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Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Almighty God, one hundred and eighty-four years ago today at dawn, Francis Scott Key saw the Stars and Stripes over Fort McHenry and wrote the stirring words of our national anthem that have moved our hearts to patriotism ever since. "O say, does that star spangled banner yet wave, o'er the land of the free and the home of the brave?" Yes, thankfully it does. As our flag flies over the Capitol this morning, we commit ourselves anew to serve You by doing the strategic work of government and by leading our Nation through the present crisis in a way that satisfies You.

Dear Father, it is good to know that You are not surprised by the needs we bring to You. You know them before we bring them to You. Help us to see that prayer is how You call us to do what You think is best rather than just a call for You to assist us with what we already have decided. Help us to wait for You, to listen intently to You, and to gain strength to carry out Your best for us, personally and for our Nation. In the Name of our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will begin debate in relation to the motion to proceed to S. 1981, the Truth in Employment Act, with the time between now and 1 p.m. equally divided between Senators

HUTCHINSON and KENNEDY or their designees. I see that Senator HUTCHINSON is on the floor and prepared to go forward and already has his charts on display here. I appreciate the work that he has done in this area.

At 1 p.m. the Senate will resume consideration of the Interior appropriations bill. It is the majority leader's hope that the Interior bill will be finished the first part of this week. Last week there were other issues that were debated, that were attached to the Interior appropriations bill, and cloture votes that were also voted on. But I think this week it is important that we stay focused on the Interior appropriations bill, this afternoon and Tuesday and Wednesday, if necessary, to try to get it completed. That is an important part of us doing the people's business.

Yes, there are a lot of distractions, but in the meantime the Senate must continue to go forward with the things that have to be done before we can go out at the end of this session so that our Members can go home and be with their constituents. So the Interior bill will be our principal focus this week. Senators who have amendments are encouraged to come to the floor. Don't keep shoving them off and saying, "I will offer them later," "I will offer them Tuesday," "I will offer them Wednesday." You will wind up being here at 10 o'clock Wednesday night having to offer and debate your amendments. I hope that Senators will come forward and offer amendments if they have them.

At 5 p.m., under a previous order, the Senate will resume debate in relation to the Truth in Employment Act until 5:30. At that time the Senate will proceed to a vote on cloture on a motion to proceed to the employment bill.

Also at that time there could be a vote or votes on or in relation to amendments on the Interior appropriations bill. We do not have that locked in yet, but we would like to get some work done, and there is a likelihood

that there will be a second vote following the vote that is already scheduled at 5:30. Further votes could occur, as I said, during this evening. And Members should expect that we will have to go into the evening almost every night this week.

In addition, on Friday we did get a unanimous consent agreement with regard to how we would bring up and debate and vote on the bankruptcy reform bill. I thank Senators on both sides for working late into the night Thursday night and during the morning Friday, that allowed us to craft this unanimous consent agreement. We will bring that up the first opportunity we have—certainly only after consultation with the Democratic leader. But if we could finish the Interior bill at a reasonable time Wednesday, we could very well go to the bankruptcy bill either Wednesday night or Thursday, but it will depend on how things go between now and then.

Also, I understand that the Banking Committee did report out, by a wide margin, the Financial Services Act last week. I had indicated to the chairman, Chairman D'AMATO, that if they reported it out on a broad bipartisan vote, we would look for an opportunity to have a vote on that also. I don't know if that would come before next week or even the next week, but bankruptcy reform and the Financial Services Act would be two very large accomplishments, if we could get these done before we go out at the end of the session.

So, again, I hope Senators will be prepared to work hard, offer their amendments, let us have our votes, and let us make some progress so we can show the American people, despite the distractions, we are doing our work.

I yield the floor.

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



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S10269

TRUTH IN EMPLOYMENT ACT

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, the time until 1 p.m. shall be equally divided between the Senator from Arkansas, Mr. HUTCHINSON, and the Senator from Massachusetts, Mr. KENNEDY, or his designee, for debate relating to the Motion to Proceed to S. 1981.

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise to speak on the S. 1981 legislation. This legislation will enable thousands of businesses in Arkansas and across the Nation to avoid the insidious and unscrupulous practice known as salting which is literally crippling thousands of small businesses across this country.

The Truth in Employment Act inserts a provision in the National Labor Relations Act establishing that an employer is not required to hire a person seeking employment for the primary purpose of furthering the objectives of an organization other than that of the employer. This measure is not intended to undermine the legitimate rights or protections currently in law for workers in this country enabling them to organize. Employers will gain no ability to discriminate against union membership or activities. This bill only seeks to stop the destructive practice of salting. In fact, I will just read the last provision in the bill itself, which guarantees the protections for workers to organize, because the argument will be made, opponents of this legislation will say, that this is somehow trying to undermine the right of workers to organize.

So this provision says:

Nothing in the bill shall affect the rights and responsibilities under this Act of any employee who is or was a bona fide employee applicant, including the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid protection.

So this bill is clearly not designed to harm workers or to undermine their ability to organize. That provision passed the House of Representatives unanimously, incidentally. I believe it has broad support in the Senate as well. But there is a practice that is becoming all too common across this country, that is both immoral and insidious and is not a legitimate organizing tactic, and it needs to be outlawed. The bill does not change the definition of "employee." It does not overturn the decisions of the U.S. Supreme Court.

Mr. President, I rise today to speak on an issue that I think is of common sense and fairness. Would any person intentionally bring wanton destruction upon his or her own home? Would a homeowner spend hard-earned money for a colony of termites and let them loose in his or her house, leaving them free to gnaw away at the equity he or she had spent years building up in a home or property? Certainly no one

would commit such an irrational attack of self-destruction. No one would willfully and deliberately bring thousands of dollars of damage on himself. Instead, the homeowner would take every precaution to preserve the structure of his home, keeping out ruinous influences. Yet, today, in a similar situation, small business owners nationwide are prevented from defending their own companies from pernicious attacks known as salting.

What is salting? Paid and unpaid union agents infiltrate nonunion businesses under the pretense—the pretense of seeking employment. And then, at that point, employers are caught in a dilemma, facing charges if they refuse union labor and facing charges if they hire these salts. So if they don't hire, unfair labor practices are filed, discrimination claims are filed against the employer. If they do hire them, they then face, in effect, termites in their own business, eating away at the solvency of their own enterprise. Once on the job, these salts set about sabotaging the company through workplace disruptions and a battery of frivolous charges to the Equal Employment Opportunity Commission, the National Labor Relations Board, or by creating OSHA violations and then reporting those violations to OSHA.

Employers who try to fire them face yet another litany of false charges. Defending against these charges costs money in legal fees, costs time in lost productivity and costs a company's reputation through negative publicity. Yet, to add insult to injury, employers are often forced to pay large damage awards or settlements because they cannot afford the high legal fees needed for justice to be served.

Employers have little or no defense against these relentless—relentless—assaults. Instead, they are forced to invite destruction into their companies and can only stand by, it seems, helplessly as years of hard work and investment are devoured before their eyes.

In my home State of Arkansas, George Smith, the president of Little Rock Electrical Contractors, has been the victim of salting campaigns. Let me just tell you his story.

It is a family-owned business and a merit shop contractor, hiring both union and nonunion labor. Mr. Smith never expected to face charges of unfair labor practices from people he didn't even hire.

At a company site in Louisiana, two men drove up to Little Rock and asked if the company was taking applications. They were told no, and they drove off. Five months later, Mr. Smith was notified that charges of discrimination had been filed against him by the NLRB. He subsequently hired a labor attorney who assured him that he could win, as the charges had no merit whatsoever, that justice would be served.

Unfortunately, the cost of the 2-day hearing would be \$15,000 in order to

have justice served. And since the unions would appeal if Mr. Smith won, additional costs of up to \$8,000 could be almost guaranteed.

On the other hand, the cost of settlement with these two nonemployees who had filed the claim was \$3,000 for each man. So, in the end, Mr. Smith chose the less expensive option. I quote what he said:

The reason that we paid was real simple. It was pure mathematics. [If] it cost me \$23,000 to win and \$6,000 to lose: I can't afford to win.

To rub salt into the wounds, so to speak, copies of these settlement checks appeared on one of his work-sites in North Carolina with the statement saying that this was the result of employer interference with employee rights.

Mr. Smith, a hard-working American trying to run an honest business, lost both money and company stature. But this assault was not unique. In 1 year, Little Rock Electrical has faced 72 such charges to the tune of \$80,000 in legal fees.

Mr. President, that is wrong. That is not justice, it is an injustice. This problem is not unique to Arkansas companies. It is happening all across America, from Cape Elizabeth, ME, where Cindy and Don Mailman, owners of Bay Electric Company, suffered 14 erroneous, meritless charges, and \$100,000 in legal fees over 4 years; to Modesto, CA, where Jim Blayblock of Blayblock Electric faced an intense barrage of salting; to Delano, MN, where Terrance Korthof of Wright Electric has lost \$150,000 in legal fees and \$200,000 to \$300,000 in wasted time for 15 baseless charges; to Austin, TX, where Randy Pomikahl's company, Randall Electric, has been targeted.

My point is, from the East Coast to the West Coast, from the Canadian border to Texas in the South we see these salting campaigns. Salts are operating across the country not only in electrical companies, but in steel companies, mechanical companies, building companies, and I predict it is going to be expanded and proliferate. We are going to see it targeting small business in every industry unless we address it legislatively. Mr. President, it is very much a national problem.

I have on the floor of the Senate this morning a chart that illustrates how this is a national problem. Here are some examples of salting cases around the country. Carmel, IN, Gaylor Electric faced 96 charges. Ultimately, the courts dismissed all 96. All 96 of these charges were dismissed without merit, but it cost Gaylor Electric \$250,000 annually to defend themselves against this salting campaign.

Union, MO, 48 charges were filed, 47 were dismissed, one was settled for \$200. But in legal fees, \$150,000 to defend their company against these frivolous charges.

In Clearfield, PA, the R.D. Goss Company had 15 to 20 charges. All but one of those charges were dismissed, but it

cost that company \$75,000 in legal fees plus lost time, and they ultimately were forced out of business, an example of many businesses that have been forced to close their doors because of their inability to pay for the legal help to defend themselves against these kinds of campaigns. This small businessman in Clearfield, PA, had operated for 38 years until finally having to close their doors because of the salting campaign against them.

These travesties of justice are not simply random acts by a small subversive group. Instead, they are calculated attacks on nonunion companies often, unfortunately, with NLRB complicity. In its most innocuous form, salting consists of gaining employment, not to work, but solely for the purpose of organizing labor. A person has a right, the courts have said and legitimately so, to apply for a job even though they want to go in and help organize for union activity. They don't have a right, I believe, legitimately, morally, or ethically, though it is still illegal, to go in, apply for a job, never intending to work, but simply for the purpose of filing these kinds of frivolous claims. That is in its most innocuous form. The common and prescribed practice is to strike economic pressure points in a company, leaving that company virtually paralyzed.

In their own words, from the IEBW organizing manual, this is what they say:

[The goal of salting is to] threaten or actually apply the economic pressure necessary to cause the employer to . . . raise his prices to recoup additional costs, scale back his business activities, leave the union's jurisdiction, and go out of business.

That is not where the effort is to go in and organize. That is where the effort is to go in, hit the economic pressure points and destroy the company. The international vice president of the United Food and Commercial Workers Union, Tom McNutt, has been quoted as saying:

If we can't organize them, the best thing to do is to erode their business as much as possible.

The goal is not to organize. "If we can't organize, let's destroy the company."

I have another chart that I think will illustrate this very point, and that is that the procedures for salting are not left to chance, that unions very carefully instruct members how they ought to go about salting. This is a sample checklist for salts put out by the International Brotherhood of Electrical Workers, Local 1547 in Anchorage, AK. If you will notice, and we will read some of these points, this is their initial contact, when they make contact with a selected target; in other words, the business that is the target of the campaign:

If the target doesn't have reason to know that you are a union member you do not want to reflect that on your application. You can change the status of your prior employment to reflect past non-union employment * * *

Then they actually counsel their salts to lie on their employment application.

* * * reduce the rate of [your former] pay [your hourly wage] to \$12.00 or \$13.00 with no benefits [because] if you show a high rate of pay and benefits * * * the target will * * * become suspicious.

So all through the various points that they make, all through their recommendations, they are urging deception when these salts go in.

List jobs other than heavy industrial sites such as TVA jobs, government jobs, or jobs known to be union in union areas.

Deceive the potential employer.

In listing your electrical education we recommend that you do not list JATC or IBEW.

Just do not tell them of any kind of—on and on you find this effort to simply deceive in order to get in and perform the insidious and pernicious activity, not of organizing, but of destroying the economic viability of the company.

There are more union tactics that are described by local 1547: Fabricating employment history and so forth. These tactics are not overt methods of organizing, but rather they are covert methods of deceiving and sabotaging the targeted company. Unfortunately, the NLRB and other Government entities have unwittingly become an accomplice in these salting campaigns, because the charges are brought before them, and Government lawyers defend the salts.

So we talk about the price tag. It is not just the price tag of legal fees for these companies. It is not just the price tag of lost time and productivity. It is not just the price tag of losing a company's reputation. It is also the price tag that is imposed upon the American taxpayer, because we pay for the lawyers that are defending these salts when it goes before the NLRB. So by extension, the American taxpayers have been made a participant in these guerrilla warfare operations, since who but the American taxpayer pays the salaries of these Government lawyers.

Mr. President, I think that it is absurd. And in return for their money, the American taxpayers get a return on their investment; and that return is in higher consumer prices for products and services, the costs of which have been driven up by higher operating expenses due to none other than these kinds of salting campaigns and those abuses. Not the legitimate right to organize, but it is these abuses that we have an opportunity to bring a halt to.

Under current law, employers are fully exposed to the corrosive effects of salting. Mr. President, I emphasize again, I am not opposed to labor organizing. It is, in fact, one of the rights of workers under the law. But I am against the abuse of the system, the abuse of small business owners and the abuse of the American taxpayers.

The Truth in Employment Act preserves the rights of employees and employers. The provisions are very simple. The Truth in Employment Act amends the National Labor Relations

Act so that an employer is not required to employ any person who is not a bona fide employee applicant, meaning that this person wants to be employed with the primary purpose of furthering another employment or agency status. In other words, when they are coming in to apply, they are not coming in primarily because they want a job and they want a paycheck and they want to perform productive labor. They are coming in primarily for the purpose of furthering the goals and objectives of another organization, whether they are paid or unpaid. I think that that is what we must guard against—no destructive salting.

The bill also specifically protects the rights of bona fide employees to self-organization, labor organization membership, and collective bargaining. It does not change the definition of the employee, and it does not overturn the decisions of the U.S. Supreme Court.

The Truth in Employment Act begins, a little bit, to put some balance back into management-labor relations. And it begins to level the playing field of labor relations, protecting the rights of employers and employees while promoting the honest and harmonious hiring of employees.

I think, Mr. President, the House took a very positive step for the benefit of all Americans by passing their version of this bill on March 26, 1998. This evening we will have a chance to do the same. And the language in the Truth in Employment Act that we will be voting on today is precisely the language passed by the U.S. House of Representatives.

The question arises, though—I am sure we are going to hear this during the course of debate today—if salts enter into jobs surreptitiously, how can this legislation work? How can salts be detected? Under the Truth in Employment Act, the act of seeking employment in the furtherance of another employment or agency status no longer is a "protected activity." Salting will not be a protected action. In the case against the employer, the general counsel of the NLRB will have to show that the employee is, in fact, bona fide, that the employee did not seek employment for the purpose of salting. In this demonstration, the general counsel will prove that the employee would have sought employment even in the absence of his desire to conduct a salting campaign.

The employers will have the opportunity to present contrary evidence. Employers will no longer be squeezed in the vices of the law. They will no longer be forced to hire salts or fear dismissing salts for their disruptive actions. Employers will be able to hire job applicants who are actually interested in working and contributing do the company for the salary they receive.

I know that some of my colleagues do not support this legislation and will try to frame this legislation as being antilabor. It is not. As I mentioned, the

Truth in Employment Act specifically protects the rights of bona fide employees to self-organization, labor organization membership, and collective bargaining. It does not in any way undermine that right. But it will stop the proliferation of salting campaigns that have precipitated the need for the legislation. This, frankly, has become the new tactic of choice.

Others may suggest these unions would not undertake these tactics unless there were something seriously wrong with the system and that salting is like the last gasp of breath from the sea of desperation. But I think if you look at the economy, you find the real answer.

Apart from the recent ups and downs and antics of the stock market, our economy has been doing very well. Over 13 million new jobs have been created in the last 5 years. Unemployment is at a 24-year low—4.5 percent. The economy is growing. And while the economy is growing, union membership is declining; in fact, it is even plummeting.

The Bureau of Labor Statistics reported recently that unions lost 159,000 members in 1997 alone. So as a result of strong employment conditions and job satisfaction, labor unions are finding it increasingly difficult to identify workplaces that need and want labor representation. So in that circumstance, in that economic environment, it is regrettable that some labor unions have resorted to disingenuous techniques to cope with their situation.

Mr. President, in this country we often speak of rights—the right to free speech, the right to free assembly, the right to bear arms, the right to petition the Government for a redress of grievances. But with each right that we enjoy in this great country, we also face some responsibilities. People who assemble for a cause have the responsibility not to be violent or to be destructive. Journalists have a responsibility to print what is true and newsworthy.

When a parent grants a child the freedom to use the phone or to use the car, he expects the child not to make lengthy long distance calls to far out-of-the-way places, or to drive the car at high speeds or under the influence of alcohol. It is this responsibility that we exercise with each freedom, with each right that allows us to have these very same freedoms. Mr. President, the right of laborers to organize must not be abused.

Salting is a costly—costly—abuse of legal technicalities. It rarely ever results in actual organization. Instead, it costs small business owners time, money and oftentimes its reputation that has been built and earned through a whole lifetime. It costs American taxpayers money in legal costs and higher consumer prices. It is dishonest. It is unjust, and it penalizes the innocent.

Mr. President, the Truth in Employment Act calls for just that—truth in

employment. It calls for common sense and honesty in labor relations. It calls for job applicants to be honest about their intentions and to apply only if they actually want to work for the company. It stops only dishonesty. It stops only injustice. It stops only destructive and unethical practices. It calls for a simple change in the law so that small business owners do not have to shoot themselves in the foot. It calls for fairness. I ask my colleagues to support this legislation when we have the opportunity to vote on it later today.

Mr. President, 32 different trade associations have endorsed the Truth in Employment Act. I will not read them all, but some of the major trade associations supporting this legislation include the American Trucking Association, the Associated Builders and Contractors, International Mass Retail Association, the National Association of Convenience Stores, the National Association of Home Builders, the National Association of Manufacturers support this, as well as the NFIB, National Federation of Independent Business, the National Grocers Association, the National Mining Association, the National Restaurant Association, the National Retail Federation and the U.S. Chamber of Commerce—32 different associations have said, “We realize this is an insidious, unscrupulous practice that will proliferate unless we stop it legislatively now.”

While it may now be electrical contractors, small builders and small businesses facing this, unless the insidious practice is stopped, we will see it used in a calculating way against targeted industries and targeted businesses across the economic spectrum.

This is a great opportunity for us, as we seek to invoke cloture on this, this evening. We need 60 votes. I ask all of my colleagues in the U.S. Senate to carefully consider the simple change that this will make in the law, but the profound change it would have in restoring fairness in the workplace.

Mr. President, how much time remains?

The PRESIDING OFFICER. Thirty-two minutes 50 seconds.

Mr. HUTCHINSON. I ask unanimous consent, as I request a quorum call, that the quorum call time be charged equally to both sides.

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

Mr. HUTCHINSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HUTCHINSON. Mr. President, while the clock is burning, I think it is an appropriate time for me to take a few moments here and relate and in-

clude in the RECORD some of the correspondence I have been privy to concerning what small businesses are facing under the salting campaigns aimed against them and targeting them. These are only samples, but I think they are good samples of businesses across the country. I hope the Senators from these various States we are looking at will think seriously about what their constituents are facing in these targeting campaigns.

This particular letter is from Kenny Electric Service and was addressed to the Honorable DAN SCHAEFER in the State of Colorado. Colorado, of course, like all States across the country, is facing these kinds of campaigns. And because of the building movement in Colorado, I think they have been a particular target. They have many electrical contractors, building contractors, and small business people of various sorts who are facing this and are involved in the building trades industry.

I will read the last paragraph in which the letter states:

Kenny Electric Service, Inc. has experienced financial losses of over \$1 million as a result of union tactics and harassment. Attached are examples of harassment which caused these losses. Your help with the legislation will sincerely be appreciated.

Then they stipulate some of the expenses that they have incurred. He said:

We had a van with 7 union members arrive at our office to respond to an ad that we ran for an electrician. They were followed by the director of organizing, who was video taping the whole process.

