrogen removal from agricultural runoff; encourage alternative land use practices that reduce nutrient runoff while still producing income; and develop a complementary nutrient insurance program to provide financial protection to farmers who experience reduced yields due to reductions in nutrient applications.

This is a very important provision that will use market incentives to reduce nitrogen discharge into our Nation's largest estuary. This pilot program is a cutting-edge approach that allows watershed scale testing of a new practice that could provide major reductions in nutrient pollution throughout the Chesapeake Bay watershed while maintaining or enhancing farm viability.

Second, the managers' amendment authorizes the Chesapeake Bay Watershed Forestry Program. Forest loss and fragmentation are occurring rapidly in the Chesapeake Bay region and are among the most important issues facing the Bay and forest management today. According to the National Resources Inventory, the States closest to the Bay lost 350,000 acres of forest between 1987–1997 or almost 100 acres per day. More and more rural areas are being converted to suburban developments resulting in smaller contiguous forest tracts. These trends are leading to a regional forest land base that is more vulnerable to conversion, less likely to be economically viable in the future, and is losing its capacity to protect watershed health and other ecological benefits, such as controlling storm water runoff, erosion and air pollution—all critical to the bay clean-up effort.

Since 1990, the U.S. Forest Service has been an important part of the Chesapeake Bay Program. Administered through the Northeastern Area, State and Private Forestry, this program has worked closely with Federal, State and local partners in the six-State Chesapeake Bay region to demonstrate how forest protection, restoration and stewardship activities, can contribute to achieving the bay restoration goals. Over the past 11 years, it has provided modest levels of

technical and financial assistance, averaging approximately \$300,000 a year, to develop collaborative watershed projects that address watershed forest conservation, restoration and stewardship. With the signing of the Chesapeake 2000 Agreement, the role of the USDA Forest Service has become more important than ever. Among other provisions, this agreement requires the signatories to conserve existing forests along all streams and shoreline; promote the expansion and connection of contiguous forests; assess the bay's forest lands; and provide technical and financial assistance to local governments to plan for or revise plans, ordinances and subdivision regulations to provide for the conservation and sustainable use of the forest and agricultural lands. To address these goals, the U.S. Forest Service must have additional resources and authority, and that is what this provision seeks to provide.

Specifically, the provision codifies the roles and responsibilities of the USDA Forest Service to the bay restoration effort. It strengthens existing coordination, technical assistance, forest resource assessment, and planning efforts. It authorizes a small grants program to support local agencies, watershed associations and citizen groups in conducting on-the-ground conservation projects. It also establishes a regional applied urban forestry research and training program to enhance urban forests in the watershed. Finally it authorizes \$3.5 million for each of fiscal years 2003 through 2006—a modest increase in view of the six-State, 64,000 square mile watershed.

The 2002 farm bill, also authorizes a number of critical programs which will be of great benefit to the people of my State and all Americans. The legislation includes provisions to address the development needs of America's rural communities, including infrastructure funds for businesses and communities to promote genuine revitalization. It doubles the amount proposed by the administration for nutrition programs, in an effort to ensure that no Americans go to bed hungry.

Finally, I am pleased that the legislation strikes an ill-conceived provision proposed by the U.S. Department of Agriculture to dispose of land at the Beltsville Agricultural Research Center. As you know, Beltsville Agricultural Research Center is the Nation's premier agricultural research facility. The research undertaken at Beltsville has helped ensure the eradication of certain plant and animal diseases and the production of high-quality agricultural products so that our farmers and agribusinesses can compete in the global marketplace. And the work at Beltsville has led to products and production methods that are safer for both consumers and the environment. Parceling out this property would most certainly be a step in the wrong direction. Beltsville Agricultural Research Center is a national asset which has

served as a much needed buffer in the midst of an otherwise highly developed area. In my view, the Federal Government would not realize proceeds from the sale of this property sufficient to compensate for Beltsville Agricultural Research Center's great value to the Department of Agriculture and to the American public. This sale would be extremely short sighted and ultimately regretted.

In closing, I want to congratulate the chairman of the Agriculture Committee, Senator HARKIN, who has done a terrific job in ensuring that this legislation reflects the needs of America's family farmers and our nation's rural communities. And I urge my colleagues to join with me in supporting its passage.

Mr. BROWNBACK. Mr. President, for several months now, the attention of the Senate has been focused on the condition of farming in America. While this is a rite of some regularity every few years when we consider again the many hundreds of Federal programs that affect American agriculture, it is a subject of ongoing interest for those of us whose States rely disproportionately on farming. As Kansas' Secretary of Agriculture I had a unique opportunity to see all aspects of farming in our state and I rise today to briefly discuss the important priorities for Kansas in this farm bill.

Despite my concerns about many other provisions in this farm bill—I am very pleased to see that our carbon sequestration provisions are included. This portion could help build a new market for farmers—one that pays them for how they produce, not just what they produce.

The Wyden-Brownback amendment builds on this promise and expands it to help us explore how carbon trading might work by using our cooperatives.

Carbon sequestration is a largely untapped resource that can buy us the one thing we need most in this debate: time. The Department of Energy estimates that over the next 50 to 100 years, agricultural lands alone could have the potential to remove anywhere from 40 to 80 billion metric tons of carbon from the atmosphere. If we expand this to include forests, the number will be far greater—indicating there is a real difference that could be made by encouraging a carbon sink approach.

Carbon sequestration alone can not solve the climate change dilemma, but as we search for technological advancements that allow us to create energy with less pollution, and as we continue to research the cause and potential effects of climate change, it only makes sense that we enhance a natural process we already know has the benefit of reducing existing concentrations of greenhouse gases—particularly when this process also improves water quality, soil fertility and wildlife habitat. This is a no-regrets policy—much like taking out insurance on your house or car. We should do no less for the protection of the planet.

In addition to this carbon sequestration provision, I am also pleased that we will be able to address another pressing environmental issue facing our country and particularly Kansas. Water, so essential to cultivation, is a top priority for Kansas farmers and I am pleased to say that this Farm Bill can help in this vital area as well.

The Kansas Water Authority has been considering ways to extend the usable life of the Ogallala Aquifer and assure ground water will be available to meet the needs of future generations. The long term sustainability of ground water supplies is a concern of mine and I am pleased with the portion of the farm bill that creates the Southern High Plains Aquifer Groundwater Conservation Program. This legislation takes the necessary first step to protect and conserve this valuable resource. A reliable source of groundwater is essential to the economy of Kansas. There have been dramatic declines in water table levels in the last half of this century. It is projected that if no action is taken the aquifer could in some portions be completely dry in 100 years. Kansas is one of the States where this decline is especially pronounced.

Through this new program in the farm bill, farmers will be given incentive payments for improving irrigation systems, changing from high-water intensity crops to low-water intensity crops, as well as converting from irrigation to dryland farming. Payments will be made as result of a true savings in groundwater resources. I am pleased to have worked with my colleague, Senator JEFF BINGAMAN, in supporting this portion of the farm bill and hope that the rest of our colleagues will see how important this program is to saving the usable life of the Ogallala Aquifer.

The farm bill currently under consideration is not the bill that I would have drafted, independent of the deliberations of this body. However, this effort is an initiative that is desperately needed by America's farm families. I am hopeful that, working with our colleagues in the other body, we will craft a compromise that protects our priorities. We need a farm bill that can provide a safety net for farmers, but that will not create negative incentives to overproduce and depress crop prices. We need a bill that supports expanding trade opportunities and respects our international commitments. We need a bill that will, in the President's words, "offer producers a reliable safety net that protects them from the financial events and circumstances beyond their control, while enabling them to better manage their individual financial situation." I remain very hopeful that we will be able to speed help to American agriculture and remove the cloud of uncertainty that presently shrouds the prairie farms in Kansas and America's agriculture economy generally.

Mr. KYL. Mr. President, today, the Senate voted 98 to 0, recorded vote No.

27, in support of Senate amendment No. 2857 to S. 1731, the Agriculture, Conservation, and Rural Enhancement Act of 2001.

This amendment contained sense-of-the-Senate language that "no Social Security surplus should be used to pay to make [sic] currently scheduled tax cuts permanent or for wasteful spending." I voted aye because I knew that a vote against it would be construed wrongly as a statement in favor of dipping into the Social Security trust fund.

Factual inaccuracies in the amendment deserve to be noted. It states that "permanent extension of the inheritance tax repeal would cost, according to the administration's estimate, approximately \$104 billion over the next 10 years, all of which would further reduce the Social Security surplus."

This statement is factually incorrect. In fact, the confiscatory inheritance—or more accurately, the estate or death tax—will be repealed for 1 year in 2010. In 2011, the death tax is resurrected and at the potency of 2001 rates. I support making permanent the repeal of the death tax. This would in no way endanger the payment of future Social Security benefits.

Over the next 10 years, from 2003 through 2012, the President's budget projects a baseline surplus of \$463 billion. That amount does not include any Social Security funds. A permanent death tax repeal is estimated to reduce Federal revenues by \$104 billion over that time period. The resulting surplus, made up entirely of non-Social Security funds, would be \$359 billion.

To further illustrate the inaccuracy of the contention that permanent repeal would reduce the Social Security surplus by \$104 billion, it is useful to look at the effect of permanence in 2011 and 2012.

In 2011, the Federal Government is projected to generate a \$199 billion surplus—a surplus that does not include any Social Security funds. Permanently repealing the death tax would reduce Federal revenues by \$25 billion in 2011, which is 12.5 percent of the projected surplus for that year.

In 2012, the Federal Government is projected to generate a \$395 billion surplus—a surplus that does not include any Social Security funds. Permanently repealing the death tax would reduce federal revenues by \$61 billion in 2012, which is 15.4 percent of the projected surplus for that year.

The facts are clear. Making the death tax permanent will not deplete the Social Security surplus. Supporters of the continued existence death tax have long underestimated the depth of moral opposition to this "virtue tax" on our American families, small businesses, family farmers, and ranchers. Unfortunately, the death-tax supporters are now resorting to outright misstatements about the ramifications of permanent repeal. They are attempting to convince the country that making the repeal of this tax permanent

will jeopardize our seniors' Social Security benefits. Not true.

That is shameful and false, and a bipartisan majority of the Senate acknowledged so—in approving, right after amendment 2857, my amendment to make repeal of the death tax permanent.

By a vote of 56 to 42, the Senate memorialized its support for the following statement:

"Therefore, it is the Sense of the Senate that the repeal of the estate tax should be made permanent by eliminating the sunset provision's applicability to the estate tax."

Mr. KOHL. Mr. President: I rise today in support of the farm bill and look forward to the House and Senate conferees working quickly to ensure that it is in place for the 2002 crop year. I also rise to explain my opposition to the amendment offered unsuccessfully earlier today by Senator DOMENICI regarding the dairy program included in the Senate version of the farm bill. This amendment would have replaced the dairy program that exists in the farm bill with a program that pays producers regardless of the actual market price of milk. Furthermore, the amendment failed to place a cap on the level of production eligible for a payment.

The Senate version of the farm bill restores a much needed safety-net for farmers and ranchers throughout the country. This bill rewrites the 1996 farm bill which has left farmers vulnerable to the continued downward spiral of prices. Because of the 1996 bill's deficiencies, Congress has had to approve billions of dollars in emergency assistance every year. This is not an effective or responsible or fair way to set the farm policy for our Nation, and I am pleased that the Senate has stepped up to the task of providing needed and honest reform. The Senate bill also provides significant new spending for conservation and nutrition programs. And it targets assistance where it is needed, the small family farm, by limiting Federal payments to \$275,000 a year. All in all, the Senate bill is a comprehensive measure that will help farmers in Wisconsin successfully weather volatile price fluctuations and other risks associated with farming.

Of particular interest to my State is the dairy title of this bill. It is counter-cyclical creating a price safety-net for dairy producers when milk prices fall below the 5-year all-milk price or a \$16.94 class I price. The Domenici amendment would have made payments to producers regardless of market conditions. I cannot support that. We should provide adequate relief to producers when prices decline, not simply pay farmers to over-produce and depress prices.

Another key component of the dairy program currently in the Senate version of the farm bill is the limitations on payments. I worked with Senator DASCHLE and Senator HARKIN to make sure payments under our dairy

program were capped so that benefits would not flow primarily to huge farms. We limit payments to 8 million pounds of production or the amount of milk produced in a year by approximately 400 cows. Given that the average herd size in Wisconsin is 65, I would have preferred a much lower cap. However, the final number was a compromise capable of winning the support of a majority of the States. Unfortunately, the Domenici amendment would undo this fragile coalition by removing any limit on the payment a producer can receive. This uncapping of the benefits would have shifted the level of assistance from the small and medium size producers, who need the help the most, to the larger operators. And while that may be popular out west, where dairy herds routinely run to the thousands, it is unfair to the Midwest and Northeast where smaller family farms predominate.

The dairy program in the Senate bill is not ideal for me nor any other Senator in this body. Yet it represents a significant improvement over previous policies, such as regional price-fixing compacts, and represents a delicate balance between previously warring regions. I am pleased that the Senate rejected the Domenici amendment and agreed to preserve the dairy program we worked out, perhaps the only dairy assistance plan that can garner majority support. Furthermore, I urge the conference committee to consider carefully the enormous effort behind and enormous fragility of the dairy section of this bill. I plead with the committee not to return to the days of bitter regional wars over compacts and other special dairy deals. Let this farm bill be remembered as the legislation that marked the beginning of national and fair dairy policy in this country.

Mrs. LINCOLN. Mr. President, it is with great regret that I vote against the farm bill today. As a member of the Agriculture Committee, I have worked extensively on this bill at the committee level and on the floor. I appreciate Chairman HARKIN and his staff, who have been tireless in their efforts to work with me on behalf of Arkansas farmers. The bill we passed out of the Agriculture Committee was a strong bill that was carefully balanced to represent both the diversity of our various regions and the different elements of our rural economy. But passage of the Dorgan-Grassley amendment on payment limitations last week as well as prohibition on packer ownership of livestock make it untenable for me to support this bill.

I won't go into great detail on the effect of the Dorgan-Grassley payment limitations on Arkansas farmers. Instead, I refer my colleagues to the February 7th CONGRESSIONAL RECORD and the extensive remarks I made during debate on the amendment. In addition, I would like to submit for the RECORD an article from today's Arkansas Democrat-Gazette, which outlines the effect this amendment will have on Ar-

kansas farmers. This article refers to a Congressional Research Service study which finds that a single farmer growing rice will hit his limit at only 487 acres. As I told my colleagues during debate on the Dorgan-Grassley amendment, many farmers in Arkansas have had to extend their farms to over one thousand acres in order to break even because their input costs are so high.

Last week, I cautioned my colleagues that the information they had seen in the press and on websites about plutocrats getting rich off farms payments was misleading. I said that the Environmental Working Group, which was lobbying heavily in favor of payment limitations, did not represent the family farmer. Now it seems that at least one editorial writer agrees with me. I quote from the February 11th Washington Times: "Make no mistake. The agenda of the Environmental Working Group and its financial backers is not simply to eliminate unfair public subsidies to agribusiness, but to cripple agribusiness altogether. . ."

Freedom to Farm demanded that farmers engage the volatile and subsidized global marketplace and learn how to become more competitive. Now, with passage of these terribly unfair provisions, the Senate would attempt to penalize America's farmers and ranchers for taking the very measures they need to complete in that same global marketplace.

Although I sadly vote against the farm bill today, I look forward to working with Chairman HARKIN and members of the conference committee to modify this version of the farm bill so that I might support a more balanced and fair farm bill conference report.

Mr. President, I ask unanimous consent that the editorials to which I referred be printed in the RECORD.

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

[From the Washington Times, Feb. 11, 2001]

BEHIND THE GREEN CURTAIN

(By Michelle Malkin)

Among the political chattering classes, there's a big buzz over a tiny activist organization called the Environmental Working Group.

Both liberals and conservatives, including the left-leaning New York Times editorial page and the right-leaning Wall Street Journal editorial page, have praised the group's farm subsidy database. The National Journal notes that the research vaulted the group "into the big leagues and, according to many observers, profoundly shaped the congressional debate over pending farm legislation." Hundreds of stories from The Washington Post on down have cited the group's findings over the past month.