The above resulted in an NLRB charge, even though some of them were indeed hired. The NLRB charge was ultimately removed [and dropped] by the union [itself].

The union members filed frivolous and sometimes false OSHA claims. For instance, one day the contractor's office trailer was locked up at 7 a.m. The trailer had the drinking water in it for the job. The contractor arrived at 7:15 a.m. and opened the trailer. The union member had already called OSHA and filed the complaint because water was not available for 15 minutes. It took me 3 hours to file the appropriate OSHA report to avoid a fine and a claim.

Then he goes on with another full page of similar examples of the frivolous claims that were filed against their company and the over \$1 million in costs that were incurred.

I ask unanimous consent that this letter be printed in the RECORD.

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

KENNY ELECTRIC SERVICE
Englewood CO, October 8, 1997.

Hon. DAN SCHAEFER,
Englewood, CO.

DEAR CONGRESSMAN SCHAEFER: I apologize for not being able to meet with you next Monday to discuss the issue of Salting Abuse. Salting Abuse is the placing of union members of agents in a nonunion facility to harass or disrupt company operations, apply economic pressure, increase operating and legal costs, scale back business activities, or even put the company out of business. Salting is being used in bad faith as a harassment technique, largely by filing numerous

frivolous NLRB complaints against open shop contractors. This causes the contractor delays and expenses in legal fees to contest these charges, and may jeopardize their work on a project through delays and excessive problems that the owner may not be able to endure.

I understand there is legislation in both houses of Congress to address this situation. H.R. 3211, the Truth in Employment Act, was introduced by Harris Fawell. Senator Slade Gorton has also introduced S. 1025 which is similar to H.R. 3211.

There has been compelling testimony regarding these salting abuses in three hearings held in the 104th Congress by the Economic and Educational Opportunities Committee. Several witnesses illustrated that these union agents hide behind the shield of the National Labor Relations Act, trying to destroy their employers or deliberately increase costs through various actions including sabotage and filing frivolous complaints with various federal agencies. For most of these companies, many of which were smaller businesses, the economic harm inflicted by the union's salting campaigns was devastating.

Kenny Electric Service, Inc. has experienced financial losses over \$1,000,000.00 as a result of union tactics and harassment's. Attached are examples of harassment that caused these losses. Your help with legislation will sincerely be appreciated.

Sincerely,

RICK L. ELLIS,
President.

EXAMPLES

We had a van with 7 union members arrive at our office to respond to an ad we ran for an electrician. They were followed by the director of organizing who was video taping the whole process.

The above resulted in an N.L.R.B. charge even though some of them were indeed hired. The N.L.R.B. charge was ultimately removed by the union.

The union members hired salted our projects and tried to promote the union.

The union members filed frivolous and sometimes false O.S.H.A. claims. For instance, one day the contractors office trailer was locked up at 7:00 a.m. This trailer had the drinking water in it for the job. The contractor arrived at 7:15 a.m. and opened the trailer. The union member had already called O.S.H.A. and filed a complaint because water was not available for 15 minutes. It took me 3 hours to file the appropriate O.S.H.A. report to avoid a fine and claim.

One union member filed a claim because he wasn't placed on a project with a large number of electricians. He was placed on the project closest to his house.

Two union members left work and are on economic strike.

We have had to date approximately 19 N.L.R.B. charges filed against us. A settlement was negotiated with the N.L.R.B. for dismissal of all charges.

The above items have taken over 500 hours of management to handle and deal with.

The above have effected our ability to advertise for and hire personnel that would have the company's interest and future in mind.

The union does not want to organize our company, they want to destroy our company.

We have continually trained and retrained our field personnel on the legal do's and don'ts of the salting issues. This takes away from their abilities to control and manage their projects in a manner that is in the best interest of the company.

We can no longer advertise using our company name without the threat of being harassed and salted again and again. This would only result in more N.L.R.B. charges.

The fact that we cannot actively hire new employees has effected our ability to man our projects and has ultimately stopped our ability to obtain new work.

Mr. HUTCHINSON. I have a letter from Manno Electric, Inc., from the president of that company to his Congressman, regarding forced unionism, or salting. I will read only one paragraph:

My company, Manno Electric, Inc., became a target for salting in July 1992. We are a small firm, founded in 1972, and based in Baton Rouge, Louisiana. Our business has been family-owned and operated for the past 24 years and now has annual sales of approximately \$1 million and an average work force of 25 employees.

In July 1992, I hired five union members during a peak work time and laid them off when their jobs were completed in mid-August 1992. Immediately, the union filed a ULP charge claiming they were laid off because of their union affiliation.

I will not read it all, but it concludes:

To date, I have paid my attorney over \$75,000 for my defense and have been ruled guilty on all charges by an administrative law judge who proudly professed he formerly represented the auto union and touted the high percentage of success in union litigation.

Once again, he is continuing to appeal. But these are the kinds of situations that these small companies are facing. That is from the State of Louisiana, Baton Rouge.

I ask unanimous consent that this letter from Manno Electric, Inc., be printed in the RECORD.

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

MANNO ELECTRIC, INC.,
Baton Rouge, LA.

Re Forced Unionism—"Salting."

The best kept secret by the labor unions today is their insidious organizing strategy known as "salting." Salting is the practice of sending paid professional organizers and union members into non-union work places (merit shops) under the guise of seeking employment.

These "salts" are trained in a program called COMET, the official organizing program of the AFL-CIO. They learn to infiltrate a private business, and use tactics of harassment, project disruption, and filing frivolous unfair labor practice (ULP) charges with the National Labor Relations Board (NLRB) against their employer.

If a union organizer is turned down for employment, or dismissed by a merit shop contractor, for any reason, he immediately files an unfair labor practice charge with the NLRB. The strategy behind salting is to file enough ULP charges against the contractor until the company is financially devastated or joins the union. The contractor has to legally defend himself against each charge, no matter how trivial. Each NLRB complaint costs the employer an estimated \$5,000 to \$10,000 to defend. Litigation for the union member is paid by the taxpayer through the NLRB.

My company, Manno Electric, Inc., became a target for salting in July 1992. We are a small firm, founded in 1972, and based in Baton Rouge, Louisiana. Our business has been family owned and operated for the past 24 years and now has annual sales of approximately one million dollars and an average workforce of 25 employees.

In July 1992, I hired five union members during a peak work time and laid them off

when their jobs were completed in mid-August 1992. Immediately, the union filed an ULP charge claiming they were laid off because of their union affiliation.

Twelve other union members came in and applied for employment during this time but were not hired because we had no work for them. They filed unfair labor practice charges for failure-to-hire, claiming discrimination because they were affiliated with the union. The union contends that once a member has applied for employment, you are forever bound to keep his application at the forefront or risk another ULP charge. The NLRB accepts this union theory and this is one of the biggest weapons used to abuse the contractor. At my trial in September 1993, I produced in evidence over 100 applications we had on file at that time.

In all, over 20 union activists filed frivolous charges against my company. To date, I have paid my attorney over \$75,000 for my defense and have been ruled guilty on all charges by an Administrative Law Judge who proudly professed he formally represented the auto union and touted the high percentage of success in union litigation.

My trial was a mockery to justice. The judge slept repeatedly during my trial and it was painfully clear that he did not hear all of the proceedings or read the 1700 pages of transcript in making his decision. He completely ignored our witnesses' testimony and our exhibits.

The Clinton administration, through its powerful political appointments in the Labor Department, has given a "green light" to the labor unions, the NLRB and now the Supreme Court to exercise their power to strike a deadly blow to American enterprises and the free market system. Unions have trained their agents to use and abuse the procedures of the National Labor Relations Act (NLRA) as an offensive weapon against employers. The NLRB accepts these frivolous charges and rules with a strong bias toward labor.

The AFL-CIO has declared organizing as their top priority in an effort to revive and rebuild union membership at all costs.

The Supreme Court in its recent Town & Country unanimous decision (9-0) has also helped to encourage labor. It focused on a very narrow aspect of the law, ruling that a paid organizer is a "bona fide" employee. It failed to address the issue that open shops are being assaulted by union agents, intent on not recruiting new members, but on putting contractors out of business.

Today, due in part to the one and one-half years my appeal was stayed by the NLRB awaiting the Town & Country decision by the Supreme Court, my fines could exceed \$500,000. In addition, the back pay and interest mounts daily and will continue to do so until I rehire the six union members that were terminated and also the seven others who merely applied but were not hired four years ago.

My business appears to be in financial ruin. This travesty of justice must be exposed so that business owners across this country can be alerted! An agent of the NLRB has even warned me that if I tried to close my business due to the inability to meet the liability, they had the right to force me to reopen.

The appellate court and, perhaps, the Supreme Court is the only recourse we have remaining. I can only pray that we do not fall victim to this new domestic terrorism.

Sincerely,

JACK L. MANNO,
President, Manno Electric, Inc.

Mr. HUTCHINSON. Then I have a letter written by Betty Tyson at T&B Metal Works, Inc. I believe it does sheet metal duct work in Jacksonville,

FL. This was addressed to the Honorable TILLIE FOWLER, a Congresswoman from Jacksonville, FL, regarding the Truth in Employment Act in 1996 in the House of Representatives, H.R. 3211.

Once again, I will not read all of this correspondence. But part of what Betty Tyson writes is the following:

T&B Metal Works, Inc. has been in business for 10 years and is a sheet metal company which fabricates and installs duct work in commercial buildings. Presently, it is unlawful for a business to refuse to hire a job applicant because he is a union organizer or union member. Therefore, we have hired several "organizers" from Sheet Metal Local 435 over the past 10 months (since the organizing campaign began). The problem is, these people are not trying to organize our employees—they simply do everything they can think of to disrupt our business by filing false charges, and are hiding behind the labor laws which were created to protect employees.

Then there are a number of specific details that are provided regarding the situation that T&B Metal Works face in Jacksonville, FL. I have a binder with similar letters and examples from all of the States of the Union. This is something that is becoming very broad-based and is becoming a widespread problem for small businesses struggling to survive and provide jobs for working people of this country.

I ask unanimous consent that this letter from T&B Metal Works in Jacksonville, FL, be printed in the RECORD.

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

T&B METAL WORKS, INC.,
Jacksonville, FL, December 11, 1996.

Re H.R. 3211 "Truth in Employment Act of 1996."

Hon. TILLIE FOWLER,
House of Representatives, Jacksonville, FL.

DEAR REPRESENTATIVE FOWLER: Reference is made to my telephone conversation with your assistant, Susan Siegmund, on December 2, 1996, regarding the above-named bill, as well as the conduct of the National Labor Relations Board. I requested that you represent us because we seem to be in limbo between our new representative (Brown) and our old one (Stearns).

You may have copies of letters that were sent to you previously dated May 1, 1996, and October 15, 1996. To date, we have not had any luck with anyone taking a serious interest in the problems we are encountering.

I also spoke to your assistant in Washington D.C., Brad Thoburn. He requested that we put together an outline of the problems we have experienced as a result of salting and the lack of impartial decisions by the National Labor Relations Board. I have enclosed a copy of that information for your review. Mr. Thoburn also indicated that you are on the Committee for H.R. 3211.

With all that said, I will try to give you a brief idea of what our business has been going through as a result of "salting".

T&B Metal Works, Inc. has been in business for 10 years and is a sheet metal company which fabricates and installs duct work in commercial buildings. Presently, it is unlawful for a business to refuse to hire a job applicant because he is a union organizer or union member. Therefore, we have hired several "organizers" from Sheet Metal Local 435, over the past ten months (since the orga-

nizing campaign began). The problem is, these people are not trying to organize our employees—they simply do everything they can think of to disrupt our business by filing false charges, and are hiding behind the Labor Laws which were created to protect employees! (You will find details in the attached outline.)

We have had four sets of charges filed against us this year. Representative Fowler, I can assure you that if we didn't know the Labor Laws before, we certainly became familiar with them between December, 1990, and February 1993. During that period, we had ten sets of charges filed against us by the union, and we spent \$28,000 on labor attorneys defending ourselves. We understand the labor laws and abide by them, but it doesn't seem to matter. Somehow, the union is able to persuade their "organizers" to lie repeatedly about us.

There is a statement at the bottom of the "Charge Against Employer" form which says "Willful false statements on this charge can be punished by fine and imprisonment". This is a joke! They might as well not have it on the form at all. The local NLRB representative has told me he knows these people are lying, yet the charges are not dismissed! In his defense, I know he refers his findings to the Regional Office in Tampa, and they make the final decision.

I have attached a copy of a letter we sent to Rochelle Kentov, Regional Director/NLRB, regarding her recent decision to postpone making a determination on charges that were clearly false. I have no idea why she would want to review the subsequent charges before making a decision on this issue. The charges are unrelated, as you can see in the attached.

In summary, we would like to request your support of the Truth in Employment Act of 1996 in an effort to aid small businesses, such as ours, throughout the country. Working hard and having your own business is supposed to be the American Dream, but is quickly turning into the American Nightmare for us and countless others who are being pursued by unscrupulous unions!

In addition, we feel it is imperative that the National Labor Relations Board be an impartial entity. It is a crime for them to allow this continued abuse of the Labor Laws. I hope you will have some suggestions or ideas of how this can be accomplished.

Thank you for this opportunity to express our concerns. We look forward to hearing from you.

Sincerely,

BETTY TYSON.

Mr. HUTCHINSON. Then I have before me an editorial that appeared in the Anchorage Times on December 17, 1996. You will notice that most of the correspondence and editorials that have been written have occurred within the last 2, 3 years, because it is during this time period that this problem has become so exacerbated, become so widely used by union organizers who are having little success in organizing otherwise, and they are going to these very destructive tactics.

This was written December 17, 1996, in the Anchorage Times, and I think the title of the editorial is significant: "Do Bad Real Good." In this case, it was actually a city that was facing a union salting campaign, and the threats that were made by the IBEW representatives were so egregious that it received widespread attention. I will read part of that editorial:

In a meeting with Mayor Margie Johnson in November, according to City Manager

Scott Janke, the IBEW representatives threatened the community with great financial harm.

The IBEW representative said:

By the time we get finished with this town, it will make the open meeting lawsuit your town was in look like chicken feed.

That cost the town over a million dollars in legal fees. So the union organizer representative said it was going to be "chicken feed" compared to what they were going to do.

He said:

Your town can't afford it, but we can. We will take out advertisements in the paper. We will ruin you.

* * * What we will do is rip this town apart.

Then he said:

We do bad real good.

It is that abuse, which is so often explicitly and blatantly stated, which this legislation would address.

I ask unanimous consent that this Anchorage Times editorial be printed in the RECORD.

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

[From the Anchorage Times, Dec. 17, 1996]

DO BAD REAL GOOD

Organized labor began the year with optimism about the national and state elections. Unions invested heavily in favorite candidates. But they didn't fair well—either in races for Congress or the Alaska Legislature.

Polls indicated the results had to do with labor's reputation in the eyes of many voters—a rap for heavy-handed dealings. It proved too much of a burden for many labor-backed candidates.

Whether deserved or not, labor's negative reputation was reinforced the other day when residents of Cordova read a memo from the city manager about an encounter between the mayor and two female officials of the International Brotherhood of Electrical Workers.

The IBEW and the city have been in a stalemate over contract negotiations that began after city employees voted two years ago in favor of being represented by the union. The union says it intends to file an unfair labor practice charge against the city because it hasn't engaged in good faith bargaining. The city says it has.

In a meeting with Mayor Margie Johnson in November, according to City Manager Scott Janke, the IBEW representatives threatened the community with great financial harm.

According to Janke's memo, this—including a reference to a non-related open meeting lawsuit that had cost Cordova \$1.3 million—is what one of the union people said:

"By the time we get finished with this town it will make the open meeting lawsuit your town was in look like chicken feed. Your town can't afford it, but we can. We will take out advertisements in the paper. We will ruin you."

"If you hire a lobbyist, I am going to be right behind him or her in Juneau and (urinate) on everything that Cordova wants. You won't get one capital project."

"What we will do is rip this town apart. We do bad real good."

The following day at a meeting between city officials and the IBEW representatives, a lawyer for the city confirmed with the two union officials that the quotes, as recorded by the mayor, were accurate. A half dozen city officials heard the confirmation, Janke says.

After the city's memo began circulating around the state about a month later, the IBEW issued a denial of the quotes, demanded an apology from the city and a retraction for what it called misrepresentation and false statements.

The city gave this official response to the IBEW last week: "Shame on you." The union should be ashamed, the city said, for the threat, for the belated denial, and for the demand for an apology.

Mayor Johnson, who receives no salary, says she is disappointed. She had hoped for a partnership between the city and the union. "They know we don't have a lot of resources in Cordova. A leaking roof at city hall, the school's falling apart, and there are only 750 property tax payers to support it all. We're struggling to stay abreast. Threats don't help anything," she said.

Especially on election day.

Mr. HUTCHINSON. Mr. President, while I continue to have the floor, I just want to point to this chart, which is an editorial that I think very well frames the issue that confronts the Senate today in this cloture motion.

It is entitled "Harassing Job Providers." It appeared recently in the Detroit News. I think, once again, it frames this issue quite well. I will read part of it.

One form of the tactic is called "salting" in which union agents take a job at a non-union firm and attempt to organize workers. They also file endless and often frivolous claims of labor law violations against the companies. Another tactic is simply to file the claims on behalf of other workers, whether or not the workers are actually aggrieved.

These tactics, as well as "salting," are known as corporate campaigns and are designed to give unions more leverage when they are at a low ebb. Only 10 percent of private sector workers are in unions. One pronoun handbook quoted by Investors Business Daily observes that "Every law or regulation is a potential net in which management can be snared and entangled."

I think they rightly conclude that:

Regulations ought to be about protecting people, not "ensnaring and entangling" anyone. Part of the problem is addressed by legislation introduced by Republicans Harris Fawell of Illinois in the House and * * *."

And it goes on and speaks about that legislation.

But here is the point I would make; I think the editorial made it well: Regulations, labor laws, and labor regulations implemented by the NLRB exist not to ensnare and entangle small business men and women who are trying to survive, trying to provide jobs and trying to make a living. They exist to protect both employer and employee and have always been intended to provide and to maintain balance. The fact is that when the National Labor Relations Act was passed no one could have envisioned that these kinds of tactics would become so commonplace.

So when the opponents of this legislation stand, as they surely will, and say, "This is just an effort to undermine and to hurt organizing efforts, this is antiworker and antilabor," I once again remind those Senators that the only thing this legislation targets are the

insidious and absolutely indefensible tactics of going in with the explicit purpose of destroying a business, destroying a businesswoman, of ruining their financial viability with a truly scorched earth policy, a term that has been used frequently of recent. This is truly scorched earth. If you can't organize and destroy them, that is what "salting" is all about. That is why it is incumbent upon us to restore balance and to restrain these kinds of unethical tactics that are being more and more widely used.

Mr. President, I observe the absence of a quorum, and I ask unanimous consent that the time under the quorum call be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. I understand we have a time allocation and those who are opposed to the Hutchinson proposal now have, as I understand it, about 50 minutes. Am I correct?

The PRESIDING OFFICER. There are 48 minutes.

Mr. KENNEDY. OK. I will yield myself 25 minutes.

The PRESIDING OFFICER (Mr. HAGEL). The Senator is recognized.

Mr. KENNEDY. Mr. President, we are reaching the last few weeks of this session of the Congress, and I think it is appropriate to give some consideration to the positions of the Republican leadership on the many issues that affect working families, because we will consider one of these issues later in the afternoon and another tomorrow when the Senate is going to be debating and also voting on the increase in the minimum wage.

I think it is appropriate that we look over what has been the Republican leadership position on issue after issue that affects working families in this country over the period of these last few years. There you will find a wholesale assault on the interests and the rights and the economic conditions and wages of working Americans.

I can remember 3 and one-half years ago, just after the Republicans gained leadership positions in the Senate, one of the first proposals offered was the repeal of the Davis-Bacon Act. I can remember being in this Chamber and asking my colleagues what is it about the Davis-Bacon Act that they object to. Well, they talked about the inflation it adds to construction projects. The average income for a construction worker in the United States of America is just over \$30,500. What is it that is so outrageous for a worker involved in construction—construction, the second most dangerous industry—to make \$30,500? Why is that such a dramatic concern to the leadership of the Repub-

lican Party? We find it time in and time out—let us eliminate Davis-Bacon to make sure that we do not give government contractors the opportunity to inflate wages of workers in this country.

Nonetheless, we took a number of days on that particular issue. I was wondering why it was, with all the problems we were facing at that particular time, our Republican friends wanted to take away some very important income for working families.

And then we had introduced an increase in the minimum wage—at that time it was \$4.35 an hour—for the working poor—men and women who work 40 hours a week, 52 weeks of the year, who want to be able to bring up their children with some kind of respect, but who are living in poverty. Most Americans believe that those who want to work and can work, who believe in work, who are prepared to show up for work and play by the rules, ought to be able to have a livable wage.