Posted on the Internet, the Environmental Working Group database documents \$71 billion in federal agricultural handouts from 1996-2000. Some of the money has gone to truly undeserving and ridiculous recipients, including prosperous companies, members of Congress, and part-time celebrity "farmers" such as professional basketball star Scottie Pippen, banking giant David Rockefeller, media mogul Ted Turner and ABC news personality Sam Donaldson.

As a longtime critic of government pork, I agree that the group's database is a commendable public service. But conservative opponents of farm subsidies should perhaps be a little warier of jumping into bed with these radical greens. The Environmental Working Group is not just a humble "non-profit research outfit," as it is being described by the mainstream press. It is a savvy political animal funded by deep-pocketed foundations with a big-government agenda of their own. And it is engaged in aggressive eco-lobbying that belies its image as an innocuous public charity dedicated to "education" citizens.

The Environmental Working Group's main claim to fame is its anti-chemical fear-mongering. It scares pregnant women about the nondangers of chlorinated water and says even one bite of some fruit sprayed with pesticides could cause "dizziness, nausea and blurred vision." The group has also declared war on nail polish, hairspray, playgrounds, portable classrooms and ABC News correspondent John Stossel.

The Environmental Working Group, a non-profit, 501(c)(3) charity, thrives on funding from an array of extremely liberal foundations. One of its leading benefactors was the W. Alton Jones Foundation—which failed miserably a few years ago in its widely publicized attempt to scare people out of using plastic sandwich bags by claiming they contained endocrine-disrupting chemicals. The group continues to tout the foundation's efforts and plug its alarmist junk science book, "Our Stolen Future," on the group's Web site.

In 2000, the Environment Working Group received a \$1.62 million grant over three years from The Joyce Foundation. On its Web site, the eco-advocacy foundation describes the grant's purpose in a political terms as supporting "a concentrated program of agriculture policy reform." But in the foundation's tax filings, the purpose of the Environmental Working Group grant is stated in more explicit detail: "For work on 2002 Farm Bill."

Under federal tax laws, public charities can engage in limited political activities—but the Environmental Working Group's zealous legislative lobbying raises questions about its status as a public charity. In a complaint to be filed this Friday with IRS Commissioner Charles Rossotti, the Bellevue, Wash.-based Center for the Defense of Free Enterprise charges that the Environmental Working Group's "excessive lobbying and politicking" activities are "clearly illegal and should (at a minimum) result in revocation of the organization's tax-exempt status."

The complaint charges that the group hid its lobbying political expenditures, failed to register as a lobbyist in California, submitted false or misleading reports with the IRS, and acted as a political action organization in violation of 501(c)(3) rules. Ron Arnold, executive vice president of the Center for the Defense of Free Enterprise, warns: "The Environmental Working Group is not what it seems. Its goal is not protecting the environment. Its goal is power—political power."

Make no mistake. The agenda of the Environmental Working Group and its financial backers is not simply to eliminate unfair public subsidies to agribusiness, but to cripple agribusiness altogether in favor of "organic" alternatives, increased regulation of manufacturers and tax-supported environmental conservation programs.

Sometimes the enemies of enemies don't always make the best of friends.

[From the Arkansas Democrat-Gazette, Feb. 13, 2001]

SUBSIDY CUTS TO WOUND RICE, COTTON FARMS
(By Kevin Freking)

WASHINGTON.—A report from the Congressional Research Service confirms that the lower federal subsidy limits approved by the Senate last week would be felt mostly by the nation's rice and cotton farmers. That means Arkansas, the nation's largest rice producer, would be hit particularly hard.

The nonpartisan agency projected the acreage that subsidy recipients could farm before they reach the proposed \$275,000 limit. The limit for rice farms would be reached at 731 acres; the limit for cotton farms, at 1,321 acres.

"For cotton and rice, those are not large farms," said Andy Miller, assistant director of governmental affairs for the Arkansas Farm Bureau. "We have many folks with farms larger than that."

How many? It's hard to say at this point, but the number will reach into the thousands, agriculture experts say.

The average farm in Arkansas is slightly more than 300 acres, but most rice and cotton farms are far larger. Census statistics from 1997 show that nearly 1,000 rice farms in Arkansas covered at least 500 acres. And about 500 cotton farms covered 1,000 acres or more.

But even those numbers are conservative, experts said. Arkansas has experienced continued consolidation of farms in the past five years; there are fewer small farms, but the number of large farms has grown.

Also, Arkansas farmers who are not married will be ineligible for a spouse allowance. Their limit would be \$225,000 in subsidies, so they could plant even fewer acres. For example, a rice farmer who does qualify for the allowance would hit his limit at only 487 acres, according to the Congressional Research Service.

The limit is part of the farm bill the Senate continued to debate Tuesday. It was supported by many rural lawmakers from the Midwest, and the report shows that farmers in that region will not be affected by a \$275,000 limit. For example, a wheat farm will cover nearly 6,000 acres before it reaches the maximum subsidy payment.

The House has already passed its version of the bill, which will set the nation's farm policy for the next five to 10 years. Its bill set a \$550,000 limit on subsidies, up from \$460,000 under current law.

HOUSE, SENATE VERSIONS

The Senate could bring its bill to a final vote as early as today. If the bill passes as expected, it will be sent to a conference committee in which negotiators would work out the differences between the House and the Senate versions of the bill.

Miller said the Arkansas Farm Bureau has little choice but to oppose the bill before the Senate. "What we're hoping for at this point, if it does come out of the Senate with all these onerous measures for Southern agriculture, that some of this can be worked on in the conference committee," Miller said.

Congressional staff members said it was unclear whether any Arkansans would be named to the committee. The state has two senators, Republican Tim Hutchinson and Democrat Blanche Lincoln, and two congressmen, Democrats Marion Berry and Mike Ross, on agriculture committees.

One rumor expanded upon in a Wall Street Journal editorial Tuesday is that a trade is in the offing. Three senators from the Northeast—Jim Jeffords and Pat Leahy of Vermont, and Jack Reed of Rhode Island—voted against the \$275,000 limit when most observers expected them to vote for it.

Leahy and Reed are Democrats; Jeffords is the independent whose switch from the Republican Party put the Democrats in control of the Senate.

Leahy, almost sure to be named to the conference committee, could back a higher subsidy cap in exchange for Southern support for the resurrection of a dairy compact that guarantees New England dairy farmers a higher price for their products.

"Nobody will be surprised if [Republican Sen. Thad] Cochran [of Mississippi] suddenly likes the idea of a milk compact. So New Englanders will vote to subsidize rich farmers in Mississippi in return for Southerners voting to soak milk drinkers everywhere," the Journal said.

LIVESTOCK OWNERSHIP

One of the Senate farm-bill votes Tuesday kept a ban on meatpacker ownership of livestock. That's an important issue to Tyson Foods Inc. Tyson recently bought IBP to make the Springdale-based company the largest meat producer in the world.

A bid to kill the ban, backed by both Hutchinson and Lincoln, failed 53-46. IDP officials released a written statement expressing disappointment with the vote.

"IBP depends upon independent livestock operations of all sizes to supply our plants," company officials said in a press release. "While we have no interest in becoming a big player in the livestock feeding business, we believe more government regulation, such as those in the proposed ban, will produce unintended consequences and be detrimental to the livestock industry."

The bill would ban packing companies from owning or having control of cattle, hogs or sheep within two weeks of their slaughter.

The provision is wildly popular in the Midwest, where livestock producers fear they are losing their independence and market power as packing houses gain control over livestock production, much as they have already done with the growing of chickens. Poultry was exempt from the Senate legislation.

IBP officials said that without some degree of packer participation in livestock production, some plants may have to close.

The provision is not part of the House-passed farm bill and so would present another issue for the conference committee to settle.

An amendment offered Monday by Hutchinson and Lincoln will not make it to the floor. A Hutchinson spokesman said managers of the bill declined to offer an amendment that deals with double-crested cormorants.

The large, fish-eating birds are causing havoc for many fish farmers in Arkansas. The senators proposed to let farmers apply to the Agriculture Department for permits to rid their farms of the birds. Now those permits must continue to come from the Fish and Wildlife Service.

The Senate voted to add \$2.4 billion in disaster assistance to compensate farmers in Montana and other states who lost crops to drought last year. The Bush administration has already said the bill costs too much, but the disaster aid was approved 69-30.

Mr. EDWARDS. Mr. President, I rise today to offer my support for final passage of the farm bill. I want to thank Chairman HARKIN for his hard work and strong leadership in getting this bill through the Senate.

Not a day goes by that a North Carolina farmer doesn't call my office and tell me that he or she can't get credit with a local bank and can't make planting decisions. And you can't really fault the banks; they are reluctant

to make decisions while some here try to play partisan games with farm programs. We must get this bill passed and to the conference committee. We must send a signal to our farmers and our farm lenders that their Government will provide them a safety net.

But while I recognize the importance of moving this process along, I still have serious reservations about this measure and the effect the stringent payment limitations enacted here on this floor will have on my farmers. The Grassley-Dorgan amendment, which I did not support, could quite literally mean the end for many of North Carolina's farmers.

Those who supported this amendment did so in an effort to rid the farm subsidy system of abuses and that's an important goal. I don't think there is a person, myself included, who would argue against ensuring millionaires aren't profiting from Government payments. So I don't question the good faith of those who offered this amendment. But if this amendment remains in the final conference report, it won't rid the system of abuses. In fact, his amendment would hurt those hard-working men and women who are trying to make a decent living on family farms.

Some people like to call this amendment the "Scottie Pippen amendment" after the basketball player who reportedly received farm subsidies. I am sure we have all heard other stories about millionaires supposedly profiting off of this system. But I want to tell you a story about the real impact of this amendment.

Kenneth is a cotton farmer in North Carolina. It costs about \$475 an acre to grow cotton in North Carolina, and this year the price was roughly 36 cents per pound. For Kenneth, that meant he lost about \$150 an acre—and he would be the first to tell you last year was a good year.

So he got by with subsidies and his Loan Deficiency Payments. Kenneth poured almost every cent of that money back in to that farm. And if this amendment remains in the final bill, Kenneth will no longer be eligible for most of the Government's assistance programs and I suspect he wouldn't be able to survive 1 year.

And if you think he should just hang it up, then what should he do for the other families who partner with him to work that farm? What do you suggest Kenneth do for the farm hands—all with families to support—who will be out of work? And let me tell you, eastern North Carolina is struggling and employment opportunities are few and far between.

I am sure if you asked him, Kenneth would tell you he doesn't like receiving Government payments. I don't want him to have to give up his farm because we here passed an amendment with unintentional consequences.

Talk to my farmers. Talk to the dozens of people who are calling my office every hour scared to death that if this

amendment remains in the final conference report, they'll be put out of business. They will tell you the reality. And not a single one of them is a rich, corporate farmer. They are the salt of the earth, hardworking men and women who want to make a decent living on their land.

None of us wants wealthy people to profit from farm subsidies. But payment limitations and gross income caps don't prevent millionaire athletes from profiting from farm subsidies; they punish families with massive debt and not a penny of cash flow, no matter what they are worth on paper.

I urge the conferees to remove this amendment. I trust the conferees will address this problem before they send their report to the full Senate.

Mr. DOMENICI. Mr. President, water laws are always an issue of great concern. However, they are of even greater concern in this day and age—especially in the West. This was so evident late last night and this morning when a deal was struck that relieves much of the West from participating in the Reid-Bingaman Water Conservation Program, but effectively sends New Mexico water down the river.

All Western Senators, whose States are in much the same situation as New Mexico, opposed the Reid-Bingaman amendment. I came to the floor today and learned that in an attempt to keep this ill-conceived program alive, all Western States with the exception of five—Nevada, New Mexico, Oregon, California, and Washington—were exempted. This was an attempt to get most of the Western Senators who oppose this program from voting against it in its entirety.

I was not consulted about New Mexico being allowed to drop out like other Western States because apparently Senator Bingaman wanted to keep New Mexico in the program—a program that is vehemently opposed by the New Mexico Cattle Growers, the New Mexico Farm and Livestock Bureau, the New Mexico Wool Growers, Inc., the New Mexico Public Lands Council, the Dairy Producers of New Mexico, the Arizona and New Mexico Coalition of Counties, the Middle Rio Grande Conservancy District, the Elephant Butte Irrigation District, and the Carlsbad Irrigation District.

Major policy changes with regard to State water issues should be considered carefully. The Reid-Bingaman proposal has never been the subject of a hearing. My staff has been given at least six drafts of this language—a sign that this should be introduced as legislation, referred to committee, and then brought to the Senate with the benefit of committee review.

The Reid-Bingaman proposal is a State program only in appearance—especially for those Western States who are reclamation States, such as New Mexico. There are many questions left unanswered when it comes to reconciling the Reid-Bingaman program with Federal Reclamation law. For ex-

ample, does the entity that holds water rights in a reclamation project mean the Secretary of the Interior, the irrigation district or the individual landowner who receives the water under contract with the irrigation district? Is this relationship altered if the land is under a management contract or is leased in accordance with reclamation law? Do all of these parties have to agree? If one landowner enters into an agreement, what happens to the repayment obligations of the irrigation district? Can the irrigation district be forced to transfer water outside district boundaries by the landowner?

Another problem with the Reid-Bingaman program is that it allows the Secretary or a State to use condemnation powers under other authority to further the purposes of this program. I see nothing in this language that prevents either the Federal Government or a State from extorting compliance and eligibility. It is evident from the comments spoken on the floor of the U.S. Senate that the clear objective of this program is to take water from farmers for urban needs by laundering water for conservation.

The Reid-Bingaman program requires that States have a program to protect in stream flows. New Mexico does not have such a program and states that do have a program may not have as comprehensive a program as the sponsors of this amendment want. The New Mexico legislature has previously defeated legislation that would create any type of water bank or similar program.

State water laws—especially in the West—are all different. Yet, the thrust of this program seems to be forcing states to conform their water laws into some Federal mold.

Additionally, the Reid-Bingaman amendment allows for the transfer of water to a “designee of the State.” That could be a third party. Presumably, one could be ordered to transfer rights to an urban area or private group or individual. It is not completely clear, but it seems that state water law, especially as it applies to junior appropriators is being preempted.

The “savings” clause in this amendment is too limited. It does not preserve any limitations under other Federal law, nor does it clearly preserve interstate compacts, treaties and the myriad of regulations that define interstate streams.

Finally, I have heard many claim that this program is strictly voluntary. It is voluntary on its face only. The language is drafted to read that anyone who participates is “willing.” That is part of what is wrong in the West. We don't have enough water and people do not want to give up what little of this resource they have. If there were willing sellers out in New Mexico, all of the groups I mentioned above would not oppose the Reid-Bingaman program.

Mr. AKAKA. Mr. President, I rise today as we debate the farm bill to re-

mind my colleagues of the vulnerability of American agriculture to acts of biological terrorism directed against livestock and crops, commonly known as “agroterrorism.” In December, I addressed the need for new technologies to detect biological agents that could be used in malicious attacks against our Nation's agricultural industry.

The hard-working men and women who provide our meat, poultry, and dairy products, our fruits and vegetables, and our lumber and fibers now have a renewed sense of urgency when they consider potential threats to American agriculture. Responding to diseases in plants and animals has always been a fact of life for American farmers and ranchers. Now they are confronted with the possibility of intentional acts to release biological agents that cause disease in crops and livestock.

The impact of an animal or crop disease outbreak could be swift and devastating to the U.S. economy. Although the threat to our Nation's food supply is a serious concern when discussing agroterrorism, we must remember that the primary purpose of agroterrorism is to inflict economic damage. The combined annual sales from the U.S. agricultural sector exceed \$100 billion. American agriculture accounts for 13 percent of the gross domestic product and nearly 17 percent of domestic employment. The U.S. accounts for about 15 percent of all global agricultural exports.

The impact of agroterrorism is not a just concern for rural America alone. All of America benefits from a healthy agriculture sector. Therefore, all of America must share in protecting our critical agricultural resources.

Agricultural security for American farmers and protection from the intentional release of biological agents that cause disease in crops and livestock are essential features of the agroterrorism legislation I am drafting. My legislation will help American farmers and ranchers protect their investments and livelihood by providing grants or loans for security measures on their farms and ranches.