We will have an opportunity to address that issue again tomorrow. We have the most extraordinary prosperity in the history of the nation, with the lowest unemployment and the lowest inflation. But still the Republicans say no to that, no to the wages of working families who are involved in construction, no 2 years ago to any increase in the minimum wage, and then finally, finally, finally, they acceded to a modest increase in the minimum wage. And now we have the issue before us again. We know that the purchasing power of working families has been at its lowest, has deteriorated the greatest, and the highest income Americans have seen their incomes increase.

In the immediate postwar period, all Americans went up together. The rising tide raised all the boats—low income and upper income Americans increased at about the same rate. But now, according to the Republican leadership, they want to see a decline in the wages of working families by repealing Davis-Bacon. They don't want to see any increase for working families in a minimum wage.

And then I remember, as we went on into last session, the assault on the earned-income tax credit. Increasing the minimum wage helps working people, whatever the size of their family. But the earned income tax credit helps low wage workers if they have one or more children. The more children you have, the greater the benefit to you from the earned-income tax credit.

But we had the Republican leadership not only condemning the income of construction workers under the Davis-Bacon Act, but saying no to any increase in the minimum wage. And for those Americans with large families who earn less than \$31,000, we saw the wholesale Republican assault on those families by cutting the earned-income tax credit. I believe their particular proposal was \$9 billion.

Now, we went on for 6 or 8 months, and I asked, what is this all about?

Why are we having this wholesale assault on working families at the same time we saw the assault on Medicare and Social Security, to take over \$256 billion and give tax breaks to the wealthiest individuals.

Well, Mr. President, this assault that we had from the Republican leadership in the last session of Congress has continued, and it continues today. We have seen serious efforts to undermine the occupational health and safety legislation. Who does that protect? Legislation that had bipartisan support in 1972 that has seen the total number of deaths in the United States from on-the-job work cut in half. But we see our Republican friends saying we want to cut back on OSHA protections.

We say, all right, maybe it ought to be streamlined; maybe it ought to be more effective. What can we do to provide additional protection for workers? The GOP says, oh, no, we want more protection for the companies, and less protection for the workers. The Republicans want to permit companies to hire their own inspectors, and if their own inspectors say they pass muster, they want them to be immune from any kind of enforcement by OSHA. The Republican agenda includes undermining their income, undermining the safety of working families—this is their agenda.

We say maybe it really is not so. Let's give the Republicans an opportunity to prove that they really do care about working families. Let's try to see what we can do with family and medical leave. We are the only industrial nation that does not provide paid family and medical leave that pays the workers. We provided it for companies with over 50 employees, and it has been a resounding success. It has been a resounding success, and enormously important, as we have seen from the studies that show the importance of parents being with infants during their early days.

We heard the debate. It went on for weeks with the opposition of Republicans on the Family and Medical Leave Act. Now it is in effect. It is broadly accepted, welcomed, and the people who benefited from it have been working families.

Efforts were brought up not long ago, a little over a year ago: Let's try to extend it from companies that have 50 or more workers to those with over 25 and pick up another 13 million working families. We cover about half of the workforce now with the 50 or more, but let's bring it down so we pick up another 13 million Americans. If it works for one, let's try it for the other.

You would think the world would collapse when we listened to the Republican leadership saying "no way are we going to consider extension of the Family and Medical Leave. No way are we going to extend that concept."

We hear a great deal on the floor of the U.S. Senate about families and family values. One of the best ways of advancing family values is to let work-

ing people have family income. Let them spend some time with their families when they are working. Let them be safe so they can go home to their families, and not lose their lives in construction or be maimed in construction. That is a family value.

Now we had the wonderful amendment of Senator MURRAY of the State of Washington. She said, "Let's just give parents 24 hours—24 hours so that parent might be able to go to a parent meeting, maybe be able to go to an academic program in which a child is involved. Let us give 24 hours a year of unpaid leave so parents can see their child receive an award at school."

"No, no, no," said our Republican friends, "we can't possibly do that. We can't possibly do that. That will interrupt the workplace. That will disrupt the workforce. We will give you something else."

They came back with a wonderful proposal—what they call "comp time." "No," to Senator MURRAY, the Senator from Washington, who was trying to do something for families. They come back with what they call comp time. They use all the appealing rhetoric. They claim they will give people the time they need to take off to attend to family needs. But, you know, Mr. President, we went through that debate. One thing that those proponents would never be able to answer is that little part of the legislation that I read time in and time out that said it will be up to the employer when they will be able to get the comp time. In the meantime, we are going to abolish the 40-hour week and we are not going to pay overtime. A wonderful deal for workers. A wonderful deal for workers.

Who do you think supported that? It is always interesting to me when we have these wonderful statements of people who propose things, to then look at who benefits and who loses. Who do you think supported the Republican proposal on comp time? The Chamber of Commerce, all the business interests. Who opposed it? Working families, women's organizations and children's groups, because they saw it was phony and they saw it was fraudulent.

So on it goes. Here we have the assault on the economic interests of working families, the assault on OSHA, the assault on our efforts to extend Family and Medical Leave, and many more.

Another example is campaign finance reform. We talked about it. It has been effectively defeated in the U.S. Senate because of Republican leadership. Eight courageous Republicans, eight of them, were willing to stand up and try to advance campaign finance reform.

The first amendment that our Republican friends offered, before they sunk campaign finance reform, was what they call the paycheck protection provision. That sounds like a good one. On whom do you think it was focused? On whom do you think that paycheck protection was focused? Can you guess?

Working families. Working families, to deny them the opportunity to participate effectively in our political process. That is just a continuation of the assault on working families. It is meant to deny them the most fundamental and basic opportunity—to participate in the election process.

The No. 1 amendment was to deny people their rights. Our agenda was different. Our agenda seeks to expand safety and health protection in the workplace. We want to expand family and medical leave, invest in education, strengthen Medicare for our elderly, try to do something for Social Security—that is our agenda. I know it.

I yield to no one in sponsoring those proposals because they make an important difference to children, to workers and to our parents. I also support other proposals to make sure our streets are safe and our air water is clean. But we spent weeks on their so-called Paycheck Protection Act, not to change the system to try to deal with the abuses—but to deny working families the right to participate in the political process.

It was not much later that the GOP brought up the TEAM Act. That bill goes under the guise of giving workers a chance to work together in order to get a safer workplace and better productivity. All of those goals can be advanced now, under current law. I do not think any of those who supported the TEAM Act can compare the kind of increased productivity we have seen with General Electric, for example, in modernizing their jet engines, that has been done with workers and engineers working together.

I can take you up to the plant in Lynn, Massachusetts. Every time I tour that plant, I see the incredible increase in productivity, because workers are working there alongside engineers to increase productivity and increase safety. But the TEAM Act does something else. What was that? That bill would have permitted any CEO to choose employees' representatives, so that the CEO could bargain with the named employees about any of the issues about which other workers might be concerned.

How do we like that? Generally speaking, we would think that the workers themselves ought to be able to make a decision among themselves who ought to represent the group. That is a basic, fundamentally democratic concept. But no, no, not according to the Republican leadership.

Under the TEAM Act, the employee names the representatives, and if the employer doesn't like the person, he can fire the person. The employer sets the agenda and the schedule. The employer sets what will be on the schedule. The employer can change the schedule any time he or she wants to do it. Mr. President, that is under the guise of trying to change and be more productive. It basically would have undermined the opportunity for worker expression that has worked effectively

over some 60 years of collective bargaining.

So, Mr. President, now we are in the final days of this session, and suddenly we come up here with other legislation which is focused on undermining the opportunity for workers to organize. Surprise, surprise, surprise. Absolutely no surprise. Absolutely no surprise.

There has been a continuous effort over the last several years to undermine working families' interests in this country. It is as plain and simple as that. The Republicans have tried all different ways of doing it. They tried to undermine them economically. They tried to undermine their health and their safety in their OSHA recommendations. They tried to undermine their ability to participate in elections with their paycheck protection, and here they are trying to undermine their basic and fundamental opportunity to organize.

They have come in the last few days to try to overturn a unanimous Supreme Court decision—unanimous. It wasn't a decision that was 5-4, it was unanimous. Why? Because Republican appointees to the Supreme Court—conservative Republican appointees to the Supreme Court—understand very clearly what this kind of antisalting legislation will mean, and that is, basically, it will undermine one of the most basic and fundamental tenets of American and industrial democracy, and that is the ability to have collective bargaining and to have opportunities for workers to make a judgment either to choose a union or to reject it. That is where we are. We will have that particular vote this evening, and then we will go to the minimum wage issue tomorrow. We will have an opportunity to do that, Mr. President.

I won't even bother taking the time, because I want to address more specifically the legislation that is before us, but I just mention that under the Republican House leadership, they effectively eliminated every summer job for kids in this country—zeroed out the summer jobs program. Zero funding. It isn't just the workers, it is the teenagers in urban and rural areas.

I hope we will not hear tomorrow during the debate on the minimum wage, "Well, this is an entry-level job; we want to give teenagers an opportunity to work, and if we have an increase in the minimum wage, we are going to deny all those teenagers an opportunity to work." It won't stand up. We will give them the reports, show them the charts and the various economic analyses that show their argument is just baloney.

How are they going to explain that they zeroed out every single cent for summer jobs for teenagers in the House of Representatives? Zero. They say they care about workers? They claim they care about teenagers? The summer jobs program gives them an opportunity to have meaningful work, and they zeroed it out.

Mr. President, this was just a very brief comment about where we find

ourselves, about who is really interested in working families, and what the Republican leadership has been about over the past three and a half years.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 25 minutes 22 seconds remaining.

Mr. KENNEDY. I yield myself 15 more minutes.

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

Mr. KENNEDY. Mr. President, I oppose the so-called Truth in Employment Act, and I urge my colleagues to oppose it, too. This bill is the latest in a long series of Republican antilabor, antiunion, antiworker initiatives. They have soothing titles and harsh provisions. The GOP's Family Friendly Workplace Act would abolish the 40-hour week. The GOP's Paycheck Protection Act would lock American workers out of election campaigns. The GOP TEAM Act would bring back company-dominated sham unions. Like those schemes, the GOP Truth in Employment Act has an appealing title and appalling substance.

The bill's sponsors claim that it is designed to outlaw salting, a decades-old practice of people seeking a job at a nonunion shop with the intention of persuading coworkers to join the union.

Salting was unanimously upheld by the Supreme Court in the 1995 *Town & Country* decision. But this bill does much more than simply reverse that decision. It undermines the rights of workers to organize to improve their jobs and also infringes on a wide array of other legitimate activities that are important to all Americans. These activities include efforts to improve the status of women and minorities in employment, strengthen safety in the workplace, and many, many more.

The bill aims at labor unions, but it also hits many other important rights. This bill allows employers to deny jobs to people if they have "the primary purpose of furthering another employment or agency status." Those are the words from the legislation.

The bill invites employers to pry into their employees' activities outside the workplace to discover the workers' "primary purpose." It encourages firms to ask job applicants whether they are union members or civil rights activists and refuse to hire them if they answer yes. This blunderbuss provision institutionalizes the blacklist.

The bill is blatantly antiunion, and its supporters include the National Right to Work Committee and many antiunion employer associations. But the bill goes well beyond discrimination against union members. It permits many other kinds of flagrant discrimination.

By permitting employers to deny jobs to workers who have "the primary purpose of furthering another employment or agency status," the bill also allows firms to fire or refuse to hire a

person who seeks to advance the goals of another employer.

A company can fire a worker who is also employed by a labor union.

The bill also lets an employer refuse to hire someone based on the fear that she might band together with coworkers to push for an on-the-job child care center. The employer can argue the applicant was trying to advance the goal of women's groups to which she belonged.

The bill also allows a firm to fire African-American employees who seek to reduce race discrimination in the workplace.

The bill lets an employer fire workers who seek to change company policy and allow time off for religious holidays, for family and medical leave, or other worthwhile purposes.

This legislation legitimizes discrimination of the most offensive type. It encourages companies not to hire women. It invites discrimination against anyone else the employer believes might push an agenda in the workplace the employer doesn't like.

It encourages employers to probe into employees' private beliefs and activities. Freedom of expression and association are guaranteed in the first amendment. For over 200 years, this country has protected individual liberties. Those freedoms are essential to our national character, but this bill clearly undermines their beliefs.

The bill's supporters claim they want only to outlaw deceptive practices. They contend that employers are victimized by paid union organizers who accept a job with no intention of performing the work. Instead, they claim, these employees disrupt the job, harass coworkers, and file repeated frivolous complaints with governmental agencies. Innocent employers are forced to waste time and effort defending themselves against baseless charges.

Section 3 of the bill says its purpose is "to alleviate pressure on employers to hire individuals who seek or gain employment in order to disrupt the workplace of the employer or otherwise inflict economic harm designed to put the employer out of business."

Employers are not powerless under current law in the face of abusive practices. To the contrary—employers have many ways to ensure an efficient and productive workplace.

First and foremost, a business can refuse to hire someone who is not qualified for the job. If an applicant lacks the experience or the skills required, the employer can simply say no. Union membership does not automatically entitle someone to be hired, nor is it discrimination not to hire a union organizer who cannot perform the duties of the job. The employer has substantial control.

The company can also protect its legitimate business interests by setting a policy barring workers from outside employment.

The firm can require employees to forego moonlighting of all kinds, from

driving a taxi, to telemarketing from home, to working weekends at the corner store.

The Sixth Circuit Court of Appeals ruled last year that such a policy can be applied against paid union organizers so long as it is applied neutrally to all other types of employment.

This is a sensible rule. It recognizes employers' legitimate interests in workers who are focused on the job. We understand that, Mr. President. If the company says, "No, no moonlighting. The workers in our particular shop can only work on one job. We want that for business reasons, because we might need to have the workers work a second shift or a third shift and, therefore, we don't want you working in some other capacity." They can do that and accomplish the result they claim is their intent.

That is the Sixth Circuit's decision in the Architectural Glass decision in 1997. It says that they can effectively ban all kinds of moonlighting if they have a company-wide policy. So people cannot participate in other kinds of employment. If they are so concerned about that, they can do that. They can do that now. That is a way for them to try and deal with this issue if they are concerned about it.

Employers can also discipline or discharge employees who neglect their job duties. Workers who leave their stations or simply do not complete the work required of them can be disciplined. In April 1997, the Fourth Circuit Court of Appeals upheld an employer's right to discharge workers who failed to carry out their duties. In the Hess Mechanical case, the workers neglected their duties and tried to persuade their coworkers to join the union. The court held that the employer was well within his right to fire the workers for poor performance.

We understand that, Mr. President. If they hire someone who isn't interested in working, will not work, or can't do the work they can fire the workers who neglect their job duties. If they are not going to do the work for which they were hired, and if they are not qualified for the job, they don't need to be hired. If they are qualified for the job, they are hired, they work. If they do not work, and they are busy in other activities, they can be fired. That is the law of the land today—today.

Union membership does not give workers the right not to perform the job. A company can suspend workers who fail to perform adequately. Their pay can be docked. Disciplinary letters can be placed in their files. In extreme cases, they can be fired. Employers can use all of these items, and more, to get the job done. They are far from powerless to address the types of abuses cited by the bill's supporters.

Employers are also free to discipline workers who disrupt the job. Harassing coworkers or customers or blocking entrances, intruding in other work areas, all of these acts can constitute grounds for discipline. Once again, employers

have many ways to maintain quality, efficiency, and productivity without undermining the employee's legitimate rights.

If the misconduct is extreme, employers can call the police. Violence, threats, and intimidation are criminal offenses. Damaging or destroying company property is a crime. No employer needs to sit idly by if employees commit such gross misconduct. Criminal charges can be filed. The offender can be removed from the worksite. These sanctions are in addition to all the other disciplinary mechanisms available to the employer. Once again, union membership confers no immunity.

This bill's supporters contend that union members inherently suffer from "divided loyalties." They claim that union members simply cannot be truly loyal to the employer, cannot give the employer the genuine allegiance required for an effective and productive workplace. But that extreme antiworker, antiunion view was rejected over 60 years ago when Congress passed the National Labor Relations Act. The so-called divided loyalty antiunion claim is phony. It was used by countless harsh employers to deny the fundamental rights of workers. And Congress put a stop to it in the 1930s.

Mr. President, I ask unanimous consent to have printed in the RECORD various letters that I have from a number of companies.

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

CENTRAL SIERRA ELECTRIC CO., INC.,
Jackson, CA, November 21, 1995.

Mr. JIM DEWILMS,
Local #684 IBEW.

DEAR JIM: In response to our conversation last week, here is my opinion concerning the benefits and drawbacks to being a union shop. As you know, Central Sierra Electric Co., Inc. has been in business for fourteen years and has been signatory with IBEW for the past two years. Listed below are what I consider to be among the Union's strengths. To date we have found no drawbacks.

Extremely helpful in getting qualified manpower.

Notified us of numerous jobs out to bid.

Given our name to developers & manufacturers looking for qualified contractors.

Assistance in getting jobs when competing against non-union shops.

I hope this is of assistance to you. Please feel free to give me a call.

Sincerely,

CLIFF FRANKLIN,
Vice President.

TL ELECTRIC, INC.,
Mountain View, CA, November 17, 1995.
Subcommittee Chairman, PETER HOEKSTRA,
U.S. Congress.

TO THE HONORABLE MR. HOEKSTRA: My name is Tim Long the owner of TL Electric License #701016. I was formerly a non-union firm who was just recently organized by the use of union salts from a couple of IBEW locals here in Northern California. After these employees made it known to me that they were affiliated with the union, it became apparent to me that the skill and ability that they had, along with their understanding of their rights as employees could

only help me become a better contractor. At no time did they try to put my company in a bad light with my clients nor did they try to encourage my employees to become destructive to my equipment or to stop performing any assigned tasks. What they did do, was to show me they were productive, loyal employees that only wanted my company to succeed and for my employees to enjoy a better way of life by educating them as to what their rights were under the National Labor Relations Act.

Once I started to deal with the union salts and talk to them and to my employees I felt that becoming union would be something that I could look into. In all my dealings with the local union I was never threatened with any type of action. I was offered help in every area that I asked for and had my questions answered honestly. Since becoming a union contractor I have used the local union hiring halls and I am very pleased with all of the union members who have staffed my jobs. They have proven to me that they can be loyal as employees and to their union and that they are educated men and women who care about their rights and want to ensure that these rights are not denied to them. These union salts are out there trying to educate every man and woman that they have rights. They are not out there trying to put honest contractors out of business. I know that with the IBEW my company will be profitable and my employees educated to their rights.

Respectfully,

TIM J. LONG,
President.

ALONSO ELECTRIC,
Burlingame, CA, November 28, 1995.

TO WHOM IT MAY CONCERN: I am an Electrical Contractor and have been licensed since 1995. I joined the IBEW, Electrician Union in 1993. As an IBEW contractor I have been able to call the union hall when I need qualified electricians to work for me, and when the job is complete I can send them back to the union hall and do not have to worry about keeping a good man even when I have no work for him. So as a contractor the IBEW has solved my labor problems.

Personally I am receiving training in electrical theory and code requirements. I now have a good health and dental insurance plan, and am participating in a pension plan, which I never had before.

Sincerely,

FRANK ALONSO.

[From the Labor Times, Kansas City, KS,
Dec. 1995]

IBEW 124 TIES GOOD BUSINESS, CONTRACTOR
SAYS

(By Tom Bogdon)

One of the active boosters of recruiting reforms within International Brotherhood of Electrical Workers Local 124 has been Carl McKarnin, general manager of the power plant division of Pioneer Electric Co. That is not too surprising considering McKarnin's own experience as a young electrician fresh out of the Navy and seeking a career in electrical work.

"I talked to the girl working in the front office (of the union)," McKarnin said in a recent interview. "She said she was sorry that no one got any farther without a sponsor. It was a closed-door union. I didn't know anyone at the time to sponsor me. I had no choice but to seek out other unions or go to a non-union shop.

"And it wasn't just the IBEW," McKarnin continued. "All the skilled trades were like that. If you didn't have a relative or friend in the union for a sponsor, you didn't get in."

Local 124 shunned McKarnin back in 1964, but the exclusionary policies in effect then

did not slow McKarnin very much. He went on to build one of the largest and most successful electrical contracting firms in the metropolitan area. And five years ago McKarnin signed an agreement affiliating his firm with Local 124.

Now McKarnin assists actively in the aggressive efforts led by Local 124 Business Manager Lindell Lee to organize the unorganized sectors of the Kansas City electrical industry. McKarnin is fighting alongside Lee and other Local 124 members to eliminate vestiges of the "Country Club" atmosphere that for 30 years contributed to a steep decline, both locally and nationally, in the market share of electricians represented by the IBEW.

Also like Lee, McKarnin does not dismiss the competitive threat to growth of the unionized sector of the electrical industry posed by such non-union contractors as South Kansas City Electric (SKCE). * * *

"Unions have got a hard fight on their hands," McKarnin said. "There are several very good non-union companies out there that have good employees working for them. People like Lindell Lee recognize that and are moving aggressively to do something about it."