As chairman of the Subcommittee on International Security, Proliferation, and Federal Services I have held hearings on the need for enhanced coordination of the Federal agencies that respond to acts of conventional bioterrorism. The same is true for agroterrorism. By strengthening agency coordination and emergency response planning, we will also be preparing the American agricultural sector to deal with both intentional and natural crop and livestock disease outbreaks when they occur.

Many of the diseases that potentially threaten American crops and livestock have been virtually eliminated within the U.S. borders, or have never appeared on American soil. For this reason, a crucial element of agricultural security will involve the surveillance of plant and animal disease outbreaks

in foreign countries. The U.S. Department of Agriculture Animal and Plant Health Inspection Service, APHIS, already serves as an agricultural disease watchdog at our borders and around our farms. We must support ongoing APHIS efforts to detect and eradicate diseases at home by establishing stronger connections to the international community of agencies and organizations that monitor plant and animal disease outbreaks.

A critical component of this legislation will involve establishing a legal framework for agroterrorism, including penalties for those who perpetrate destructive acts against crops and livestock. Indeed, acts of biological terrorism are not limited to the intentional release of disease agents to harm humans, livestock or crops. Deliberate and destructive acts against agricultural and forestry research programs are also routinely perpetrated by extremists who oppose biotechnology. These acts of domestic terrorism do not involve the direct use of biological agents, but they can be just as destructive as the intentional release of disease-causing agents.

Recently, States from Washington to Maine have experienced destructive attacks on agricultural research projects. Reports of these acts of vandalism are often suppressed to avoid drawing further attention to the vulnerabilities of Federal and private agricultural research projects. Quite frequently, these attacks fail to destroy biotechnology experiments. Instead, the hard work accomplished by researchers who use traditional crop breeding methods is wiped out in these senseless and illegal activities.

In closing, I would strongly urge my colleagues to lend their attention and support to legislative efforts that will benefit all segments of the U.S. agriculture economy. American farmers, Federal, State and local emergency managers, law enforcement officers, agriculture researchers, and consumers require our help in addressing concerns about the intentional or inadvertent spread of exotic and emerging agricultural diseases and the economic security of the United States' agriculture industry.

Mr. HATCH. Mr. President, nothing the Senate does this session will be more important than passing a good farm bill that provides a strong safety net and some certainty for our Nation's farmers.

I believe that Chairman HARKIN has put forward a sincere effort to accomplish these goals. However, I find that much to my regret, I must vote against this legislation. There are a number of provisions in the bill that lead me to this conclusion, but chief among them is that it puts at risk our system of water rights in the West. I refuse to compromise Utah's water rights.

Under this bill, farmers would be required to sell or lease their water rights to the Federal Government if they choose to participate in a specific

conservation program. This sets a terrible precedent. I strongly oppose using Federal dollars to encourage farmers to give up their water rights. The Federal Government has enormous financial resources with which it could purchase unlimited acre-feet of precious water in the West. I cannot support a large incentive aimed at stripping our farmers of the resource that makes our way of life possible in the West.

The water conservation program I am referring to would also create an unprecedented link between the Endangered Species Act and farm programs. I have no doubt that this will lead to conflicts between the goals of the act and the livelihood of our farmers. From what I have seen, when such a conflict arises the farmer always loses. Our farm families struggle enough. We shouldn't add to this burden.

From a broader perspective, I disagree with the overall approach of this farm bill. I believe it is a return to the outdated, socialistic farm policies of the past. As it is written it, 60 percent of farmers will not benefit from the programs in this bill. The bill provides many billions of dollars on subsidies for overproduced commodity crops such as wheat, cotton, and corn. These crops are important, but what about the many crops being grown by other farmers? In my opinion, the Harkin farm bill does too little for farmers of minor crops, who face just as many difficulties as the farmers of the main commodities.

Still, it is very difficult for me to vote against the farm bill today, because there are provisions in it that Utah's farmers desperately need. I was particularly pleased that the Wool Marketing Loan Deficiency Payment Program for our struggling wool growers was included. This was one of my top priorities. Also important, was the passage of the Baucus amendment, which I supported, that would give needed emergency financial assistance to livestock producers and apple growers who have suffered losses due to drought conditions. Finally, I was able to add a provision that would begin the process of creating a free market for state inspected meat products. Of course, I will fight to keep these provisions in the bill as it goes through the conference committee.

These and other aspects of the farm bill are worthy of my support. However, I do not believe we should benefit farmers on one hand, and threaten their livelihoods and water rights on the other. That is not what a Farm Bill should do, and for that reason I oppose it.

Mr. KERRY. Mr. President, I rise to make a few remarks concerning my amendment No. 2852 to the farm bill, S. 1731. As chairman of the Oceans, Atmosphere and Fisheries Subcommittee I am pleased to be joined by my ranking member, Senator SNOWE, in offering this amendment. In addition, I am pleased to be joined by Senators KENNEDY and COLLINS, two other New Eng-

land Senators, who know all too well the problems that our fishermen face in New England.

This amendment will permanently revoke Northeast multi-species fishing permits using a "reverse auction," a measure that has been developed to ensure we remove the maximum amount of capacity from the fishery at the lowest possible price to the taxpayers. We have more than 1,600 permits in New England. Approximately two-thirds of these permits allow fishermen to fish for only 88 days each year. The remaining fishermen can fish, on average, 130 days a year based on historical days-at-sea usage. As a result of a similar provision we secured in July of 2000, the National Marine Fisheries Service has begun the process of reducing latent capacity in this fishery, but recent events have indicated the need to expand the program further.

While the New England stocks are slowly recovering after years of substantial restrictions, additional limits are coming. The most recent scientific advice suggests that we need to cut days-at-sea by 65 percent in order to meet our 10-year rebuilding targets for Gulf of Maine cod. Basically, two-thirds of New England fishermen could be down to 31 days a year of fishing, from the 88 days they are allotted today. Obviously working families would be severely affected by such cuts. We also desperately need to reduce capacity so that the size of the fishery is in proportion to the available resource. The current latent permit capacity reduction program will help tremendously, but I am convinced a second round is needed to build a sustainable fishery.

To add pressure to this already difficult situation, the U.S. District Court for the District of Columbia will shortly be issuing its determination on additional management measures that must be taken in this fishery to meet Federal legal requirements as the result of a lawsuit filed by a number of conservation groups against the National Marine Fisheries Service. The plaintiffs have already prevailed in that case, in which the court found unequivocally that the Federal Government, which has the authority to approve or disapprove plans developed by the New England Fishery Management Council, had not ensured that these plans included rebuilding measures required under the management plan nor measures to limit the bycatch of fish. In this fishery, bycatch largely results from vessel-specific mortality controls called "trip limits." I must agree, as does every fisherman I know, the idea of throwing fish overboard in order to meet management goals designed to increase fish abundance is both counterintuitive and wasteful. In order to fix the problem we need to increase the trip limits for our fishermen so they no longer have to waste good fish in order to make a day's pay. However, we cannot increase these trip limits until we have reduced the number of permits available for this fishery.

This is unfortunately a long-term problem for many traditional fishing communities in New England. This money will allow some fishermen to retire with dignity, others no doubt will seek job retraining and enter another profession. I am grateful to the managers of this bill, Senators HARKIN and LUGAR, for agreeing to a voice vote on this amendment. I am confident that this money will allow us to build both sustainable fisheries and sustainable fishing communities in New England in the years to come.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my colleagues for their cooperation and for working through this bill. It has taken a good while. But I believe, all in all, we have come out with a well-balanced bill. It is a comprehensive bill, and it does reflect a great deal of bipartisan cooperation.

I especially commend and thank my ranking member, Senator LUGAR, the former chairman of this committee, for all of his help and his support, his guidance, his suggestions, his very close working relationship to get this bill through. We had an excellent working relationship in the committee. We did that expeditiously.

I knew we were going to have to have votes on the floor. As it turned out, we did have quite a few on different parts of the bill. But I believe, all in all, the relationship has been a great relationship. I thank Senator LUGAR and his staff for that.

I also thank Senator REID for all of his help in pulling people together and getting the votes structured and making sure that we had an orderly process on the floor.

I thank our majority leader, Senator DASCHLE, also a member of the Agriculture Committee, for all of his guidance and leadership in bringing this bill to its final conclusion.