"An example of that is the employees working for us (Pioneer) who came out of SKCE," McKarnin continued. "We've taken in five of them, I believe that's correct. One of them, Tony Galate, has been with us four years and is a general foreman. He's running the new Federal Courthouse project Downtown for us now. That's the largest single contract the company has now or has ever had."

McKarnin was born 52 years ago in Liberty and grew up in the village of Randolph in Clay County. He attended North Kansas City High School, but dropped out when he got a job in a greenhouse, later working for National Bellas Hess and Pioneer Bag Co. He joined the Navy in 1960 for a four-year hitch, and was stationed on the aircraft carrier Lexington.

McKarnin trained ashore as an electrician while the Lexington was docked in San Diego. He described his 14-week Navy training course in electrical work as "excellent." * * *

Upon returning to Kansas City and, being unable to join IBEW Local 124, McKarnin went to a North Kansas City bank to open an account. McKarnin said the bank president asked him what he did for a living, and that he replied he was unemployed and looking for a job as an electrician. The banker recommended that McKarnin talk to Gabe Brull at Clayco Electric.

McKarnin was hired at Clayco, whose employees were represented by District 5 of the United Mine Workers, serving a four-year apprenticeship with that organization, which later merged with the United Steelworkers of America. McKarnin, who obtained a GED certificate in the Navy, also studied electronics for two years at the Central Technical Institute and electrical engineering for two years at the Finley Engineering College.

In 1969, McKarnin worked nine months at Evans Electric with a temporary IBEW Local 124 ticket, helping to build a runway at Kansas City International Airport and the nearby Trans World Airlines office building. He also served six years as president of the 200-member Steelworker Local 14436 which at that time represented electricians.

"It's interesting," McKarnin observed. "I've worked so closely with IBEW 124, but I was never a card-holding member."

In 1984, McKarnin and his wife Patrick bought Pioneer Electric, which had been founded in 1977. In 1994, Pioneer was sold to Duane Russell, and McKarnin signed a five-year contract to remain with the company

as general manager for the power plant division.

In addition to other types of work, Pioneer services four Kansas City Power Light Co. power plants, the Board of Public Utilities' Quindaro plant, the Thomas H. Power Plant north of Columbia, Mo., and other plants in Denver, Sioux City, Iowa, among others.

McKarnin said Pioneer currently employs about 160 electricians, including about 90 IBEW 124 members and others from Local 226 in Topeka. McKarnin said Pioneer's employment peaked at about 300 last year, including office and craft personnel.

"I have worked very closely with IBEW 124 since our employees voted to be represented by the IBEW about five years ago," McKarnin said. "Middle class America was created by the unions. Non-union wage standards are set by the unions. Most people don't realize that. Most people think the employer will automatically take care of the employees."

"But if you travel outside this country to anywhere there is no union representation, you have two classes of people—the extremely rich and the extremely poor," McKarnin continued. "The middle class of any country is created by the unions. And non-union wages are set by the unions. Usually the non-union shops pay just a little bit less. But they don't pay any more than they have to."

"It also should be noted that the middle class—created by unions—pays most of the taxes that have set the high standard of life in this country that is envied by most of the world," McKarnin said.

"Other reasons I support the union is because of the federal laws they have fought for," McKarnin said. "Look at your air pollution and water pollution laws, at OSHA safety programs. These and other protections were lobbied for and fought for in Washington, D.C. by unions. That's a fact."

"Federal labor laws are like stop lights and speed limits," McKarnin said. "Somebody has to set the standard. There are people out there who will kill other people. Maybe they have no respect for human life and human rights."

McKarnin, who has assisted in Local 124's organizing efforts at the employer level and also by speaking to prospective union members, was asked if this is because he is an enlightened boss or simply because it is good business.

"It's just something I believe in," McKarnin replied. "I believe very strongly in union representation and that would be my attitude whether or not I owned a company. I buy American-made clothes when I can. Most of my clothes have a union label."

"Unfortunately some union members don't do the same thing, or you wouldn't have the unfair competition from foreign products. A good example is a union member who drives to work in a foreign vehicle. As owner of the company I have discouraged that and still do. It's not good business."

McKarnin said he has been involved with Lindell Lee and Local 124 organizers Chris Heegn and Jim Beem in the effort to organize SKCE.

"One employer asked me why doesn't the owner of SKCE want to go union," McKarnin said. "Simply stated, the reason SKCE employees should vote to go union are all the reasons why the employer does not go union."

"The employer does not want to pay a competitive wage and benefit package," McKarnin said. "And another thing is young people want the cash money in their pocket right away. Retirement is a lifetime away for them. They don't care about costly benefits such as health insurance, life insurance and retirement planning."

"People interested in joining the union have been with the company 10 or 15 years,"

McKarnin continued. "They've started thinking about the future and realize why they would benefit from joining the union."

McKarnin said that while employees benefit for union membership, so does the company.

"In the case of Pioneer Electric, the company believes we benefit from union representation," McKarnin said. "When we went IBEW, we had 25 employees. As I said, we peaked out last year at 300. So we have seen some benefits from IBEW affiliation in the availability of skilled manpower. We can't survive without the union, and the union can't survive without the company. That's the bottom line."

WILSON ELECTRIC,
Oakland, CA.

Hon. PETER HOEKSTRA,
U.S. Congress.

TO THE HONORABLE PETER HOEKSTRA: I am the owner of Wilson Electric Lic. #462959 a minority firm located in Oakland, Ca. I was a non-union firm until Oct of 1994. Until that time I had many projects that I manned through the use of temporary hiring halls, word of mouth and advertisement in local papers. I hired an employee who came to work on a fire station that I was doing for the city of Oakland. I was impressed with his skill and the way that he got right in and helped me to get this job back on track. He then informed me that he was an I.B.E.W. union member, a salt and wanted to organize my shop into the local union. I guess you can imagine my surprise to this revelation. He told me that he wanted all my employees to know that they had the right talk about the union, that they had the right talk about other conditions that might be of concern to them, and that he was still a good employee himself and would still be loyal and productive. Not only did this employee remain a valuable asset to my company through his display of skill and knowledge and leadership, he treated my employees with respect and dignity, something that I had been told that the unions wouldn't do.

Through this union salt, the local I.B.E.W. union has shown me that their membership is committed to excellence on the job, continued education to improve their skills, to working with all of their contractors, to protecting the rights of all people working in the construction industry, to try and educate the public about all of the positive things that unions bring to their communities and that they can be loyal to their contractors and their union.

I am very pleased to say that I'm a union contractor. I believe that the union salting program is not only a good way to reach out to other working people, but that this right should be protected under the National Labor Relations Act.

Respectfully,

ROBERT WILSON.

COAST ELECTRIC,
Morgan Hill, CA, November 30, 1995.

To Whom It May Concern:

In mid 1992 My company was "salted" by a member of the IBEW, a Mr. Pat Mangano, for the purposes of organizing. The work completed was of top quality and we in fact have maintained a friendship. Fortunately I had given thought to the idea of becoming a signatory contractor prior to this event due to the inability of my company to hire qualified people at any wage level. The salting activity convinced me that the decision to become signatory was in fact the right one.

The contracting business is a complicated one even in the best of times and to be relieved of any problems is of great benefit. Having a reliable and qualified workforce at ones finger tips goes a long way to relieve

some of the problems in a most stressful business. Thank God I am a union Contractor.

Respectfully submitted,

WILLIAM D. LARLEE.

Mr. KENNEDY. Here are individual companies that had been salted. This is their reaction to it.

This letter comes from Coast Electric Company in Morgan Hill, California. It says:

My company was "salted" by a member of the IBEW, a Mr. Pat Mangano, for the purposes of organizing. The work completed was of top quality and we in fact have maintained a friendship. Fortunately I had given thought to the idea of becoming a signatory contractor prior to this event due to the inability of my company to hire qualified people at any wage level. The salting activity convinced me that the decision to become signatory was in fact the right one.

The contracting business is a complicated one even in the best of times and to be relieved of any problems is of great benefit. Having a reliable and qualified workforce at one's finger tips goes a long way to relieve some of the problems in a most stressful business. Thank God I am a union Contractor.

From Central Sierra Electric Co., Inc.:

Here is my opinion concerning the benefits and drawbacks to being a union shop. As you know, Central Sierra Electric Co., Inc. has been in business for fourteen years and has been signatory with IBEW for the past two years. Listed below are what I consider to be among the Union's strengths. To date we have found no drawbacks.

Extremely helpful in getting qualified manpower.

Notified us of numerous jobs out to bid.

Given our name to developers and manufacturers looking for qualified contractors.

Assistance in getting jobs when competing against non-union shops.

From TL Electric, Inc., 2296 Mora Drive, Mountain View, CA:

I was formerly a non-union firm who was just recently organized by the use of union salts from a couple of I.B.E.W. locals here in Northern Carolina. After these employees made it known to me that they were affiliated with the union, it became apparent to me that the skill and ability that they had, along with their understanding of their rights as employees could only help me become a better contractor.

You see the fact is, Mr. President, when unions do use the salting technique, they send their best people into these companies. Opponents claim that they do not, and that they send people in there who are disruptive and harassing in order to break up the shops. In fact, they send their better people in to be an example in order to convince people to become union members. If they cannot win the respect of their co-workers, they will not be able to convince them to join the union.

I will go on with some of these others when I conclude this evening.

The principle of basic fairness was reaffirmed in the Town & Country case in 1992, decided by a National Labor Relations Board composed of members appointed by President Reagan and President Bush.

In that case, the NLRB emphatically rejected the employer's claim that paid

union organizers are not "employees" under the labor laws, and that they are incapable of possessing the requisite loyalty to the employer. Instead, the Board ruled, "the statute is founded on the belief that an employee may legitimately give allegiance to both a union and an employer. To the extent that may appear to give rise to a conflict, it is a conflict that was resolved by Congress long since in favor of the right of employees to organize."

The Supreme Court unanimously affirmed the NLRB's decision. The Court described the issue before as follows: "Can a worker be a company's 'employee,' within the terms of the National Labor Relations Act . . . if, at the same time, a union pays that worker to help organize the company?"

In answer to that question, the Court held: "We agree with the National Labor Relations Board that the answer is 'yes.'"

The Court noted that the law protects employees' right to engage in union activities during nonworking time in nonworking areas. We understand that, Mr. President. They are only entitled to try to encourage people to involve themselves in union activities in nonworking time in nonworking areas. Otherwise, they can be disciplined. So we are talking about nonworking time in nonworking areas. That is key, Mr. President.

The decision explained that "this is true even if a company perceives these protected activities as disloyal. After all, the employer has no legal right to require that, as a part of his or her service to the company, a worker refrain from engaging in protected activity."

Mr. President, the bill before the Senate destroys this protection. It lets employers force workers to renounce their right to engage in legitimate, lawful activities. Businesses can discharge employees who attempt to organize their coworkers to join a union, or protest dangerous working conditions, unfair pay practices, or race or sex discrimination.

This legislation takes a giant step backward. It legitimizes conduct that our society has long condemned. It is hard to believe the Republican leadership is giving this misguided, antiworker bill such high priority as we near the end of this Congress.

Many of us have been trying to get consideration of the Patient's Bill of Rights so we can debate that issue before we recess. And, no, the Republican leadership says, no to patient protections that are of central concern to more than 160 million Americans who are in various health maintenance organizations and managed care plans. But what do we have on the floor of the U.S. Senate? The salting legislation. We could ask how many Members of this body on either side have read through this legislation and understood it. It was scheduled at the close of business last Thursday for a cloture vote this evening.

We could have debated patients' protection Friday, or if necessary, Saturday, or all day today. I bet you would have two-thirds of the Members of the U.S. Senate here instead of two Members. If we were dealing with the people's business, two-thirds of the Members would be here because they know the concern that families have about the abuses that are taking place. In too many instances in our Nation, it is insurance company accountants and agents making decisions on health care that ought to be made by doctors. Why aren't we debating that instead of an antiworker piece of legislation?

The silence from the Republican leadership is amazing. "Oh, no," they say, "you can only have three amendments. You either have to have your bill or our bill or two other possible amendments because we don't want to take up the time." Here it is, two Members of the Senate are on the floor, and we are moving off this bill to consider the Interior Appropriations bill later in the afternoon, and they will be hard-pressed to get another couple of Senators on various amendments on that.

How much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes 45 seconds.

Mr. KENNEDY. I reserve the balance of my time.

Mr. HUTCHINSON. How much time does my side have?

The PRESIDING OFFICER. The Senator from Arkansas has 11 minutes 56 seconds.

Mr. HUTCHINSON. Mr. President, after listening to Senator KENNEDY, I feel I should start by checking to see if I have horns that ought to be removed. I wasn't sure, frankly, whether we were debating minimum wage, family and medical leave, Davis-Bacon, comp time, OSHA, campaign finance team or summer jobs program.

I know that while there is concern about the amount of time we are spending on what Senator KENNEDY feels is an inappropriate bill, the total amount of time designated and agreed upon is 2½ hours equally divided on this cloture motion. I think to the thousands of small businesses across this country, their owners and their families, this is certainly worth 2½ hours on the floor of the U.S. Senate. I know that many businesses in the State of Massachusetts are certainly worth the time we are devoting to the subject today.

While Senator KENNEDY may be concerned that people have not read the bill, it is 3½ pages long. I suspect that any Senator, between now and this evening, will have time not only to study it and to study its impact, but also perhaps to read some of the hundreds and hundreds of letters that every Senator in this body has received on this subject.

For the sake of those who may not have time to read what I think is very important in this bill, I want to read it for the sake of my colleagues and the

sake of the manager of the other side, because while part of the bill was quoted, a big part of the bill was not cited. It is this:

Provided, That this sentence shall not affect the rights and responsibilities under this Act of any employee who is or was a bona fide employee applicant, including the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protections.

That is language directly from the National Labor Relations Act. We say there is nothing in this bill that can possibly infringe upon the right of a worker to do what they have always done. Salting has not been an accepted practice. Disrupting the workplace, causing economic damage, seeking to destroy one's employer, has never been an accepted organizing strategy in this country, nor should it be. That is all this legislation would restrict.

I suggest that when we talk about families, that we realize that small business men and women in this country have families, too. That they are workers, too. To invest a lifetime building a small business, building jobs and an economic future for their employees, to have that destroyed by this insidious practice is indefensible. I am amazed that anybody would stand and defend the practice of salting.

Now, we heard a couple of examples, I think, that mischaracterize what salting is. They say it is organizing. There is nothing in this bill that would prevent organizing. In fact, it specifically says that. So, please, let's not have red herrings thrown in. A small contractor in the Boston, MA, area has experienced numerous cases of union salts coming into the company under the presumption that at the open-shop company they would have low wages and no benefits. That is what they were told.

Every union salt came to realize that not only had the working conditions at the open shop been mischaracterized, but they were subjecting the company to an immoral and unscrupulous practice designed to harm the company. These employees and their families were later threatened by union members. Some compelling letters were received from employees to their union representatives saying they will quit the union and expressing disgust with the unscrupulous tactics they were put up to.

Let me read from one, and I will not use the names because I think that would be unfair. This letter is very moving. She mentioned the name of the company:

... doesn't deserve the disgrace and shame local 12 wants me to bring upon them. Every one at [the company] has worked too hard to have this done by me. I can't do it. I have been raised different. How can I raise my kids by setting an example like this.

I have decided to sever my time with local 12 [in Boston, MA.] After 2 years, I'm finally there. If this is how I have to get it, I don't want it.

And then she mentioned her employer's name.

Please do not contact me by phone, mail or in person.

I would like to remain an employee of [this company] but I understand and deserve termination. . . . Do as you see fit.

I would strongly recommend to anyone involved in local 12's program, [that is referring to the salting program] to get out.

I don't know how I could face you and do what they want me to do. I'm sorry I've betrayed you. I would like to apologize.

There are many salts we heard from, former salts who said, "I got out. It was too dirty. It was too much of an unscrupulous business to be part of it. I got out."

That is what we want to ban—not legitimate organizing, but this destructive tactic to go only to destroy the company. In their own words, from the State of Massachusetts, the organizing report of the International Brotherhood of Painters and Allied Trades, Roslindale, MA, this is what they wrote:

This is the opportunity to strip these non-union contractors of their most skilled workers and put the nonunion contractor in a situation where they won't be able to fulfill their contract obligations.

That is not me. It is their own words. Not their best workers, but to strip them of skilled workers.

They say:

We are stripping quality workers from these shops, weakening their ability to man their jobs. Our intent with this company and companies like them is to put them out of business or have them sign on the bottom line and become a union shop. Our efforts at this major nonunion shop have resulted in a victory from the council. We stripped away the best of their workers so far. They stopped advertising for help, and in fact, they put a freeze on all hiring. This has impeded [the Company's] day-to-day running daily. They need workers at this busy time of year, but they cannot hire. The word from our sources in the company is they will use a temp agency to hire workers. This will result in their having difficulty getting quality, long-term workers and will drag down their standard of worker. We know [the Company] has already been kicked off from one job for not getting it done on time. The less work this painting contractor does, the more there is for our signatory contractors to take on, and the stronger we get.

That is in their own words.

You can either accept salting is legitimate, salting is just an organizing tactic, or you could listen to their own manual and to their own reports that their goal is to destroy small businesses. And that's wrong.

It isn't impinging upon the rights of workers to organize, to collectively bargain. It is saying there is a right way to do it and there is a wrong way. This was never envisioned when the National Labor Relations Act was passed and it should be prohibited.

In 1996, there were over 17,000 complaints to the NLRB. This isn't a rare, isolated thing. There are thousands of frivolous complaints. The cost when they are investigating, \$17,500 of taxpayers' money just to investigate these frivolous charges. That is what we are dealing with.

May I inquire as to how much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes 7 seconds remaining.

Mr. HUTCHINSON. I reserve the balance of my time.

Mr. FAIRCLOTH. Mr. President, I rise today in support of Senator HUTCHINSON's bill, the Truth in Employment Act. This legislation is needed to address the problem of salting abuse, which places unfair economic pressure on non-union employers and ultimately costs American taxpayers millions of dollars each year.

In a typical salting case, union operatives gain access to a non-union workplace by obtaining employment with the company. Rather than further the interests of the company or even organize employees, their true objective is to disrupt business operations and increase costs for the non-union employer. This, of course, is achieved in a number of ways, including the filing of discrimination complaints with the National Labor Relations Board or other regulatory agencies.

Mr. President, an overwhelming majority of these cases are dismissed by the National Labor Relations Board as frivolous and without merit. Unfortunately, employers must shoulder the enormous costs of legal expenses, delays, and lost productivity, regardless of their innocence. One such frivolous case involves Burns Electrical Contractors in Charlotte, North Carolina. In 1996, a union salt gained employment with Burns Electric after lying on his application about his qualifications and his past employment. In actuality, he was on a union payroll for \$65,000. Within the first week, he began disrupting business, and, after abandoning his job, he was permanently replaced. Of course, discrimination charges were soon filed with the National Labor Relations Board.

More than two years later, the case was still not heard by the National Labor Relations Board. Burns Electric was forced to lay off workers and lost several bids on new construction projects. It incurred an estimated \$250,000 in business losses and \$10,000 in legal fees. Eventually, Burns Electric yielded to its attorney's advice and settled the case (it is often far less expensive for small businesses to settle than it is for them to contest the charges). Thus, the union salt was successful in disrupting operations and weakening the market share of this company, simply because its employees would not join a union.

Unfortunately, there is no disincentive for filing such a frivolous complaint. The federal government funds the investigation and prosecution of charges. This, of course, results in a considerable tab for the American taxpayer. I am informed that 8,449 cases were dismissed and 8,595 cases were withdrawn during FY 1996, costing taxpayers \$780 apiece. In the same year,

2,509 unfair labor practice charges were actually investigated and prosecuted in front of an Administrative Law Judge. The average cost for these cases is \$17,500. Finally, 174 charges were appealed to the Circuit Court of Appeals in FY 1996, at a cost of \$42,700 each.

As you can see, the Federal government spends millions to process, investigate, and prosecute these complaints. And because most of these charges are frivolous, taxpayers are actually funding the extortion of employers and the manipulation of government institutions. I believe it is wrong to use tax dollars to support this fraudulent and wasteful system.

Mr. President, the solution to this problem is simple. An employer should not be required to hire any individual whose overriding purpose is to disrupt the workplace or inflict economic harm on the business. By making this clear, the Truth in Employment Act will bring fairness to our labor laws and will go a long way toward eliminating waste and fraud in government. I strongly urge my colleagues to support this commonsense legislation and vote in favor of cloture.

Mr. KENNEDY. Mr. President, I think we have 7 minutes.

The PRESIDING OFFICER. The Senator has 7 minutes 37 seconds.

Mr. KENNEDY. I yield 4 minutes to the Senator from Iowa.

Mr. HARKIN. I thank the Senator.