I thank Senator LOTT on the other side for working with us. There were numerous times when I went to Senator LOTT, and we discussed what we were going to do. I can say, without any hesitation, at no time was he less than most helpful in moving this process along. So I thank Senator LOTT for that.

We have had some disagreements, of course. That is the crucible of democracy that we have. We have had our votes. But what may not have been fully reflected on the floor is the extraordinary degree, I believe, of bipartisan cooperation and collaboration we have had throughout the bill.

As I mentioned a number of times, all titles that we reported out of the Committee were reported on bipartisan votes. We have a demonstrated bipartisan majority for this bill on the Senate floor.

So, as I say, the bill is comprehensive. It is balanced. It is the economic recovery vehicle and jobs bill for rural America. We have met our responsibilities to farm families, rural commu-

nities, consumers, and the environment. We have done so while fully complying with our budget limitations.

I believe the highlights of the bill are the following:

First, we restore and rebuild the farm income safety net that has been missing for the last 6 years.

Second, we have doubled our commitment to conservation. There are more resources devoted to conservation in this bill than any farm bill that has ever come to the Senate. We are proud of that. We have a new conservation program—the Conservation Security Program—that will move us in a new direction in this country, that will expand conservation to every part of America. Whether it is a corn or soybean field in Iowa, an orchard in Michigan, a citrus orchard in Florida, a vegetable farm in New Jersey, or an almond farm in California, this Conservation Security Program is going to promote conservation throughout the country.

Third, on rural development, we include substantial new funding for a variety of rural community development activities. We also create and fund new rural development initiatives, including new programs for rural equity capital investments in rural America. Senator LUGAR and his staff, and my staff, have worked closely together to develop this consensus rural development title. I believe it is going to provide for crucial new investment in rural America.

Fourth, we have a new title in the farm bill that has never been in any farm bill, a renewable energy title, with \$550 million mandatory spending over 5 years for things such as ethanol and soy diesel, and for biomass, wind energy, and hydrogen energy. If nothing else, we learned from September 11, I think, that we have to address our dependence on foreign oil. This bill will start to do that by developing the renewable energy resources in our country.

Fifth, nutrition. In our bill we now over twice what the administration proposed. The administration proposed \$4.2 billion in increased nutrition spending over the next 10 years. We have \$8.9 billion in this bill. So we can be proud of the fact that we make this great effort to make sure no one goes to bed hungry in America, to make sure we have an adequate system of nutrition assistance through food stamps, emergency food assistance and commodity distribution, in addition to school breakfast and school lunch and other programs.

Lastly, on credit, agricultural trade, agricultural research—all of these titles make substantial improvements to what we have done in the past.

So, in conclusion, I thank Senator LUGAR. I thank all of the staff. I thank the staff on our side. I want to thank all of them by name: Vershawn Perkins, Frank Newkirk, and Bob Sturm. I especially thank Bob because all of the time we were out of our office in the

Hart Building, we crowded into his space. I really thank Bob Sturm for all of his help in working out the situation of taking care of our staff.

I thank Terri Roney, Lloyd Ritter, Charlie Rawls, Erin Peterson, Doug O'Brien, Stephanie Mercier, Mary Langowski, Jay Klug, Susan Keith, Eric Juzenas, Sara Hopper, Amy Fredregill, Alison Fox, Kevin Brown, Seth Boffeli, Karil Bialostosky, Rich Bender, and, of course, our outstanding staff director, Mark Halverson.

I cannot say enough good things about Mark and all of the long hours he has put in. I do not know if he has slept in the last 4 months. I do not know if he has or not, but I think he deserves a break now. He has performed superlatively in, guiding, directing, and working with our staffs.

On the other side I will not mention all of the minority staff. I know Senator LUGAR already did. But I do want to mention Keith Luse, the minority staff director, formerly the majority staff director. Again, I thank Keith Luse for all of his wonderful working relationships with me personally, with Mark Halverson, Charlie Rawls, and all the people on our staff. It has just been outstanding. I just cannot thank you enough for all the kindness and generosity you have given to me and to our staff throughout this process.

So, Mr. President, this is a bill that we can go to conference with that we can be proud of. It had strong bipartisan support as we came out of committee. We worked our problems out on the floor, and I think we have a bill that will revitalize and renew rural America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the vote on final passage of H.R. 2646 occur at 12:30 p.m. today with rule XII, paragraph 4, waived.

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

Mr. DASCHLE. Mr. President, we are moving to final passage of the farm bill shortly. I would like to make a couple of comments prior to the time we have the vote.

First, I commend our chairman for the extraordinary job he has done. He has been remarkable over a long period of time. His leadership and his cooperation and the tremendous effort he has put forth are to be commended.

Again, one of the most able ranking members we have in the Senate is the ranking member of the Senate Agriculture Committee, Senator LUGAR. I admire him immensely for his intellect and for his ability to work with people on all sides and all philosophies. Once again, he demonstrated his ability, his leadership, and the kind of person he is each and every day he came to the floor. I commend him as well.

Let me also commend, as Senator HARKIN and Senator LUGAR did, the staff. We are very dependent upon our

staff on all pieces of legislation; in particular, on the complexities of agricultural policy. I must say for the record and emphatically remind my colleagues of the work that they do, especially the staff I am fortunate to have in my office. I am very grateful to them for their work, for their persistence, for their ability to come up with compromises oftentimes when we really had not thought there was one. I thank them publicly and thank them especially today as we bring this debate to a close.

This has been the longest debate on a farm bill in over 30 years. Sometimes it has felt that way. Thanks to the work done in the committee and on the floor, we now have a farm bill and a farm policy that is improved in many ways, providing certainty for producers and increased commitment to conservation, expanded nutrition, provisions making farmers and ranchers more competitive, and needed assistance for rural development.

I know we have had disagreements over the time period in which we needed to get this farm bill moving. In the end, though, this is a good bill. It will do a lot for rural America that is hurting right now, a rural America that is hurting in large part due to the failure of our current farm policy. Now we need to take the final step and pass it.

Agriculture and the farm economy provide roughly \$1.3 trillion to our economy and account for 24 million jobs. Rural America comprises 80 percent of our Nation's landmass and 20 percent of our population.

Our Nation literally cannot afford to leave rural America behind. Yet rural America is hurting as never before. Farmers have already seen prices drop every single year since the current farm bill was approved. They are getting roughly half the prices they were receiving in 1996. The record price drops farmers have seen in recent months and the warnings from USDA that farm income could drop another 20 percent add a level of urgency to this debate.

A recent study by the Bureau of Labor Statistics shows that farmers and ranchers are expected to lose 238,000 jobs over the next 10 years. That is more than any sector of the U.S. economy. That is nearly the population of St. Louis or Pittsburgh or Minneapolis.

We just cannot let that happen. Unless we pass this bill now and get a new law soon, USDA will not be able to implement it for this crop year. Instead, we would leave farm families to rely on a law so flawed that we have needed to grant emergency assistance for each of the last 4 years. Make no mistake, passage of this bill is essential for the survival of rural America.

This fall, I was in my State and met a ranch couple named Hight. When disaster struck on September 11, Don and Adeline Hight of Murdo sold 100 calves and donated the proceeds, about \$40,000, to help victims of the attack.

The manager of the local livestock association called their donation "an act of true Americanism."

Rural families have always sacrificed for our country. They have been facing a disaster now for years. With this bill, we have a chance to provide certainty to producers, fix our failed farm safety net, and help address the challenges we face in rural America.

I urge my colleagues to support this bill so we can move immediately to conference with the House and then present the bill to the President for his signature as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I understand the distinguished Senator from Maine would like to address us. I invite her to do that.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I am very pleased that legislation I authored has been included in the final version of the farm bill. The legislation, known as the Suburban and Community Forestry and Open Space Initiative Act, would help to combat the threat of suburban sprawl which has already consumed tens of thousands of acres of forest land in the southern part of my home State.

I very much appreciate the assistance of Senator LUGAR and Senator HARKIN, as well as Senators JACK REED and MIKE CRAPO, who have worked with me to put together this initiative.

Sprawl occurs because the economic value of forest or farmland cannot compete with the value of developed land. In my home State, the problem is particularly acute in southern Maine where over a 100-percent increase in urbanized land over the past two decades has resulted in Greater Portland being labeled as the "sprawl capital of the Northeast."