Mr. President, I am sorry I could not have been here earlier to speak against this onerous piece of legislation. The so-called "truth" in employment act? It ought to be called the "fear" in employment act. Of all the requirements that a person has to go through to get employment, the last thing you ought to worry about is your personal beliefs or what you think.

How is an employer going to find this out? Are we now going to start administering "truth tests" to people who seek employment? Are we going to give them an injection of sodium pentothal so they have to tell the truth? Are we going to put them under hypnosis to open their minds?

This is probably one of the most far-reaching, invasive pieces of legislation that goes at the very heart of the Bill of Rights. The freedom of thought—to make sure that people can't force you, either in a court or anywhere else, to testify against your will, testify against yourself, or to force you to tell what you think is fundamental to our liberty. Yet, this bill amends this principle. This legislation would implement a unprecedented chilling effect on employment practices in this country.

I was listening to the Senator, my friend from Arkansas, talk about this. Employers already have the ability to fire workers who neglect their job duties. In fact, under the Hess Mechanical case, they will get attorney's fees for anybody who neglects their job duties and are dismissed, if they file a countersuit in court, for example.

So the more I look at this bill, I have to admit that this is really what I would call—and I listened to the Senator from Massachusetts earlier, listing all of the assaults that have been made on workers' rights since the Republicans have taken charge around here. This bill is just another bill on the Republican donors' wish list. That is all this is; it is nothing more than that.

But beyond that, it is a terribly invasive piece of legislation. Employers already have more power to tip the scales. If we really want to level the scales between employers and employees, we ought to do away with the Striker Replacement Act. We ought to make it so they can't replace striking workers. That would even and balance the scales. But this piece of legislation here, which says an employer can delve into the thoughts of a person—my gosh, how far are we going to go in this country?

Lastly, when it uses the words "for the purpose of furthering another employment or agency status," what does that mean? Does that include, for example, women who come to work and organize to start a day care center? How about racial minorities who may want to organize or petition for a day off to observe Martin Luther King's birthday? That presumably would be covered under agency status. There is no definition of "agency status." I understand what employment status is, but agency status is a broad net that would capture everything—potentially usurping our fundamental freedoms to organize and participate in important causes.

The Senator from Massachusetts has laid out quite eloquently the reasons why this legislation ought to be stopped in its tracks and why we ought to stick up for not just the working people in this country, but for the Bill of Rights and the right of people to think freely and to act freely in accordance with the law.

There was a Supreme Court case 2 years ago, the Town and Country case, with a unanimous opinion of the Supreme Court ruled that an employees affiliation with a labor union or other group cannot affect their employment eligibility. That is what they are trying to overturn here, the Town and Country case. It says that it doesn't make any difference what you think, as long as you are doing your job. If you want to do something outside of the job that is lawful and legal, employers cannot require you to disavow yourself of your right to participate in that activity, whether it be organizing a union or petitioning for workplace child-care centers. I think that is an excellent decision, a unanimous decision. We don't get that many anymore. Yet, this legislation seeks to overturn that Supreme Court decision.

The PRESIDING OFFICER. The Senator has used his 4 minutes.

Mr. HARKIN. I ask for 30 more seconds.

Mr. KENNEDY. I yield 30 more seconds.

Mr. HARKIN. It is a bad piece of legislation, and not just for working people, but for every American, for the Bill of Rights, and for our constitutional rights to be free to think and have our own consciences, this bill ought to be stopped in its tracks.

I thank the Senator for yielding the time.

The PRESIDING OFFICER. Who yields time?

Mr. HUTCHINSON. Mr. President, sometimes when I hear debate on the floor of the Senate, I wonder what bill we are debating or whether the bill being spoken of is actually reflected in the specific provisions.

I remind my colleagues once again that this bill does not overturn the Supreme Court decision, the unanimous Supreme Court decision. It does not infringe whatsoever on the rights of employees to organize. It specifically states in a provision added on page 4, the last part of the last statement in the bill, that nothing in this shall infringe upon or affect the rights and responsibilities of the employee. It comes straight from the Labor Relations Act that says nothing in this can infringe upon that. It says that an employer doesn't have to hire someone whose—it doesn't infringe if they want to organize, for whatever reason, whatever the cost, or whatever thought. It says that if your primary goal in taking that job is not to fulfill the responsibilities of the job but is to further the goals of another organization or another agency, that employer is not bound to hire you. And, yes, they can file a discrimination suit. But now the burden would be upon the NLRB lawyers to demonstrate that, in fact, this person was a bona fide employee applicant.

So the employees' rights are absolutely and totally protected under this legislation.

Mr. President, I ask unanimous consent that Senator GORTON of Washington and Senator KYL be added as cosponsors to this bill.

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

Mr. HUTCHINSON. Once again, we get this impression that has been presented this morning that somehow these are legitimate organizing efforts. Yet, I have read quotation after quotation from the IBEW and other unions' own organizing manuals that make it very clear that the goal is, in fact, to economically destroy the company and the employer.

So I will throw one more in. This is the IBEW Organizing News Letter, volume No. 1, March 1995, on page 4:

These companies know that when they are targeted with stripping, salting, and market recovery funds, it is only a matter of time before their foundations begin to crumble. The NLRB charges the attorney fees, and the loss of employees can lead to an unprofitable business.

That is what they want. If they can't organize, they destroy them economically. But it not only destroys them

economically, it costs the taxpayers, because we are paying the NLRB attorneys, and it ruins the reputation of good, hard-working Americans who have invested their lives in building businesses. I can't think of anything more tragic than to spend your life building a business—spending 30 years out there starting as a mom-and-pop operation and gradually adding employees, providing a good place of employment for workers—and then, through this pernicious tactic, see your business destroyed and have to close your doors, to see those jobs lost, and to say that somehow this is antiworker.

I will tell you what is antiworker. It is those who would use that kind of an unconscionable tactic to destroy the economic viability of a business. Yes, it ought to be legal to organize; that is something that ought to be protected by law; it is a precious right of workers in this country. But it is not a right to go in and destroy the economic viability of a company or business of a small business owner. That is wrong. I find it amazing that anybody could come down and defend that kind of tactic. All in the world this legislation would do is stop those kinds of tactics.

Mr. President, when a union salt goes home to his family, his wife, his son, his daughter, and his wife says to him at the end of that day, "Honey, how was your day?" or that child says, "Daddy, how was your day?" can he look his wife or child in the eye and say, "Oh, I had a great day. I participated in the destruction of a hard-working American's life dream and his livelihood?"

I hope my colleagues will support this legislation.

I yield the floor.

Mr. HARKIN. Mr. President, how much time is left?

The PRESIDING OFFICER. Senator KENNEDY's time is 2 minutes 32 seconds.

Mr. HARKIN. I ask for 1 minute.

Mr. KENNEDY. I yield 1 minute to the Senator from Iowa.

Mr. HARKIN. Mr. President, I have been listening to my friend from Arkansas. I read the language of his bill. The words are, "for the purpose of furthering another employment or agency status." It doesn't say for the purpose of destroying the company. Yet that is what he is talking about.

What is wrong with the purpose, for example, of helping to form a union? There is nothing wrong with that. There is nothing wrong for women, for example, wanting to organize to have a day care center, or minorities wanting to organize to have a day off. That is an agency. The words don't say for the purpose of destroying a company. That is the Senator's own thought process. Furthermore, the Senator from Arkansas's argument is faulty in that he claims this "salting" activity is carried out to specifically cripple economic viability of a business. However, I ask, what person would destroy the

very business, the very thing, their job and living is dependent upon? So it seems the Senator's argument is counterproductive.

Mr. HUTCHINSON. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. On whose time?

Mr. HUTCHINSON. My time is up. My time has expired.

The PRESIDING OFFICER. All time is controlled by the Senator from Massachusetts.

Mr. HARKIN. I wish we had more time. We will debate this later.

Mr. KENNEDY. Mr. President, I ask unanimous consent for 2 more minutes, and yield time to the Senator from Arkansas.

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

Mr. HUTCHINSON. Mr. President, I thank the Senator from Massachusetts. I thank my friend from Iowa for yielding for the question.

If you will look at the language in the bill, clearly the primary purpose is to go in to further the goals of an organization or agency. If we go to apply for a job—I ask for the Senator's opinion of this—it is my understanding that if you apply for the job, the primary purpose would be to fulfill the job, and it is not the primary purpose to fulfill the goals of the organization. That is why the employer would not be required to hire the employee under that. He would not fit the definition of a bona fide employee.

Mr. HARKIN. I thank the Senator. I don't know what the definition of bona fide employee is.

I am reading section 4 of the bill. It says:

Nothing in this subsection shall be construed as requiring an employer to employ any person who is not a bona fide employee applicant, in that such person seeks or has sought employment with the employer with the primary purpose of furthering another employment or agency status.

It doesn't say for the primary purpose of destroying the company. That is not it at all.

Mr. HUTCHINSON. If I could ask one more question, would the Senator consider hiring someone in his office whose primary purpose was not to work for him, but whose primary purpose was to undermine everything he is trying to achieve in the U.S. Senate?

Mr. HARKIN. No. Obviously, if someone came in with the purpose of working for me and doing a good job for constituents that I represent in the State of Iowa and is willing to do the job, is dedicated to that job but also wanted, for example, to organize an employee's group for day care, or for minorities rights, or whatever, absolutely I would hire that person. I would do it in a minute. But that example begs the question, how can employer determine a prospective employee's thoughts, intent, or motives? Subsequently, arbitrarily deny employment to someone because they suspect they had ulterior motives. This is bad legislation that

deserves to be defeated. We should be concerned with ensuring fairness and equity for the workers rather than further tilting the scales in favor of unscrupulous employers.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. First of all, I will include in the RECORD the scores of letters from small businessmen and women across the country that reject the Senator's proposition and hope that this legislation will not be included.

Second, Mr. President, any of the circumstances that the Senator has outlined here can be prosecuted under law at the present time.

The idea of conjuring up all of these horror stories and then saying that is what happens in the workplace as a matter of course is fundamentally wrong. That is not the case. If you have disruptions, there are perfectly adequate ways of addressing them.

Finally, Mr. President, the Supreme Court has upheld the concept that one can be interested in a good job with good working conditions, believe in a union, and also be interested in furthering the interests of the company. That is what this proposal would overturn.

Mr. President, I think all of our time has been used up.

I yield 36 seconds.

Mr. WELLSTONE. Mr. President, I just say that I thank my colleague. My understanding is that there might be a little time. My plane was delayed. I will wait. I thank my colleagues.

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

The PRESIDING OFFICER (Mr. FRIST). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

Mr. GORTON. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The bill clerk continued with the call of the roll.

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

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate will now resume consideration of S. 2237, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we began debate on this Interior appropriations bill last Tuesday. The Senator from West Virginia, Mr. BYRD, and I each made our opening statements and a handful of agreed-upon amendments were added to the bill at that point.

Then we spent much of the rest of the week on an amendment relating to campaign finance laws and other subjects not related to the Interior appropriations bill. So no progress was made on this bill.

Today, a number of Members on the other side of the aisle wish to offer an amendment related to agricultural policy. Of course, under the rules of the Senate, they have every right to do so. It is certainly appropriate to recognize them in the absence of a contested amendment dealing with the Interior appropriations bill.

The majority leader wants all Members to know that there will be time for discussion of that amendment during the course of the afternoon on both sides, including the distinguished chairman of the Committee on Agriculture. But when that debate seems to be over, or at 5 o'clock, whichever comes first, the Senator from Indiana, the chairman of the Appropriations Committee, will move to table the amendment and will ask for the yeas and nays, and there will be a vote on tabling the amendment immediately after the vote that is already scheduled for 5:30 this afternoon.

With that notification, I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. DORGAN. Mr. President, let me inquire of the Senator from Iowa—does the Senator from Iowa have the floor?

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. DORGAN. The Senator is going to offer an amendment on our behalf and on behalf of the Senate minority leader. My expectation is Senator GORTON would like to provide an opportunity for the minority leader to speak before the vote. I don't know if he made a unanimous consent request. I hope, in any event, if there is a discussion of time with respect to the tabling of this amendment, that there is an understanding the minority leader will be given time to speak prior to the tabling motion.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. I yield without losing my right to the floor. I obviously yield to the Senator from Washington.

Mr. GORTON. At 5 o'clock, under the previous order, we are to go back to another bill, on which we will vote on cloture on the motion to proceed at 5:30. It is the present intention of the ma-

jority leader to have a vote on tabling this amendment immediately after that 5:30 vote. I am sure that the majority leader will want to give the minority leader an opportunity to speak to the issue, however, beforehand. That is something they can negotiate with one another, but I see no problem in letting the minority leader speak.

Mr. WELLSTONE. Mr. President, may I ask my colleague one question?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I yield to my friend from Minnesota without losing my right to the floor.

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

Mr. WELLSTONE. Absolutely. I thank the Chair. I guess it is an indirect question for other colleagues as well. I put it in the form of a question to my colleague from Iowa.

While I understand the need for some sort of time agreement, does not the Senator from Iowa agree with me that we have an economic convulsion in agriculture right now and this is an issue of central importance to many Senators from the Midwest? I ask my colleague from Iowa if he thinks, in all due respect to the majority leader, that we are marginalizing or trivializing this issue by saying that it is going to be tabled at 5 o'clock? Some Senators may not even be back here—not just Senator DASCHLE from South Dakota—without the opportunity to speak about this issue.

Does my colleague think maybe it is a mistake not to allow other Senators to speak on this? This is not a small issue—am I correct?—in our States. Doesn't this issue deserve the full attention of the Senate or full opportunity for a full debate? And does my colleague not have some concern that by having a tabling motion sometime around 5, that a good many Senators are not going to be able to speak on this question, this urgent question?

Mr. HARKIN. I respond to the Senator from Minnesota to say I agree with him absolutely, there is a convulsion going on in agriculture today. We are spiraling into a deepening crisis in agriculture all over America, especially in the Midwest. Yes, this issue is of vital importance to farm families and people in rural areas all over America. I do believe we have to take some time to lay out the case and to lay out the facts of what is happening in agriculture today.

My colleague from Minnesota, I know, will do that today. My colleague from North Dakota, and others, I am sure, will want to come on the floor. The Senator from Minnesota is right, it is a Monday. People were told there would be a first vote today at 5:30. So I assume a lot of Senators are now returning to Washington, such as the case with the minority leader, Senator DASCHLE.

I hope, since we are taking some time this afternoon—let's be honest about it, there is not much happening on the

floor of the Senate today. I don't see anybody lined up with amendments. So we are taking this time to talk about and discuss the parameters of the problem in agriculture and to lay down our amendment, of course. But I hope that we will at least have some time beyond 5 or 5:30 this evening, maybe even tomorrow, to have some further discussion on the crisis in agriculture.

The Senator from Minnesota I think is absolutely right. I am sure there are a lot of Senators who would like to say something about this and to maybe add their thoughts, their views, their perceptions, their support. Or perhaps there are those who don't want to support doing anything at all but to just let it go, and they have a right to speak here, too, and they should be heard also.

I am hopeful that, as the Senator from Minnesota has pointed out, the floor manager of the bill and the majority leader of the Senate will at least afford us some valuable opportunity for other Senators to come in and speak on this bill after their return to the Senate Chamber.

Mr. WELLSTONE. May I ask my colleague one more question?

Mr. HARKIN. I yield for a question.

Mr. WELLSTONE. And I will let my colleague go on with his presentation. I know there are a number of Senators who want to speak, myself included.

I ask the Senator from Iowa this question, again, making the appeal to the majority leader: Doesn't this also go to the heart of accountability? Isn't it true people in Iowa, Minnesota, the Dakotas, throughout the Midwest, and, for that matter, throughout the country as well—let me focus on our States—as my colleague from Iowa thinks about it, don't people back in our States have the right to know where we stand? Don't they have a right to know whether or not their Senators have been out here on the floor making proposals—positive proposals—about what could be done that speaks to their economic pain one way or the other? Doesn't this whole issue before us speak to the issue of accountability?

If we have a tabling motion at 5 or 5:30, albeit the minority leader absolutely has to speak, doesn't this take away from the very idea of accountability, where people will wonder, where were our Senators, why didn't they speak up for us, or why didn't they have other alternatives if they didn't like this amendment? Don't we really undercut the very notion of accountability and what we are about by rushing to a tabling motion on such an urgent matter, such a central issue, something that is so important to people in our States?

I feel some indignation about this. This is not the way to proceed. For me, this is the issue. What is happening in Minnesota in agriculture is the issue. I just don't see a couple of hours, table, goodbye, that's it, one way or the other.

Mr. HARKIN. I agree with the Senator, this is a matter of accountability. Senators should have the right to speak, but they should also have the right to cast their vote one way or the other, up or down, on the amendment.

So I am hopeful that there would not be a tabling motion, that in fact we would be able to vote up or down on the package of amendments that I will soon be offering on behalf of Senator DASCHLE and the Senator from Minnesota, the Senator from North Dakota, and several others. But they should have the right to vote on that up or down. I think our constituents, as the Senator pointed out, they have the right. We have the obligation. They have the right to demand that we vote up or down on whether we are going to take some meaningful steps to alleviate the situation in agriculture.

AMENDMENT NO. 3580

(Purpose: To provide emergency assistance to agricultural producers)

Mr. HARKIN. Mr. President, I will soon be sending an amendment forward, but I thought I would speak on it before I do. Then I will yield to my colleague from North Dakota, who I know wants to speak, and my colleague from Minnesota. But I would like to take just a few minutes again to talk about the grave economic situation in rural America.

I just remind my colleagues in the Senate, that the Senate voted unanimously in July on my resolution describing the terrible conditions in agriculture and calling for immediate action by Congress and the administration. That passed the Senate unanimously. Unfortunately, a little bit later, when the Senate had a chance to pass a measure to provide some assistance, we did not manage to assemble the necessary votes. That was in late July before we left for the August recess. I am, however, encouraged by some information I have become aware of that attitudes toward what we proposed in July may have changed. So I am hopeful that today we will be able to pass this critically important legislation to provide emergency farm income assistance to farm families. I see no reason why we cannot pass it in the bipartisan tradition that has customarily been the hallmark of agricultural legislation.

If there was any doubt about the seriousness of the situation and the need for taking action in July, there can be no doubt today that the situation has worsened and that the urgency of the need for a response has increased.

Mr. President, I used these charts last week. Unfortunately, they are still valid this week. But I just want to point out that since we first debated this in July, on July 17, when there seemed to be some sense on the Senate floor that we were not really in a crisis situation in agriculture, that since July 17, we have had a 21-percent decline in the corn price—we used central Illinois as an indicator—and the prices keep on dropping.

As a matter of fact, I point out that just late last week the Department of Agriculture revised their crop estimates for corn, and we are going to have even more corn than we thought we were going to have. So we see that about every time a new estimate comes out, we get closer and closer to 10 billion bushels of corn; and that drives the market price down. The same thing happened with the soybean price. We had an equivalent 21-percent decline in the prices. Again, they are still down there.

Since July 16, when we passed here the version of our agricultural appropriations bill: Dodge City, KS, wheat down 20 percent; north central Iowa corn down 26 percent; southern Iowa/Minnesota market hogs down 11.6 percent. In fact, in hogs we are looking at the lowest prices for hogs since 1974—almost 25 years. Billings, MT, feed barley down 20 percent. Kansas City hard red winter wheat down 13 percent. As I understand it, it is still going down.

We can see what has happened since we passed the farm bill. You see what happened. We had a couple years here of increasing prices, exports were going out, customers overseas, the Asian economy was booming. So we passed the 1996 so-called Freedom to Farm bill, but then everything just started going to pot.

Look at what our prices have done since then. We are on a constant decline and a sharp decline in commodity prices since that period of time, all in corn and in soybeans and in wheat. All three of them, ever since the 1996 farm bill, keeps coming down. That little red line indicates just what happened in the last several weeks.

So if there ever was any doubt in anyone's mind of the crisis in July, there can be no doubt any longer. And prices, unfortunately, are certain to fall even more at harvest. We are facing the reality of a very serious economic hardship, all around the Nation.

And let me just underscore this: This is not the fault of farmers. We have a world situation where large supplies of commodities have combined with weakened demand to drive these commodity prices lower. In just the past 2 years, the farm-level prices for corn, wheat and soybeans have declined an average of over 50 percent in 2 years; and cattle prices, 20 percent below their level earlier in the decade. As I said, hog prices are at their lowest level since 1974.

On top of that, many regions—North Dakota, parts of Minnesota, Oklahoma, Texas, Louisiana—several regions, we have had bad weather and/or crop disease that have devastated farmers. Thirty-two of 50 States suffered declines in personal farm income between 1996 and now.

USDA price estimates are that the lower corn and soybean prices will cause a loss in farm income of \$1.4 billion in Iowa alone this year. Such a loss would threaten up to 26,000 jobs in my State. Nationally, USDA now pre-

dicts a precipitous drop in farm income of \$11 billion this year. That loss of farm income could result in a loss of over 207,000 jobs. Farm debt is at the highest level since the mid-1980s in the depths of the farm crisis at that time.