I am alarmed by the amount of working forest land and open space that has given way to strip malls and cul-de-sacs. Our State is trying hard to respond to this challenge. The people of Maine have approved a bond issue to preserve land through the Land for Maine's Future board, and they continue to use scarce local funds and contribute their time and money to preserve special lands and to support our State's 88 land trusts.

Of course, the problem of sprawl is not limited just to Maine or to the Northeast. Rapid, unmanageable growth affects many States and poses a significant threat to forest land across the United States.

The effects of sprawl were highlighted by a study conducted by the U.S. Forest Service last year. It examined forests in 13 southern States and found that 12 million acres of southern forest land could be lost to sprawl by the year 2020.

In Maine and elsewhere, communities are working hard to come up with new strategies to protect our working for-

ests and to safeguard our communities from the effects of sprawl. I think it is time for the Federal Government to lend a hand to these efforts.

My legislation, which was drafted with the advice of landowners, conservation groups, and forestry experts, would establish a \$50 million grant program within the Forest Service to support locally driven projects that preserve working forests. State and local governments as well as nonprofit organizations could compete for funds to purchase land or conservation easements to keep forest lands in their traditional uses.

The \$50 million that would be authorized by my legislation would help achieve a number of stewardship objectives. First, it would help prevent forest fragmentation and preserve working forests, helping to maintain the supply of timber that fuels Maine's most significant industries. Second, the resources made available would be a valuable tool for communities that are struggling to properly manage growth and prevent sprawl. Currently, if a community were to turn to the Federal Government for assistance, none would be found.

My bill will change that by making the Federal Government an active partner in preserving forest land and managing sprawl, while leaving decisionmaking to States and communities.

Mr. President, by enacting this legislation, Congress will provide a much needed boost to local conservation initiatives and will help sustain the vitality of our natural-resource-based communities.

I ask unanimous consent that letters of endorsement from the Maine Nature Conservancy, the Maine Audubon Society, and the National Association of State Foresters be printed in the RECORD.

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

NATIONAL ASSOCIATION

OF STATE FORESTERS,

Washington, DC, December 5, 2002.

Hon. SUSAN M. COLLINS,

U.S. Senate,

Washington, DC.

DEAR SENATOR COLLINS: On behalf of the National Association of State Foresters, I would like to thank you for your efforts to reduce the impacts of urban and suburban sprawl on our nation's forest lands. Your proposed amendment, the Suburban and Community Forestry and Open Space Initiative, to Chairman Harkin's Farm Bill (S. 1731) demonstrates your commitment to minimizing conversion of suburban forest lands to non forest uses.

We support the overall concepts of the legislation. NASF does not currently have a position on whether easements or title to land purchased with federal funds should be expanded from state to non-profit entities. However, maintaining working forested lands in suburban environments is consistent with NASF's goals.

As the Southern Forest Resource Assessment recently released by the U.S. Forest Service clearly demonstrates, one of the major threats to forest land is urban sprawl.

The provisions in the Forestry Title of S. 1731 provide important tools to enable landowners to keep their land in trees and sustain the public benefits their forests provide. Your amendment is another tool to address this critical concern.

Thank you for your commitment to sustainable forest management and to reducing suburban sprawl.

Sincerely,

LARRY A. KOTCHMAN,
President.

—
MAINE AUDUBON SOCIETY,
Falmouth, ME, November 2, 2001.

Senator SUSAN COLLINS,
*Russell Senate Office Building,
Washington, DC.*

DEAR SENATOR COLLINS: We are pleased to be able to offer our support of your proposed Suburban and Community Forestry and Open Space Initiative Act of 2001, which would expand opportunities for conserving forestland under the Cooperative Forestry Assistance program. This Act offers a new opportunity to protect some of the remaining actively managed forestlands that provide habitat for many of our native species, and encourages those lands to be managed sustainably, with input and use from the local community. This Act comes at a time when pressure to develop small woodlands in southern Maine is ever increasing, interest in conserving those woodlands is also increasing, but funds for forest conservation are still limited.

Southern and Coastal Maine has the highest level of woody plant and wildlife species diversity in the state. Unfortunately, this area is one of the most desirable for development and increasing development pressures are creating a checkerboard of non-contiguous habitat for wildlife. Although the overall population is relatively stable in southern Maine, residents of larger towns and cities are moving to surrounding rural communities, with residential development, both permanent and seasonal homes, spreading into large expanses of formerly agricultural and forested open space.

In its final report dated January 1996, the Maine Environmental Priorities Project (MEPP) concluded that "patterns of development throughout southern and coastal Maine and in riparian zones statewide seriously threatened some species and some rare and critical habitats as well as the overall productivity of Maine's terrestrial ecosystems." Protecting forest land throughout southern Maine wildlife.

During the past two years Maine Audubon, in concert with several other state and federal agencies and nonprofit conservation organizations, has been conducting outreach to municipalities and land trusts to encourage the conservation of forestland, including large blocks of undeveloped and unfragmented forestland that provide habitat for a wide variety of Maine's native plants and animals. We are providing local citizens with information about the high value habitats in their community, and many of those we have spoken with are interested in acting to conserve forest land but have few choices for funding land protection. If the bill passes, we will be able to suggest a new source of funds for their hard work.

Thank you for taking the initiative to help conserve Maine's forest landscape and all the public benefits they provide amidst the threat of sprawl. We look forward to working with you on passage of the bill and on the subsequent rule-making which will speak out just have the bill would be implemented.

Sincerely,

SALLY STOCKWELL,
Director of Conservation.

THE TRUST FOR PUBLIC LAND,
Portland, ME, November 2, 2001.

Hon. SUSAN M. COLLINS,
*U.S. Senate,
Washington, DC.*

DEAR SENATOR COLLINS: On behalf of the Trust for Public Land, I am pleased to express our support for the Suburban and Community Forestry and Open Space Initiative Act of 2001. This proposal will provide a much-needed focus on working forests that provide important resources in and around Maine's towns and cities that are facing significant development pressures. We applaud your foresight in addressing this issue.

As the Trust for Public Land pursues its mission of protecting land for people in Maine, we are acutely aware of the difficult choices many landowners face as land values rise and development pressures intensify. In addition, the forest lands that lie in the path of development are incredibly important to local residents for a variety of resources, including recreation, wildlife habitat, water quality and open space. Your legislation will allow these critical lands to remain intact as community assets by focusing federal assistance to landowners in areas affected by suburban sprawl. This is a much-needed addition to the resource conservation efforts that states, localities and non-governmental partners are already undertaking and will provide the extra funding leverage needed to successfully meet the challenges of the future.

Our work with willing sellers across the state leads us to believe that the Suburban and Community Forestry and Open Space Initiative Act of 2001 will make a difference in many Maine communities and will leave them in good shape for future generations. Maine's forest resources are absolutely critical to the quality of life that attracts residents and visitors alike, and proposals like this one will ensure that we address the conservation of those resources wisely.

Thank you for your leadership on this and many other issues affecting Maine. We look forward to working with you.

Sincerely,

JENNIFER MELVILLE,
Maine Field Office.

—
THE NATURE CONSERVANCY,
Brunswick, ME, November 2, 2001.

Hon. SUSAN COLLINS,
*U.S. Senate, Russell Senate Office Building,
Washington, DC.*

DEAR SENATOR COLLINS: On behalf of the Trustees and 13,000 members of The Nature Conservancy of Maine, I am writing to you in support of your recently filed Suburban and Community Forestry and Open Space Initiative Act of 2001.

From the St. John project in Northern Maine to the Machias River downeast to Mt. Agamenticus in the South, the Nature Conservancy is working in partnership with local communities, the state, and federal governments to protect the best remaining natural place in our state. As population continues to increase in southern Maine, it is becoming increasingly clear that growth and development could overtake and destroy some of southern Maine's most outstanding forests and natural areas. Your legislation could play an important role in forever protecting these places. Two key sites, in particular, come to mind as projects that could benefit from Suburban and Community Forestry and Open Space Initiative funds:

Leavitt Plantation Project, Parsonsfield: Encompassing 8,600 contiguous acres, Leavitt Plantation represents the largest remaining block of forestland in one ownership south of Sebago Lake. Threatened by sprawl and development, this forest includes identified deer wintering and waterfowl/wading

bird habitat, and populations of seventeen rare plants. The Leavitt Plantation Forest was to be cut up into as many as 13 parcels early last year. The land's fate as wildlife habitat, hunting and fishing grounds, hiking and snowmobiling destination, and as an economic resource for the region hung in the balance. Today, thanks to the cooperative approach of a forest investment company, a conservation group, the State, a small Maine town, area citizens and more, this land is slated to be protected forever. But additional funds are needed to complete the conservation of this project.