So, Mr. President, use whatever yardstick of measurement you want. By any measurement, we are spiraling into a deepening crisis in agriculture that must be stopped—and stopped now—before it gets any worse.

So today what we are proposing is a package that has four main elements. No. 1, we propose to remove the caps on loan rates that were put into effect in the 1996 farm bill and to allow the Secretary of Agriculture to extend the loans from 9 months to 15 months.

The way that loan rate would work is that you would take the average price over the last 5 years, drop out the high and the low, take the average, and 85 percent of that would be the loan rate.

No. 2, we propose to ensure that enough money is available for indemnity compensation to farmers who have suffered losses from weather and disease.

No. 3, we propose to provide the Secretary of Agriculture the authority to make storage payments on wheat and feed grains in order to encourage producers to place surplus commodities under loan when the Secretary determines that such action is appropriate to respond to problems in the transportation and marketing systems caused by large supplies.

No. 4, we are reiterating our commitment to livestock price reporting and to the labeling of imported beef and lamb. Parts of this were passed before, but we do not know if that bill is ever going to see the light of day. So we are offering it again on the Interior appropriations. For example, on the livestock reporting and the labeling of imported beef and lamb, those two were passed before. Indemnity compensation was passed before, but at much too low a level. We now know that the losses are much higher than what we anticipated in July.

We believe we have crafted a responsible and modest package to respond to the deepening crisis in rural America. We are not proposing any radical change to the 1996 farm bill. We are not changing any fundamental principles of the 1996 farm bill, which was to give farmers new planning flexibility and freedom. We are not touching that aspect of the 1996 bill.

We are simply modifying something that is already in the bill. Loan rates are part of the 1996 legislation. It is just at that time the wisdom of the Congress—I voted oppositely—was to put caps on the loan rates and to freeze them at the 1996 level. All we would simply do is modify that and lift the caps for the loan rates—use the existing law but just take the caps off, but use the existing law—which would allow the Secretary to extend the loan periods and to make storage payments.

Again, we are not introducing new features. We are simply taking the caps off these loan rates.

Our amendment focuses on the level of the loan that these farmers can take out on commodities after harvest, using their crops as collateral. The loan allows the farmer to pay bills, retain the crop while waiting for improved marketing opportunities.

We always heard about Freedom to Farm that allows families the flexibility to plant, but what the farmer this year doesn't have is the flexibility to market. Because of the need to pay bills, the farmer most often this fall will have to dump the grain on the market at the lowest possible price.

What extending the loan rates and raising the caps means—the farmer can take that loan out, and if the Secretary determines that they should make storage payments, they get storage payments also and the farmer can take the grant—the loan rate that he has—pay the bills, and then he can market his grain, market his grain when he feels is the right time, not just when he is forced to dump it on the market this fall.

We all hope, of course, that next year grain prices might recover, the Asian economy might get better, and prices might come up. If so, I want the farmer to reap the benefits of that, and not just the large grain companies.

The formula, as I said, has been around for a long time. I mentioned the formula; I don't need to go through that again. I will give a couple of examples. The 1996 farm bill set as a cap on the loan rate \$1.89 a bushel; if the cap were removed, the loan rate would be about \$2.17 for the 1998 corn crop—modest, very modest, but it would really help. In the case of wheat, the loan rate capped at \$2.58 a bushel; removing the cap put it at \$3.16 a bushel—still much too low for a real market price for wheat but, again, a modest increase that would help our wheat farmers.

In addition, as I said, our amendment would allow the Secretary to extend the loan for an additional 6 months—from 9 to 15 months—again, to give the farmers some more marketing flexibility.

Let me say a word about giving the Secretary the ability to make storage payments. The purpose of the storage payments is to facilitate orderly marketing, to alleviate burdens on commodity transportation and marketing systems. As we have seen in recent months, large supplies of commodities place a huge stress on the transportation system and on the entire commodity marketing and merchandising system. If farmers place some of this surplus grain into storage rather than dumping it into the market at harvest time, there will be some relief from the pressures on the grain transportation and marketing system.

Again, keep in mind that we are making this discretionary with the Secretary. He can look at the situation as it develops. If it looks like we will

have a lot of grain sitting on the railroad sidings with a backup in cars and we won't be able to get our grain out to market and the prices keep going down, he could then extend some storage payments to farmers.

Again, we are not changing any of the planting flexibility of the 1996 bill or anything like that.

Now, I will just close on this note and say there seems to be some misconception that our amendment involves "Government intrusion" into the business of farmers—that we are going to put the Government back in farming. Nothing could be more mistaken. In fact, we are enhancing the ability of farmers to market their commodities when it is most advantageous for them to do so. I know the old refrain about keeping the Government out of agriculture, giving the farmers more freedom. That is what we are doing. We are giving them more freedom in our amendment, more freedom to be able to market their crops.

Again, this is a modest approach, one that shouldn't cause any real discomfort among those who so strongly adhere to the 1996 farm bill and who believe that we shouldn't make any changes in it. I happen to be one of those who did not vote for the 1996 farm bill. I thought it was a good farm bill for when the export demand is high; when there is a lot of money overseas, it is fine; but when those markets disappear, as they always do cyclically, the farmer is left holding the bag. There is no safety net for farmers.

President Clinton said at the time he signed the farm bill that he was doing so but he recognized that the safety net was taken away and we would have to come back and modify it at some future time. Well, now is the time to take the loan rate caps off and to send a strong message to farmers that we, indeed, recognize the disaster that is taking place out there.

I spent the weekend in my State of Iowa. I had a meeting with a farm advisory committee. There are some people on the committee who are bankers, farmers, commodities dealers, and they stated, to a person, if something is not done this fall, it will be too late next spring. It will be too late to save a lot of farmers. It will be too late to do something about the spiraling down and the economic effects that this will have on all of our businesses in rural America come next year if we don't do something right now.

I see a lot of my colleagues on the floor who would like to speak, so I send my amendment to the desk on behalf of Senator DASCHLE, myself, Senator JOHNSON, Senator KERREY, Senator CONRAD, Senator BAUCUS, Senator DORGAN, and Senator WELLSTONE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. DASCHLE, for himself, Mr. HARKIN, Mr.

DORGAN, Mr. JOHNSON, Mr. KERREY, Mr. CONRAD, Mr. BAUCUS, and Mr. WELLSTONE, proposes an amendment numbered 3580.

Mr. HARKIN. 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 today's RECORD under "Amendments Submitted.")

Mr. HARKIN. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I listened carefully to the comments by Senator HARKIN from Iowa. I have spoken over the weekend, again, with Senator DASCHLE, on whose behalf we offer this amendment. A group of us have joined together, believing it is urgent that we respond to the farm crisis and that we do so quickly.

I want to go through a couple of charts, just briefly, that describe what this crisis is about. The first chart goes back to April 1996 and shows what has happened to farm prices. Wheat prices have fallen from \$5.75 per bushel down to \$2.46. The price of wheat, in this case, dropped 57 percent in this nearly 2-year period, since the farm bill.

Now, I ask people to think of their own situation. If their income dropped 57 percent, what shape would they find themselves? That is what has happened with family farmers. At the same time the price of their inputs have grown, and increased dramatically. The price of their grain has collapsed. In my State of North Dakota, in 1 year, net farm income for family farmers dropped 98 percent. Anyone in this country, any neighborhood, any community, any business, would be in desperate trouble if they lost 98 percent of their income, and yet that is what has happened to our family farmers.

When historians look back at this period, they will say that this is one of the most significant farm crises that we have faced since the Great Depression. We, in fact, have Depression-era prices for grain in rural America right now. We won't have many family farmers left if this Congress doesn't extend a hand to help out when family farmers are in trouble.

Each month has brought more and more bad news for family farmers. Wheat prices have fallen an average of a 11-cent-a-month drop during this entire year. That amounts to an almost \$40 million income loss each month to North Dakota farmers.

I want to read a letter from a 15-year-old high school boy who comes from a family farm. He wrote me a letter that I received in recent days.

My name is Wyatt Goettle.

Incidentally, he told us we should go ahead and use his name. Wyatt says:

I live on a farm by Donnybrook [in North Dakota], and we raise sheep, cattle, and grow crops. I'm 15 years old and I'm a sophomore at Stanley High School.

This year we rented out most of our cropland. The prices of crops this year and in

past years is ridiculous. What would happen if all the farmers just quit because they couldn't even feed their families? I don't know what is going on, but somebody somewhere is making money and it isn't the farmers that put all the work into it.

Then he says this:

You know, my dad can feed 180 people, but he can't feed his own family because of the prices.

... Our farm is a small family farm and it's hard to keep going. . . . It's hard getting back from school and working until 10:30 or 11:00 at night. Then having to get up at 6:15 the next morning just to find out that you can't put gas in the car to go to school because you can't afford it. It all goes back to the beef and grain prices.

This from a 15-year-old boy, a sophomore attending school in Stanley, ND.

Let me read an additional letter from Brian and Johnnet Christianson, who wrote to me recently from Glenburn, ND. She said:

Our loan officer has told us this will be our last year of farming if we can't make our scheduled payments. We want to farm. I have a good job, and my husband has taken on a full-time job and a part-time job [off the farm] to make ends meet. That is to cover living expenses.

... The public keeps hearing about the family farmer, but what about the farmer's family? The wife tries to be a decision-maker with her husband to pay a bill or get disconnected; or put food on the table. The wife is there to give a smile and a hug when he comes in from the field. As a new school year is getting underway, it is the farmers' children who continue to suffer the misfortunes of the farm life. Don't get me wrong. We have chosen this life for our family, and we will fight to keep it going.

She said:

When mom offers to buy one pair of new school jeans, it is the daughter who says, "No, mommy, I don't need them because we [can't afford it], right, mommy?" As I fill out reduced or free school lunch applications, the farm has brought us \$72 a month this past year. Yet people think we are rich farmers who can handle a bad year.

... Brian and I have a very strong marriage and we will get through this year with hope for a better tomorrow. Our children will, too. We will make it—the optimism of the farmer.

Please continue to fight for equity in grain prices for the farmer and his family.

Now, these two letters—one from a husband and wife and one from a 15-year-old boy—describe this crisis better than I can describe it. The young 15-year-old boy, a sophomore in high school, says:

My dad can feed 180 people, but can't feed his own family because of farm prices.

There is something wrong with that. One fellow sent me something that I ask unanimous consent to be able to show on the floor of the Senate. It is a handful of grain.

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

Mr. DORGAN. If I might, I will show my colleagues that this is the barley he sent to my office a couple of days ago. Then he sent a similar bag of kitty litter. This kitty litter is worth 20 cents a pound, and the barley is worth 2 cents a pound. This farmer said, "Is there something wrong here?"

Kitty litter is 20 cents a pound and barley 2 cents a pound. Am I missing something?"

No, he is not missing something. There is something fundamentally wrong with grain prices. There is something wrong when we say to the world and to family farmers that what they produce has no value. What they produce has no worth?

I have said this before on the floor of the Senate and we have heard it in testimony of people. Halfway around the world, old women are climbing trees in Sudan to scour for leaves to eat because they are facing starvation. A million and a half people in Sudan are starving halfway around the world. At the same moment that an old woman is climbing trees to get leaves to eat, a family farmer loads up his truck to drive to the elevator with a load of hard red spring wheat. When he gets to the elevator, he is told, "This wheat doesn't have much value; it is not worth much."

Is there a disconnection here? I think so. We produce an abundant quantity of food that the world needs, but somehow we cannot get to halfway around the world where they need it. Those who need it can't get it and those who produce it are told it has no value. If you want to talk about a disconnection of things that are really important on this Earth, that is it.

Now, we passed a new farm bill a couple years ago. I didn't vote for it. I didn't believe the farm bill was the right approach. I still don't. Like so many political promises, that farm bill had big print and it had little print. Unfortunately, as is often the case, the big print giveth and the little print taketh away.

Now, the big print promised that price supports would be set based on marketplace prices. Loan rates would therefore be 85 percent of the Olympic 5-year average of prices on the market. This promised a price cushion for family farmers. If market prices fell, there would be a cushion set at 85 percent of the Olympic 5-year average price. That was the big print.

Now here comes the little print. The little print then said that what the big print said was wrong. The little print said that while loan rates were supposed to be based on market prices, the little print put a cap on it. That is an innocuous little word, that three-letter word—"cap."

So the big print says you get 85 percent of the Olympic market average, and we are going to give you that as an opportunity to provide some kind of price support so that if the market collapses, you have something to support you. But then the little print comes back and says, "Oh, by the way, we are not going to give you what you were promised; we are going to put a cap on it; and therefore your support prices are pathetic." They never use the word "pathetic"; they put the cap on it that made it pathetic. Now we find ourselves under circumstances where we

must come to the floor and say let's take the cap off the loan rate and give farmers what they were promised in the farm bill.

All we want to do is delete just a part of the little print. Our amendment would just delete a part of that little print in the farm bill. Why, you would think we were burning 85 barns down with all the commotion about this. We come and say, "Let's delete the little print that took away from farmers what the big print promised," and you would think we were burning barns down.

Holy cow, people are jumping up and down and screaming that we are going to unwind, unravel, and tear apart the farm bill. No; we are just going to make the farm bill honest. We are trying to make it do for farmers what the farm bill promised it was going to do for farmers. If making that bill honest is the wrong direction, then I guess I have lost part of the compass by which to measure these issues.

Well, let me show the second chart. It describes part of the problem that cries out for attention. The red and orange areas are counties in our State. This is the State of North Dakota, which is 10 times the size of the State of Massachusetts, just for some land mass comparisons. This whole area of the State has been declared as an agricultural disaster. One third of our counties have been declared a disaster every year for the last 5 years. That's right; every single year. Two thirds of our counties have been declared disaster areas in 3 of the last 5 years. Why? It is because of a wet cycle that came and stayed, and provided the conditions for the worst crop disease in a century. And, now we have collapsed grain prices on top of it.

Now, farmers can't make it when, year after year after year, they have recurring natural disasters. That is exactly what has happened. It is precisely why, if we are going to save the family farmers, we must take action now to deal with this issue.

One of the problems that came from these wet cycles and all of the other natural disasters is a crop disease called fusarium head blight, which is a fancy way of saying scab. Farmers know what scab means. It means money is sucked right out of their pockets by decreased grain quality and quantity. Brian Steffenson, a cereal scientist from North Dakota State University, said:

Make no mistake about it. This is the worst plant disease epidemic that the U.S. has faced with any major crop during this century.

Our family farmers face collapsed prices, the worst crop disease of the century, disaster declarations year after year in most of the State. Yet, North Dakota, which is a rural State, is an important part of the bread basket in this country.

Let me add one additional chart which shows another part of the problem. As if this situation is not bad

enough with bad prices, poor crops and crop disease there is another economic dilemma facing our farmers. When the farmer does produce a product, the farmer faces basic monopoly pricing or monopoly influences up the marketing stream.

Want to sell some beef? Well, then, show up at the packing plant and you will find that 87 percent of the beef packing is controlled by four firms. Eighty-seven percent of the cattle slaughtered in this country is controlled by four firms. How about pork? Sixty percent of pork slaughter is controlled by four firms. Fifty-five percent of broiler chicken processing is controlled by four firms. Do you have sheep to send to the market? Well, 73 percent of sheep slaughter is controlled by four companies.

Everywhere a farmer turns, as he sells his commodities up the marketing stream, he finds that it is controlled by monopolistic kinds of enterprises.

How about transportation? Take it to the railroad, and what do you find there? Competition? No. You find one railroad that says, "We will haul your wheat, and here is what we charge you. If you don't like it, tough luck. Try walking down the highway carrying your wheat to market in gunnysacks."

In North Dakota, when you want to ship your wheat from Bismark to Minneapolis, MN, the railroad charges a farmer \$2,300 to ship that carload of wheat. But, if you put that carload wheat on in Minneapolis and ship it to Chicago, which is about the same distance, they don't charge \$2,300. They charge \$1,000. Why do we get charged more than double? Because there is only one railroad. And they say, "Here is your price. If you don't like it, tough luck." So we pay too much money for transportation.

My point is that in every direction the family farmer is confronted not by a free market but by a controlled market—controlled in someone else's interest. That is the dilemma we face.

At some point in agriculture, we reach a point of no return. The question for this Congress is whether we care enough about the future of family farmers in America to take effective action. Do we want to save family farmers? We can decide not to do that.

The best way to decide not to do much about family farming is to essentially say the farm bill passed by Congress was just fine. We can say it is all right that the big print giveth and the little print taketh away. Well, I don't think that is just fine. I think it is critically important to save family farmers.

If this country believes that food is expensive these days, they ought to try buying food once corporate agrifactories farm America from California to Maine. Then they will find out what the price of food really is. It won't be cheap food. It will be expensive food for the American consumer.

This last chart shows a cartoon from one of our newspapers. There is nothing

very funny what we have been discussing. This cartoon tells the story of agriculture in our region. It shows "Family Farmers: The Point of No Returns." It describes the roadbed our farmers are traveling. That roadbed is made up of low yields, low market price, low cattle prices, high production costs, crop disease, bad weather. Our farmers have no returns on their production and now are on the point of no return.

When I talked about transportation costs earlier, I should have also mentioned that there are many other business stories of what family farmers are facing.

My colleague from Minnesota is ready to speak. He comes from the east of North Dakota, Minneapolis, MN. Did you know that if a North Dakota farmer is going to ship his or her grain on a rail bed, put it in a car and ship it on the railroad, that the same railroad that will ship a carload of wheat from Iowa all the way up through North Dakota and then to the West Coast for less? That's right shipping from Iowa up through Minneapolis, through North Dakota to the West Coast will be cheaper to than to load the grain on in North Dakota and ship it from North Dakota to the West Coast? Why? Because shipping from Iowa is a circumstance where you are shipping where there is competition at the point from which you start to ship it. The railroad will charge more money for fewer miles to North Dakota farmers to ship that same load of grain.

My point is, it doesn't matter where you intersect this farm problem. In every single instance you will find out that there are no free markets; not in transportation, chemical prices, slaughterhouses, grain markets, you name it.

I haven't yet even mentioned the unfair trade that comes from Canada and elsewhere that undercuts our farmers' markets and further collapse farm prices. This is in addition to all of the other things I have mentioned. Right now, as I speak, somewhere up in a border port between Canada and the United States there is an 18-wheel truck driving up. And the driver is leaning out with his left elbow telling some Customs' inspector, "Yes. I have Canadian durum on the back of this truck. I have got a load of Canadian durum." He is going to drive that Canadian durum into the United States, undercutting our market, and thus taking the money right out of the pockets of American producers.

How is he going to do it? Because the grain on his truck was sent by the Canadian Wheat Board, which is a monopoly. It is a state-sponsored monopoly that would be illegal in the United States of America. The durum wheat that he is hauling is sold through the Wheat Board at secret prices, which is not something that can happen in this country, either. So we have a state monopoly from Canada selling at secret prices in this country to undercut our

farmers' price. It is fundamentally unfair.

While that truck comes across today, we have trade officials who just sit on their hands. They see nothing, they do nothing and they say nothing. In fact, they ought not be there when the paychecks come out. We ought to save the money. Why have a trade office that doesn't have the energy to get up in the morning and suit up, with the notion that, "I am going to do something good"? I will have more to say about that this week.

Right now my sense is we have trade people who have an unwillingness to take action. I say get rid of them. Get rid of all of them, and do it now. I am at my wit's end with our trade officials, because they know in their hearts that all they have is this mantra of free trade. They ought to really have some cymbals on the street corner someplace and just chant all day. That is all they do is chant. They certainly don't do any effective work with this country. If they did, they would be at the borders deciding that when people come into this country unfairly to try to undercut our markets and dump in this country at secret prices that there ought to be sanctions for that. As I said, I will have more to say about our trade officials later this week.

But I am here today for a very specific reason. Between now and several weeks from now when this Congress adjourns, there isn't a more important agenda item for us to complete than to deal with the farm problem. I hope we can do it together. I hope that Republicans and Democrats coming from farm country are able to stand together and say, "We want to do something to help family farmers get over this price depression."

When prices drop and you have a price valley, we need to build a bridge across that valley. That is what this farm program this Congress passed was supposed to do. But, as I said, the promise was in the big print and the small print took that away. Shame on the small print. What we propose to do is dump the small print today and give family farmers the kind of support that is necessary to get across these price valleys.

Let me finish as I started by telling you about Brian and Johnnet Christianson. This is just one farm family—one couple living on a farm—that is representative of thousands and thousands of farmers across the region. They say, "This will be the last year for us, our loan officer tells us, if we can't make scheduled payments." They ask a question. When their prices drop 57 percent and they are getting more than \$2 a bushel less for their grain than it cost them to produce, how can they possibly be expected to meet their payments?

There are no better people in this country than our farm families. I am not judging who is best. But, certainly there is nobody better folks in this

country than those people who went out and homesteaded the land, built themselves a house, raised a family, and operated a family farm. There are no bigger risk takers in America than those who plant the seed in the spring, and borrow some money to do it. They put everything they have, their sweat, their blood, their tears, everything they have into it. They risk everything they have every year. Then they hope that the insects don't come, it doesn't rain too much, that it rains enough, it doesn't hail, hoping their crop grows. And, when it grows, they hope that if they can harvest it and get it to the elevator, they hope among hope there is some kind of price that will give them the opportunity to make a living.

All of us know in our hearts that those folks are out there crying tears tonight because they are losing their hope and they are losing their dream of wanting to continue a family farm for themselves and their children.

We know what is happening to these people in those farm houses that Brian and Johnnet talk about it. This mother says she is only able to buy her young daughter one pair of new jeans for the school year, and her daughter says, "No, no, that is all right; I know we can't afford that." We know that in those houses they hope tonight that this Congress will do the right thing.

Congress extends itself to say to everyone around the world whenever there is trouble, "We are off rushing to help." What about now, here at home on the family farm, where there is trouble? Shouldn't we begin to rush to help with some real assistance that gives these farm families the hope of surviving for another day, another year, and an opportunity to say, "I am a family farmer, I am making a decent living on the family farm, and I am proud of it." If at the end of the day, together we do what we can and should do to make things right for America's family farmers, we will give these people on our family farms the opportunity to be able to say that with dignity and pride.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me, first of all, thank my colleague, Senator DORGAN from North Dakota, and also Senator HARKIN from Iowa.

I think that it is not just a matter of—I think my colleague, Senator DORGAN, will agree with me—of coming to the floor and giving a speech.

This is all so real to us. It is very concrete. This is the issue.

Mr. President, I ask unanimous consent that a letter which was sent to me from Wally Sparby, who is the Minnesota State director of our Minnesota Farm Service Agency, be printed in the RECORD.

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

USDA FARM SERVICE AGENCY,
MINNESOTA STATE OFFICE,
St. Paul, MN, September 10, 1998.

Hon. PAUL WELLSTONE: During our 1998 loan season, we approved loans based on \$4.00 per bushel for wheat and \$2.55 to \$2.75 for corn.

Now the farmers are receiving from \$2.50 to \$2.70 for their wheat in the market place and \$1.42 to \$1.52 per bushel for their corn—this just does not sustain cash flow!

1. The one thing Congress can do that will help farmers with cash flow today, more than anything else right now, is to take the caps off the loan rates!!

That will, on the average, immediately pump 60 cents a bushel into the wheat and 30 cents a bushel into the corn.

2. A Consumer Assurance Reserve should be established to provide for a plentiful food supply in the interest of National security. Store it on the farms and pay them the same rate as commercial storage!

3. Storage should have a two year rotation.

4. Extend the Marketing Loan Program to 18 months.

Senator, I'm also sending you a copy of our Minnesota State Committee deliberations from their South Dakota meeting two weeks ago.

Hope these items can be of some value to you. If I can be of further assistance, please feel free to contact me.

Sincerely,

WALLY SPARBY
MN State Executive Director, FSA.

Mr. DORGAN. Mr. President, will the Senator from Minnesota yield?

Mr. WELLSTONE. I would be pleased to yield.

Mr. DORGAN. Mr. President, I understand that the unanimous consent request I am going to ask for has been agreed to by both sides.

I ask unanimous consent that no amendments be in order to the pending Harkin amendment prior to a tabling vote.

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

Mr. DORGAN. Mr. President, if the Senator from Minnesota will yield further just for a question before he begins his address. I understand that this coming Saturday in Worthington, MN, there is to be a farm rally, which I assume the Senator will be speaking about. The rally is in his home State, but it is a rally designed to encourage farmers from a four-State area to come together to talk about and demonstrate the urgent need to stress this farm crisis. I intend to be in Worthington, MN, this Saturday with Senator WELLSTONE and others. I think it is a 9:30 a.m. farm rally. But I would expect a good many farm families will come from our four-State region to talk about their hopes and dreams and talk about especially what they hope this Congress will do to address this deep and abiding farm crisis.

Mr. WELLSTONE. Mr. President, my colleague from North Dakota is right. This gathering is not a gathering just for farmers, but it is also for small businesses, for educators, for the religious community. It is really for rural America, farmers and other citizens from the Dakotas, from Iowa, from Minnesota. It is going to be 9:30 to noon at the Nobles County Fairground

grandstand. And I also say to my colleague from North Dakota, it is very important to point out to the presiding Chair and others that Republicans are invited to be a part of this gathering. This is going to be a bipartisan effort to focus the attention of the Nation on what is happening in agriculture. So it is a very, very important gathering. I think there will be a huge turnout of people, and I hope that those of us who represent the Midwest, Democrats and Republicans alike, will be there.

Mr. President, I want to read the beginning of the letter that Wally Sparby sent to me. Again, he is the director of the Minnesota State office of the USDA Farm Service Agency.

Senator WELLSTONE:

During our 1998 loan season, we approved loans based on \$4 per bushel for wheat and \$2.55 to \$2.75 for corn. Now that farmers are receiving from \$2.50 to \$2.70 for their wheat in the marketplace and \$1.42 to \$1.52 per bushel for their corn, it just does not sustain cash flow.

And among the recommendations, the first recommendation is:

The one thing Congress can do that will help farmers with cash flow today more than anything else is to take the caps off loan rates.

That is followed by two exclamation points. I would, again, like to have this letter printed in the RECORD. I think the Chair already indicated its approval.

Mr. President, for the State of Minnesota, according to the Federal figures, net farm income fell 38 percent from 1996 to 1997. With these prices, the current farm income might fall far more than that if we do not act.

I am going to get to the figures and the statistics in a moment, but I would again like to go back to what I said to my colleague, Senator HARKIN from Iowa, at the beginning. We just now had a unanimous consent agreement that there will be no second-degree amendment, but from my point of view, as a Senator from Minnesota, I would just want to say to the majority leader, Senator LOTT, I do not think this procedure is satisfactory. I think we should be accountable. I do not think this should be a tabling motion. I think this should be an up-or-down vote.

We have a package of proposals here, which I will go over in a moment, which represent our best effort to, in a very positive way, respond to an economic convulsion that is taking place in agriculture, to respond to the economic pain of people we represent, to respond to the fact that we now have broken dreams and broken lives and broken families, and the status quo is unacceptable. There is not a one of us, Democrat or Republican, from the Midwest or from the agricultural States, who cannot and should not be out on the floor of the Senate fighting as hard as we can for our people. This is the issue, and I don't think the majority leader's proposal that we have an up or down tabling motion is satisfactory.

For my own part, I do not intend for this to be the end of the debate this week. We are going to come back to this question over and over again. We must.

I think the intent that there only be 3 hours to debate this amendment marginalizes or trivializes what is a central issue in the United States of America today. I think a tabling motion as opposed to an up-or-down vote does the same thing, and we are going to have to be held accountable. One way or another, if we should not prevail today, my working assumption—I am only speaking for myself as a Senator from Minnesota—is that we will come back to this over and over again in however many weeks we have remaining. I consider it to be my mandate as a Senator from Minnesota to make this my central priority.

I do not know any other way to do it. We have so many discussions on the floor of the Senate. People are just coming—they are not even back yet. A lot of Senators will not even have an opportunity to debate this before we have a tabling motion.

Let me just say that in personal terms what this means, this depression in agriculture, these record low prices, is that family farmers, that is to say, people who work on the land, live on the land—they are not absentee investors—are not going to make it. It is just that simple. They cannot make it. So in personal terms this is devastating not just for family farmers but for our small towns, our rural communities, whether it be in Minnesota, Iowa, North Dakota or South Dakota. You name it. It is devastating, absolutely devastating.

We are always going to have somebody farming. There will be acres of land. Someone will own the land. Someone will own the animals for the livestock producers, but the health and vitality of our communities in rural America is not based upon the number of acres that are farmed or the number of farm animals. It is based upon the number of family farmers who live in those communities and contribute to our schools and buy from our local businesses and contribute to our churches or synagogues.

That is what this is all about. We are confronted with the fierce urgency of now. If we are not careful, time is going to march on, and it is going to leave all of us standing alone, standing naked. What that will really mean is that family farmers are just going to be driven off the land where they not only work but where they live.

Again, before I get to the statistics, because I want my colleagues, as I make this plea to Republicans as well, and Democrats and everybody here to understand my own position, which is going to be today if we win, great; if we do not, come back over and over and over again—from my own part I remember moving out to Minnesota to Northfield, where I was a teacher, college teacher, and I don't have an agri-

cultural background, but my father was a Jewish immigrant who fled persecution in Russia where he was a writer. My mother was a cafeteria worker. But, Theresa and Phil—Phil Van Zuillan is no longer alive, he passed away—from Nerstrand in rural Rice County, they were the people who were my teachers when I began to do a lot of community organizing. And that is when I first began to learn about community agriculture. And my friend, Don Langer, who is no longer alive. I learned an awful lot from farmers in Rice County, crop farmers, dairy farmers, about a county 490-some square miles, population 41,000. And then I began to organize with farmers.

And then there was the mid-1980s, and all my organizing then was with farmers. And we saw just essentially a meltdown in agriculture. We saw people driven off the land and record foreclosures—record low prices and record farm foreclosures, in that formula that goes together. I remember going to some of those foreclosures—it was awful—some of those auctions. It was awful. I remember seeing people just breaking down and crying. There were some farm families—let me not be melodramatic, but let me just say it because it is true: I remember some of the men I met, some of the farmers I met, who took their lives. They took their lives.

Mary Ryan works in our office in Willmar in West Central Minnesota. Mary and Bob Ryan—one of their friends, I say to my colleague, Senator CONRAD from North Dakota, took his life. He had been foreclosed on. That is what is going on now. We have to somehow sort of bring this to the attention of the Nation today, but today is not the end of it. If this set of proposals are tabled, this is just the beginning. This will not be the end. For me, I will tell you that as a Senator from Minnesota, it will just be the beginning. We saw this dislocation, we saw people foreclosed on. We had huge, massive rallies. We had anywhere between 10,000 and 15,000 people who marched on the State capital in Minnesota.

I do not want to go through it again, but that is exactly what is happening. My appeal to farmers in our States, and not just the farmers, but to rural America and around the country, is we are going to need you. I hope we succeed today, but if we do not succeed today I hope you will hold people accountable. We are going to need you because we are going to be back over and over again. The principal problem is low commodity prices. If I had a blackboard here and I was teaching, I would just write: Price, price, price. The price of corn in Minnesota is \$1.50 a bushel, or even less at many elevators. You could be the best farmer in the world, the best manager in the world, and there is no way you can cash-flow at \$1.50 a bushel. We ought to have a price of \$2.70 or even \$3 a bushel. Anything below \$2 a bushel is a death

knell for family farmers. Virtually no farmer can cash-flow at that level.

Wheat these days in Minnesota is about \$2.65 per bushel. It should be \$3.75 or \$4. Soybeans are approximately \$5 or \$5.10. We would like to see that price at \$6. The current prices are almost unbelievably low.

According to a letter sent by Secretary of Agriculture Dan Glickman to Minority Leader DASCHLE, corn prices nationwide are 30 percent below the average price of the last 5 years; wheat prices are 28 percent under the average price; and soybean prices are 17 percent below 5-year averages. Livestock prices are way down as well.

This is exactly what happened in the mid-1980s, and we had this massive shakeout of family farmers at that time which changed the face of rural America—and not for the better. Many communities in Minnesota and all across the heartland were devastated by what happened. And that is going to happen again. It is happening now, and we are going to see many of our rural communities destroyed on the present course. We must change that course. This amendment that we have introduced is a positive proposal to change that course.

Some in Minnesota are talking about losses to our State's economy this year of over \$1 billion. Some are speaking about 20 percent plus of family farmers who are threatened. Again, this is not just for the family farmers. It is for small business people, it is for ag lenders, it is for our educational institutions, it is for our children, it is for our grandchildren, it is for our small towns, it is for our rural communities. Do you know what else? In Minnesota, it is also for the Twin Cities. We are all in the same boat. The fate of greater Minnesota and the health and vitality of greater Minnesota, or lack thereof, and health and vitality of our metropolitan area are intertwined. We are looking at an economic convulsion in rural America. Certainly that is the case in the Midwest. We are looking at broken dreams and broken lives and broken families. We have to do something.

I was at a farm crisis meeting, first in Crookston, MN, back in March, in northwestern Minnesota. My colleague, Senator CONRAD, will speak about this as well. It certainly applies to North Dakota in full force. The issue was not just low prices, but several years of bad weather and crop disease. Then I was on a farm in Granite Falls, MN, East Grand Forks and Fulda.

Next weekend, we have this rally scheduled, September 19, Saturday morning. Again, 9:30 to noon, rain or shine, Nobles County Fairgrounds grandstand, Worthington, MN, junction I-90 and highway 59. Senator HARKIN will be there. Senator DORGAN will be there. As many Republicans as possible, and Democrats, I hope will be there as well.

It is not a partisan crisis. I can tell you right now, many of these farmers

who are going under are not Democrats. Many are Republicans and many are Democrats. And I don't think it makes a darned bit of difference to any of them, in terms of political party.

Mr. President, we have taken some steps this year to address the problem. But we are falling way short. We included, if Senator CONRAD remembers this, we included some additional plant loan money into the supplemental appropriations bill earlier this year. That was for spring planting loans. We were pleased to do that. It helped some. Senator CONRAD and DORGAN and DASCHLE and others—and I was pleased to be a part of that effort—put together an indemnity bill that was \$500 million in disaster assistance. It is going to go way up. We are now talking about \$1.5 billion of indemnity payments when we are looking at what is happening in the South as well. That is part of this amendment. That is critically important. We need to get some assistance to people, ASAP. This is a crisis, all in capital letters.

What our current amendment does is simple. I am just going to focus on two or three provisions. First thing our amendment does is it lifts the cap on the farm marketing loan rates, and it raises that loan rate. Again, the primary problem is price. What farmers say to me is: Paul, even if you get the payments out, indemnity payment, disaster assistance payments for us, what is the future for us? Commodity prices have fallen through the floor. Whatever our explanation is for the low commodity prices, there has to be some kind of safety net to help people stay in business. The single most important thing we can do is to improve prices, and the tool we have available to us is the loan rate.

The loan rate does not set the prices, it does not even set a floor under the prices. If it did, the prices would not be as low as they are currently. But the loan rate does tend to give farmers—there is not one Senator who can argue to the contrary—a bit of leverage in the marketplace. It let's them take a loan on that crop, on their crop, and hang on to the crop and wait for prices to improve—if that is their choice.

Or, and this is a critical point—I am sorry that we are at this critical point, but we are—or, when the prices fall below the loan rate, farmers can also use that loan rate as a safety net and take a check worth the difference between the loan rate and the market price on the amount of their production.

It is simple. It is simple. Unfortunately, the 1996 farm bill, which I always call the “freedom to fail” bill—when it passed, I called it that—capped those loan rates at unrealistically low levels. There were some good things in the Freedom to Farm or “freedom to fail” bill, I say to my colleagues who are now coming to the floor, but at least we have to have this modification.

For corn, the Freedom to Farm bill capped loan rates at \$1.89 a bushel.

Again, virtually no farmer can make it on \$1.89 a bushel. It doesn't even work as a partial safety net.

What our amendment will do is lift the current cap on loan rates and raise the marketing loan rate on corn from its current \$1.89 per bushel to \$2.20 or \$2.25. It will raise the loan rate for wheat from the current \$2.58 to about \$3.22. Raising the loan rate usually tends to set a floor under prices by giving farmers some leverage in the marketplace. At a minimum, it certainly will greatly improve the safety net for our farmers.

Our proposal will also extend the repayment period on these same marketing loans to give farmers an extra 6 months to hold on to the grain and wait for a better price.

The purpose of both of these provisions is to give farmers some leverage. The Freedom to Farm bill—what I call the “freedom to fail” bill—gave farmers planting flexibility. That is great. Let me repeat it, that is great.

We were for that. But we now need to give farmers some marketing freedom to go along with the planting freedom. We need to raise the loan rate and extend the repayment on these loans along with dramatically increasing the indemnity money.

I am going to say it one more time. I have other colleagues on the floor who want to speak. Mr. President, we have come to the floor of the Senate with a set of proposals that are substantive, that are credible. The vast majority of family farmers around the country, I am positive, support the proposal to take the cap off the loan rate and get the price up to give them some leverage in the marketplace and the indemnity payments. I hope that there will be strong bipartisan support for this amendment. I hope so. If not, if this amendment should be tabled, then as far as I am concerned, the debate just begins.

I say to Senator CONRAD, who is about to speak—I am about to yield the floor—but I think he will agree with the last point I make which is, for us, am I right, I say to Senator CONRAD, this is the issue, this has to be our work, we want it to be our work? We don't want the pain to be there, but we can't go home without fighting in every possible way, using every rule available, using all of our leverage to make sure that this Senate and this Congress comes forward with positive legislation that can make a difference so that so many good, wonderful people in our States don't go under, are not ruined, are not devastated. That is what this debate is all about. I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to support the package of amendments that is before us, because agriculture in my State is in a crisis. I have previously referred to it as a stealth disaster, because it is flying below the

radar screen of much of the national media. Unlike the disasters of last year that were very visual, this is hard to take a picture of, because this is a circumstance where we have collapsing prices and falling production, and the combination of the two is pressing farmers and forcing them into selling out.

I draw my colleagues' attention to a May, 1998, front-page Wall Street Journal story that examined the agricultural crisis in the heartland of America. It pointed out very clearly that on the northern plains, the new farm bill is yielding pain and upheaval, and, indeed, it is. They point out that the dramatic drop in wheat prices was already, back in May, creating desperate problems for farmers in my State, but also in the State of the Senator from Minnesota, Senator WELLSTONE, who just spoke.

This is a problem that is now recognized not just in our home areas, but across the country. Indeed, not only has the Wall Street Journal written articles on what is happening, but the New York Times. This is a story that ran in July, 1998. They point out we have a desperate crisis in agriculture. We have seen, in fact, two front-page stories in the New York Times, a front-page story in the Washington Post, all talking about the extreme conditions farmers in North Dakota are facing.

Just moments ago, the respected Farm Journal released a survey of 1,000 wheat and corn farmers. The support for changes in farm policy in that Farm Journal survey is overwhelming: 73 percent of those surveyed believe that our current farm bill does not provide adequate income; 77 percent believe Congress should modify the farm bill; 73 percent believe we should lift the caps on marketing loans; 85 percent believe we must stop the import of surplus grain from abroad; 86 percent believe the United States should reestablish the farmer-owned and controlled grain reserve. Only 40 percent of farmers surveyed believe that they will be farming in 5 years. Mr. President, only 32 percent said they would encourage their kids to farm.

This is a survey done by the Farm Journal, perhaps one of the most respected farm journals in this country. The level of support for a change in farm policy is overwhelming, and of course it should be, because what is happening is an unmitigated disaster.

This chart shows what is happening in my home State of North Dakota. North Dakota farm incomes were washed away in 1997. From 1996 to 1997, according to the Government's own records, there was a 98-percent reduction in farm income—a 98-percent reduction. By any measure, this is a calamity, and the result is that literally thousands of farmers are quitting. In fact, the Secretary of Agriculture visited North Dakota in June, 1998. When he came to visit with area producers, he was told by his own crisis response team that we might anticipate losing

up to 25 or even 30 percent of the farmers in my State in the next 2 years. Mr. President, this may be a stealth disaster, but it is a disaster nonetheless, and it requires a response.

The drop in farm income is not just limited to North Dakota. In fact, we are seeing farm income drop in a majority of States. This shows the decrease in farm income from 1996 to 1997 in State after State.

You can see North Dakota, unfortunately, led the way. But not very far behind were Missouri, Maryland, New York, West Virginia, Virginia, Minnesota, Wisconsin. You can see that the heartland States in many cases were those most affected.

In 1998, this picture is even getting more serious, because we are seeing other States deeply affected, some of them by natural disaster, all of them—all of them—by collapsing prices.

Mr. President, we have to understand that this disaster is a result of really two factors: One, natural disasters in my State—overly wet conditions that have led to a dramatic loss in production because of fungus that has gotten loose in the fields. That fungus has caused dramatic crop losses. But on top of that, we have very low farm prices. In fact, we have now reached the lowest level in real terms for farm prices in our history.

This shows spring wheat prices from 1946 to 1997. You can see in 1997 already we were nearing the all-time lows for wheat prices.

Look what has happened in 1998. The bottom has fallen out. We have the lowest prices in real terms in history. In nominal terms we have the lowest prices in 21 years. The result is a collapse of income for farmers and the result is thousands of farmers being forced off the land.