Mt. Agamenticus, York, South Berwick, Elliot, Wells, Ogunquit: Mt. Agamenticus, located in rapidly developing York County, is the largest block of unfragmented, undeveloped land near the coast between Baltimore and Portland. This vast area is rich in native plants and wildlife, and home to important and rare species. The forest also provides an economic boost to the region. Mt. Agamenticus is also one of the largest remaining recreational open spaces in southern coastal Maine, the area is popular with birders, hikers, bikers, and hunters, and a "Mecca" for mountain biking in New England and the area consistently draws visitors from all over the country to experience the mountain. In this rapidly growing area of southern Maine, large, vast areas of open space are becoming very scarce. The remaining forested lands of Mt. Agamenticus area are threatened by sprawl and development. However, if funded, a plan is in place to protect this area for the benefit of the citizens of Maine and future generations.

The Nature Conservancy supports your efforts to bring additional federal funds to projects like these in Southern Maine and throughout the state. Conservation of these great places requires a commitment from the private sector as well as from government, we appreciate your willingness to provide leadership on such a vital issue to the people of Maine.

Sincerely,

KENT WOMMACK,
Executive Director/Vice President.

—
FRIENDS OF ACADIA,
Bar Harbor, ME, October 16, 2001.

Hon. SUSAN M. COLLINS,
*U.S. Senator, Russell Senate Office Building,
Washington, DC.*

DEAR SUSAN: Friends of Acadia offers its full support for the anti-sprawl bill you have initiated. It will have utility across Maine.

Your proposal is of special interest in our region. It offers a real hope of dealing with the sprawl that is consuming so much of the Route 3 gateway landscape on the mainland just above Mount Desert Island and Acadia National Park.

Please let me know how we can help you advance this important legislation.

Thank you for your leadership.

Yours sincerely,

W. KENT OLSON,
President.

—
MAINE COAST HERITAGE TRUST,
Topsham ME, October 26, 2001.

Re Suburban and Community Forestry and Open Space Initiative Act of 2001.

Senator SUSAN M. COLLINS,
*U.S. Senate, Russell Senate Office Building,
Washington, DC.*

DEAR SENATOR COLLINS: It is with great enthusiasm that I write to express Maine Coast Heritage Trust's support for your far-sighted Suburban and Community Forestry and Open Space Initiative.

Maine's rural and suburban lands are changing fast as more people move into Maine or move out of Maine's urban areas

and into the rural countryside. This pattern of development is altering the character of our state by diminishing both its traditional villages and surrounding open farms and forests. It also has a significant impact on local and state budgets as expensive new schools and roads are built to service these new neighborhoods.

Your initiative would provide important federal funds to be matched by state and private dollars. As you know, Maine voters showed their strong support for conserving open land when they overwhelmingly endorsed the \$50 million Land for Maine's Future bond in 1999. Furthermore, the success of Maine's 88 land trusts (perhaps the highest number of trusts per capita in the nation) is a testament to Mainers' commitment to maintaining the rural character of the state. Your proposal would help leverage hard-won public and private dollars.

I was particularly pleased to learn that your proposal would complement the Forest Legacy Program. Forest Legacy has been a critically important source of federal funds for conserving large tracts of Maine's northwoods. Its continuation is vital.

Thank you ever so much for your creative leadership and hard work on behalf of land conservation efforts in Maine and across America.

Sincerely,

JAMES J. ESPY,
President.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of H.R. 2646, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken and the text of S. 1731, as amended, is inserted in lieu thereof.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill was to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. LUGAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Utah (Mr. BENNETT) are necessarily absent.

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

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—58

Akaka	Durbin	Miller
Allen	Edwards	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Biden	Fitzgerald	Reed
Bingaman	Graham	Reid
Boxer	Grassley	Rockefeller
Breaux	Harkin	Sarbanes
Byrd	Hollings	Schumer
Cantwell	Inouye	Sessions
Carnahan	Jeffords	Shelby
Carper	Johnson	Snowe
Cleland	Kennedy	Specter
Clinton	Kerry	Stabenow
Collins	Kohl	Torricelli
Conrad	Landrieu	Warner
Daschle	Leahy	Wellstone
Dayton	Levin	Wyden
Dodd	Lieberman	
Dorgan	Mikulski	

NAYS—40

Allard	Frist	McConnell
Bond	Gramm	Murkowski
Brownback	Gregg	Nickles
Bunning	Hagel	Roberts
Burns	Hatch	Santorum
Campbell	Helms	Smith (NH)
Chafee	Hutchinson	Smith (OR)
Cochran	Hutchison	Stevens
Corzine	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lincoln	Thurmond
DeWine	Lott	Voinovich
Ensign	Lugar	
Enzi	McCain	

NOT VOTING—2

Bennett	Domenici
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The bill (H.R. 2646) was passed.

[The bill will appear in a future edition of the RECORD.]

Mr. LUGAR. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments and requests a conference with the House on the disagreeing votes of the two Houses.

The majority leader.

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I ask unanimous consent that there be a period for morning business until 2:30 p.m. today, with 60 minutes under the control of Senator BYRD and the remaining time controlled equally between Senators BROWNBACK and TORRICELLI or their designees, and that at 2:30 p.m. today the Senate begin consideration of Calendar No. 239, S. 565, the election reform bill.

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

The Senator from New Jersey.

CAMPAIGN FINANCE REFORM

Mr. TORRICELLI. Mr. President, the Congress may now be closer to comprehensive campaign finance reform than at any time in 30 years. It holds the promise of restoring public confidence by reducing the amount of money flowing into American politics while simultaneously reducing the costs of campaigns themselves. It gives a fair chance to challengers, an oppor-

tunity for people to bring different ideas and a broader national debate because we end the dominance of special interests money.

This can be an extraordinary, even historic week in the life of the Congress. But the well-crafted balance reached in the Senate is now in jeopardy. Campaign finance reform has meant a change in various institutions within our political culture. One of those institutions is resisting the change. I am speaking of the network broadcast industry. Just as political candidates would be challenged under the law to raise less money under stricter limits, and the political parties would operate under different rules, and the American people would operate under more restrictions to assure that money did not dominate the process, the broadcast industry, operating under Federal license in the use of the public airways, would be challenged to reduce the costs of advertising for Federal campaigns.

The Congress could have insisted on free air time. We could have insisted that time be made available for public debate as in many of the great democracies of Western Europe. Our request was much more modest. Indeed, our request was to put into law that which we believe we had done 30 years ago anyway. In 1971, Congress required that the networks provide advertising rates at the lowest unit rate. Through evasion, by finding loopholes in the law, the television networks have evaded their responsibility under the law.

Senators CORZINE, DURBIN, ENZI, and many of my colleagues offered an amendment on the floor of the Senate, adopted 69 to 31, on a bipartisan basis, requiring once again that the networks provide television advertising at the lowest unit rate in the period immediately before a primary and general election. We did this because a 1990 audit by the FCC found that 80 percent of network television affiliates were failing to make time available as required by law at the lowest unit rate, meaning that a typical candidate ad sold for 65 percent more than what should have been charged—65 percent higher costs than should have been required had the law been followed.

If in this debate on campaign finance reform we lower the amount of money raised without lowering the costs of the campaigns themselves, we will have achieved very little. The best funded incumbents will always find the resources to advertise. The question is, What about those candidates for Federal office who do not represent popular ideas or powerful interests? And what of the challengers who would challenge the status quo, represent new ideas or sometimes unpopular ideas? They will never have the resources to enter into the national political debate.

The goal of campaign finance reform is not to lessen the national debate. It is not to bring less political discussion to the country. It is to have a more vibrant debate, of more varied ideas, less