I had a blowup made of some of the ads that are in the farm journals back home. Auction, auction, auction—we are absolutely being flooded with auctions all across North Dakota and Minnesota, parts of Montana and South Dakota and Wisconsin. And one of the interesting things to note is, it isn't old equipment being auctioned off. It is new equipment—1996 cultivator, 1996 swapper, 1996 disc, 1996 tractor. These are farmers who thought they were going to be around. They thought they were going to be in farming, but they are being forced off the land.

Mr. President, in North Dakota, wheat prices last week hit \$2.50 a bushel—\$2.50 a bushel for a commodity that takes about \$5 a bushel to produce. Some have said, "Well, they just plant more and make it up in volume." It reminds me of the story of the fellow that was selling shovels. He was buying them for \$20 and selling them for \$16. And he was so excited because he was selling lots of them. One of his friends with a little cooler head said, "You know, it's not working out so well if you buy them for \$20 and are selling them for \$16. You're losing \$4 on every shovel." This fellow, who was the ulti-

mate optimist said, "I'm going to make up for it in volume." You are not going to make up for it in volume. You are not going to make up for it in any way when you are losing \$4 on every shovel you sell.

The same thing is happening on every bushel of wheat. When it costs you \$5 to produce, and you are getting \$2.50 at the market, you are not going to stay in business very long. That is the hard reality. That is the simple truth.

Mr. President, that is what is happening in my State and many others. Something must be done. And it must be done quickly or we are going to see an exodus from agriculture unlike any we have seen in our history.

Mr. President, it is not enough to define the problem. It is also important to look at what is causing the problem. Let me just put up a chart that shows what we did in the last farm bill.

In the last farm bill we dramatically cut support for agriculture. In the previous 5-year farm bill we averaged \$10 billion a year in support for American producers. In the new farm bill, that has been cut in half—\$5 billion a year for support for our agriculture producers—a dramatic reduction. In fact, this is the biggest cut in Federal spending of any part of the Federal budget.

I am someone that has been a deficit hawk the entire time I have been in the U.S. Senate. I deeply believe in balanced budgets, not because that is the thing to do, but because it makes economic sense. It takes pressure off interest rates and allows America to be more competitive and allows us to get back on track. That is exactly what has happened since we started dramatic reductions in the deficit since 1993.

Mr. President, it is important to understand that no sector of the budget has taken bigger reductions than agriculture. If we look at what our competitors are doing, we see why it puts us in a very difficult position. Because our competitors in Europe are spending much more than we are at supporting their producers.

Mr. President, I indicated that in our country we are spending \$5 billion a year to support our farmers. But in Europe, they are spending nearly \$50 billion a year to support their producers. This is an unfair fight. It is one thing to say to our farmers, "You go out there and compete against the French farmer and the German farmer." That is fair. It is not fair to say to our farmers, "And while you're at it, you go compete against the French Government and the German Government as well." That is not a fair fight. But that is exactly what we are telling our farmers to do. This represents unilateral disarmament in a trade war. We would never do this in a military confrontation. Why are we doing it in a trade confrontation?

Mr. President, \$50 billion a year by Europe to support their producers; \$5 billion a year by us to support our pro-

ducers. Is it any wonder that we are losing the fight? Is it any wonder that Europe is on the march and on the move? Is it any wonder that Europe, who believes they have a strategy and a plan, believes that that strategy and plan are working?

Mr. President, we have to wake up in America. We have to understand that our competitors think we are asleep. They believe that we have been prosperous so long that we are not going to be willing to stay the fight. They believe that America is going to roll over and that they are going to be able to resume agricultural dominance.

Mr. President, if you examine the trend lines so far, they are right, because if you look at what the Europeans are doing, they have gone from being major wheat importers to being major exporters. Their share of the world grain trade has increased year after year after year. And it is time for America to decide, do we fight back or do we surrender?

I do not believe America wants to surrender. I believe America wants to fight back. Other countries want farmers out across the land, not huddled in the cities. That is the choice before us, Mr. President. Because unless we respond, unless we react, unless we help our producers in this fight, they will lose. And that will be a sad day for America. That will be a day we live to regret, because agriculture is at the heart of America's economic dominance. Make no mistake, agriculture is right at the heart of the strength of America. And if we are to surrender that position of dominance, we will rue the day we allow it to happen.

Mr. President, the last farm bill we passed dramatically reduced support. I put a chart up that showed spending per year for our farmers was cut in half. This chart shows the payments that are going out to farmers. In 1998—that is the year we are in—you can see this is the best year; this is the best year under the new farm plan, the best year. Look where it goes from here—down, down, down.

Mr. President, this cannot be allowed to stand. If you look at it from the individual producer's standpoint, here is what happens to the per bushel support that they get under the new farm plan: 1996, 1997—you can see 1998 is the second best year in terms of per bushel payments to our farmers. And then it goes down, down, down.

Again, Mr. President, we have our farmers going on a one-way escalator, and it is an escalator going down. It is an escalator leading to defeat. It is an escalator that says to our farmers, forget it, because this country is not going to stand behind you in this worldwide trade confrontation. We are going to give up. We are going to surrender. We are going to wave the white flag. We would never do that in any kind of military confrontation, and we should not be doing it in this trade confrontation.

As we look at what is before the Senate in terms of this package, we have

an increase in indemnity payments. A number of weeks ago, I introduced on the floor an indemnity plan to help farmers because they are suffering from natural disasters. So many farmers in our State have had 5 years of extraordinary conditions, very bad conditions for the growing of grain, conditions that have led to this outbreak of disease, conditions that have led to a steep drop in production. We put in place crop insurance. It is supposed to be the risk manager for our farmers and help them in disastrous circumstances.

One of the things we have learned about this new program of crop insurance is that it does not work where you have multiple years of disaster. It does not work. The reason it doesn't work is because your production history and base are determined on what your last 5 years of production have been. If you have suffered disaster after disaster, your base is reduced; that determines what you get paid under crop insurance. If you have had 5 years of disaster, your base is so reduced that there is not a safety net, even though the farmers are paying for it through crop insurance premiums.

The first thing we need to do, and the Senate has already agreed, is to provide a system of indemnity payments to those who have had experienced repeated losses and suffered sharp income declines.

Those indemnity payments that we passed in the U.S. Senate were for \$500 million. However, since we passed them, the losses have mounted. They have increased because of drought and disasters in Oklahoma and Louisiana. Because of other natural disasters around the country, we are seeing the income losses mount.

In this amendment we are proposing \$1.5 billion. Already, the USDA tells us that to provide the same level of support we had when we passed the \$500 million amendment in July, it would now take \$1.1 billion today to provide the same level of assistance. We are proposing to go to \$1.5 billion to cover these mounting losses with respect to an indemnity payment.

In addition, we are recommending that we lift the marketing loan rate caps, these artificial caps that were put in place in the last farm bill. On wheat, those caps are put in place at \$2.58 a bushel; \$2.58, when it costs about \$5 a bushel to produce the product. Obviously, those marketing loan rate caps in no way cover the costs of production. The result is devastating losses to farmers' income. The result is devastating losses of farm families.

That is why we are recommending lifting those loan rate caps. No, not to \$5; no, not to \$4; no, not even to \$3.50; but to about \$3.20. We think that is a reasonable proposal on top of the indemnity plan to get some money out across the land so farmers are not forced off their farms. Those are the two key elements of this plan: an indemnity payment plan and lifting of the marketing loan rate caps.

I have already indicated, according to the Farm Journal and their survey just released moments ago, that the overwhelming majority of farmers support lifting the marketing loan rate caps. Now, we will hear some argue that if you lift the loan rate caps, prices will increase and, therefore, production will increase, and therefore a further glut on the market will be created.

I had my staff call the Chief Economist's office at the Department of Agriculture and ask them if that scenario is plausible. They told us, no, it is not plausible due to the structure of the marketing loan program. If we lift the loan rate to \$3.20 a bushel, a farmer can take out a loan for that amount. If he ultimately markets the grain for less than that, he can keep the difference. Only if he sells the grain for more than that \$3.20 does he repay the entire loan amount. That is the way the marketing loan works. By the way, this is not unprecedented. We have a marketing loan in place for cotton and rice. It has worked extremely well for those commodities.

What is wrong here is that the loan rate that we have set is simply too low. It is not allowing farmers to recover sufficient income to be able to stay in business. Again, some have argued if you do this you will get more production; you will raise prices. The people at USDA, the Chief Economist's office, say that is not true. Because of the way the marketing loan rate is structured, a farmer sells for whatever the market brings. If the market is \$2, he gets \$2. If the market is \$2.50, he gets \$2.50. But he gets to keep the difference between the marketing loan rate amount and what he gets for his product in the marketplace. He only repays entirely if, in fact, he gets more in the market than the marketing loan amount. It is, in effect, a safety net. A producer sells his product at whatever he can get for it, but then he is able to keep the difference between the marketing loan rate amount and the market price.

I don't think those who argue that this is going to build stocks have studied this proposal carefully because this applies for just this year. Those who say it will lead to more production are going to have to answer the question, How is that? America has already planted and harvested its crops for this year. How is it that we will have more production when we have already produced this year's crop?

This marketing loan rate increase only applies to this crop year. How is it, we have to ask those on the other side, that this is going to lead to more production when, in fact, the production for this year is already determined? We have already planted. We have already harvested. This marketing loan rate increase is not going to increase production because there is no way to increase the production that is already in the bin. This year is a closed album.

Some say it is going to induce others to produce more. Europe has finished their crop for this year. Canada has finished their crop for this year. We have finished our crop for this year. Who is it that is going to produce more because of a marketing loan rate increase in the United States? The Chief Economist for the United States Agriculture Department says it is not going to induce a price increase anywhere.

The fact is, this is a way of getting financial assistance to farmers who are in a disastrous condition now. What are the alternatives? If somebody else has a better idea, another alternative, I am glad to listen to it. But right here, right now, we have what the farmers are calling for. What the farmers are calling for is to take away these artificial loan rate limits and give farmers a fighting chance against this incredible international competition, where our chief competitors are spending ten times as much as we are in order to support their farmers. I have indicated that Europe is spending nearly \$50 billion a year to support their producers and we are spending \$5 billion.

In support of exports, the margin is even more dramatic. In 1997, we spent \$56 million supporting agricultural exports; Europe spent nearly \$8 billion. This was a ratio of about 138-to-1. Now, I defy my colleagues to explain how it is we win a fight when our side is being outspent 138-to-1. How is it that you have any chance of winning when the other side is outspending you 138-to-1?

Mr. President, I hope very much that my colleagues will move to support this amendment, that the attempt to table this amendment will fail, and that together Republicans and Democrats will decide to back our producers, support our farmers, to say to our chief competitors, the Europeans: "You are not going to buy these markets. America is not going to wave the white flag of surrender, because this country deserves better." It would be a profound mistake to let 20 or 30 percent of our farmers be washed away because other countries have put a higher value on their producers.

Mr. President, I hope very much in the coming hours that people will reflect very carefully on the vote that we are to cast, that they will understand that we are in a trade confrontation, that our chief competitors are outspending us 10-to-1 in terms of overall support for producers. In exports, they are outspending us 100-to-1. Now is the time to respond, fight back, and the time for America to say that we are not going to allow our competitors to put our farmers under because our country is not willing to stand behind its producers.

Mr. President, this will be a defining moment for this year. This will be a defining moment on the floor of the U.S. Senate when we vote on this amendment. I hope very much, on a bipartisan basis, that our colleagues will stand behind our farmers and our farm

families and not allow them to be pushed off the land, to be forced into the cities, and to be left with a very hollow legacy.

I just want to close by saying I just had a farmer call me, whose family has been on the land for over 100 years. They are farmers in the Red River Valley of North Dakota, which is some of the richest farmland in the world. He told me, with tears, that this was the last year for him and his family, that they could not go forward any longer, that it was not possible for them to survive this collection of natural disasters and disastrously low farm prices.

Mr. President, the person that made that call to me is somebody who is recognized in our State as one of our very best farmers. He has won award after award. This is not a case of bad management. This is not a case of people who are spending money foolishly. This is a case of people who have worked hard and committed themselves fully. In fact, in this family, both the man and wife have off-farm jobs as well as full-time farm work. And every member of that family has made a commitment to farm this year. But because of these disastrous conditions, they have said this is their last year.

Mr. President, America will be stronger if that family stays on the farm. America will be better if that family stays on the farm. But it will not happen unless we are willing to help them fight. It will not happen unless we are willing to stand shoulder-to-shoulder with that farm family to give them a fighting chance. It will not happen unless we recognize that we are in a trade confrontation and that we have sent our farmers very lightly armed into a battle in which the competition is heavily armed.

I have spent many hours meeting with European agricultural leaders. It is clear to me that they have a plan and they have a strategy. Their plan and strategy is to regain agricultural dominance worldwide. I hope we don't show the white flag of surrender and give in to our competitors and walk away from this fight. We ought to say today that America is standing by its producers and we intend to fight and we intend to win.

I yield the floor.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from South Dakota is recognized.

Mr. JOHNSON. Madam President, I commend my colleagues, Senator DASCHLE, Senator HARKIN, Senator DORGAN, Senator CONRAD, Senator WELLSTONE, and others who have devoted a great amount of time, energy, and talent to crafting this amendment. I rise in strong support of this comprehensive farm relief package being debated on the Senate floor today.

Madam President, I have been in communication with my home State just this morning. Local cash prices for corn now, as we are approaching harvest, have collapsed to a new record

low. Cash corn in Winner, SD, is bringing \$1.10 per bushel today as we speak. Wheat prices have collapsed to \$1.70 per bushel. Land values across my State are beginning to falter. In a communication with a farmer near the Aberdeen, SD, area today, I am apprised of land values that have been valued at \$800 an acre bringing only \$400 an acre in actual sale this week.

This has a rippling effect. As I talk to farm implement dealers, those providing feed, chemical dealers, veterinarians, mechanics, and all the people who prosper when farmers and ranchers in our Nation prosper, they say we need now, more than ever, not only comprehensive legislation, but urgent legislation, to deal in a constructive fashion with the crisis we face in farm country.

Now, Senator CONRAD, I think, made an excellent point in pointing out how the European Community is spending roughly \$50 billion per year sustaining family agriculture in the E.C. In the United States, where only 10 or 12 years ago we were spending \$26 billion ourselves, we are now down to \$5 billion, and we are headed to zero, to the point where we sustain family agriculture, in the greatest food-producing mechanism the world has ever known, with far less than one-half percent of the Federal budget.

Is there a reason our European friends sustain their family agriculture at such a high level? Well, yes, there is. The reason is obvious. In Europe, they have been hungry a couple of times in this century. They know the dilemma that every society faces when agriculture is on its knees, when people are leaving the farm, when food production is inadequate. They value highly the reliability and sustainability and high quality of agriculture in their part of the world.

We in the United States, I am afraid, have grown complacent with the thought that somehow, no matter what we do, fields will be planted and the livestock will be raised, the food will remain inexpensive at the grocery mart, even while we destroy the roots of our agricultural production in this country. I fear that we are going to reach the point some day when we are going to have an experience something similar to what the former Soviet Union found when they destroyed family agriculture, thinking that they could find a new, more efficient way of growing food, only to find the results catastrophic for their society.

Now Russia is trying to reestablish family agriculture. But guess what? Once family agriculture has been pulled up by the roots, it is not so easily reestablished. It is very difficult to do. I fear that indirectly we are going down some of that same road of the destruction of family-based agriculture in this country.

I appreciate that there are some who have such a commitment to the current farm bill that it borders on a theological commitment that nothing

could be changed in that farm bill. There is much in the Freedom to Farm legislation that is constructive. And it is positive. I think most of us applaud the flexibility and the lessened degree of micromanagement that came with that farm bill. Yet, at the same time, I think there is a growing recognition that all is not well. In fact, portions of the farm bill need a desperate and urgent revisit.

We understand that with the collapse of prices that we have now that we need to give farmers a better opportunity to weather these down cycles, both in the grain side, in the farm bill's case, and in terms of livestock production.

For the past few months, I have joined my farm State Democratic colleagues in working on ways to improve economic conditions for farmers and ranchers. As you may remember, during this year's Agriculture appropriations bill, we introduced legislation to assist farmers. We offered amendments which would lift the caps on marketing loans for grain farmers, provide disaster assistance for farmers who suffered losses, provide for mandatory price reporting for livestock sales, and the labeling of imported beef and lamb products.

We were successful to some degree with those amendments. We passed three of those proposals through this Senate: a \$500 million disaster relief assistance package for farmers, a pilot project for mandatory price reporting on captive supplies of live cattle and boxed beef, and an amendment which I offered that will label beef and lamb products for country of origin. However, now that we have gone through the August recess, we are into September, and we still have to convince the House conferees of the importance of these proposals.

So we are back today because the economy in farm country and ranch country is getting, frankly, desperate. Since July, prices for cattle and crops have fallen further, and it seems at this point that there is almost no end in sight.

My recent conversations with farmers and ranchers across my State have been alarming. Ranchers have been selling off their cattle herds. Farmers are applying for off-farm jobs in preparation of losing their farms. And farm-related businesses are laying off employees. Implement dealers are laying off mechanics. Sale barns and veterinarians are laying off their hired help as well.

The ripple effect of this economic crisis has already hurt farmers and ranchers. But it is moving now quickly into our rural communities—and not just the small communities but the larger cities and towns as well.

With that, my farm State colleagues and I are offering this farm relief legislation—this amendment. This legislation is crucially needed if we are going to improve, if we are going to step in the right direction with our farm economy.

The first measure included in this package lifts the caps on marketing loans and extends the terms from 9 to 15 months. Again, we voted on this very same amendment earlier on on this Senate floor. We were defeated on a party-line vote at that time. But this amendment is the best way to provide farmers with an immediate economic impact for the grain products they produce.

It would amend the Agriculture Marketing Transition Act—Freedom to Farm. As many of us know, it gives the President of the United States the authority to declare a state of emergency for producers affected for 1 year, removing the current loan rate caps, and extending the loan period from 9 to 15 months.

Wheat would have the cap increased from the current \$2.58 to \$3.22, up 64 cents per bushel; corn from \$1.89, the current cap, to \$2.25, up 36 cents per bushel; and soybeans from \$5.26 to \$5.33, up 7 cents per bushel.

This would build on the existing marketing loan that is in the current farm bill. This is not a revolutionary departure from the current farm bill. It simply extends and expands the caps to a point where they become meaningful.

The Freedom to Farm, touted in the 1996 farm bill, did deliver the planting and management flexibility to farmers who are able to take advantage of that flexibility, but it failed to deliver freedom for farmers to market in a flexible manner and at a profitable manner. When the farm bill passed, wheat prices stood at nearly \$6. Now, in some cases, it is down to \$1.70. When the farm bill passed, corn was \$5. Now it is \$1.10 in some places.

The financial progress and future viability of our farm and ranch operations depends on the profits that can be gained from our agricultural products. I think all of us support short-term disaster relief. And that is part of our package, too. But the long-term underlying challenge that we have is to create an environment in which the attendant market prices can be gained. Our farmers want, in the long run, to have a decent price for their products. They are not looking for government checks. They are not looking to go back to the old days of \$26 billion a year in the farm program expenditures, although even that is only around half of what the European Community is spending today. But they want an environment where profitability is at least possible.

When cash flow projections were developed last fall by farmers and creditors, better commodity prices were relied upon than what we see today. Keeping in mind the incredible, terrible prices that the farmers are now seeing, it is likely that we will see increased loan delinquencies and default rates in the coming months. So while producers are now essentially receiving prices comparable to what they received in the 1940s, their input and production costs reflect the modern-day realities of the 1990s.

How many of us could make a decent living on 1940s wages and 1990s costs? We could not, and neither can the farmers nor the ranchers. So we are witnessing another devastating bout of farmers and ranchers going out of business.

Second, this package will provide short-term disaster assistance. It will provide funding for income losses to farmers in the Dakotas, Texas, Oklahoma, and Louisiana—all of the hard-hit rural areas of our Nation.

We successfully passed a \$500 million proposal as part of the coming fiscal year's Agriculture appropriations debate. But it is still tied up in conference and it doesn't take into account the recent disasters we have had in Texas, Oklahoma and Louisiana, the devastating drought circumstances that currently exist there.

Third, this package would provide for emergency storage payments. It provides for commodities placed under the marketing loans. It will allow farmers to store their grains during these low price cycles so they will be able to market them with an eye toward more profitability over a longer window every time.

It would provide for mandatory price reporting creating a 3-year pilot program that requires meat packers to report prices on live cattle and boxed beef; allows the Secretary of Agriculture to define and prohibit anti-competitive practices. It strengthens the 1921 Packers and Stockyards Act; provides whistle-blower protection for smaller producers who speak out against captive supplies from business discrimination in the livestock industry; and, it would create a commission to study credit availability to determine if current lending practices on the part of the Federal Government contribute to the growing problem of concentration in agriculture. Lastly, and importantly to me, it would again reinvestigate the issue of labeling beef and lamb meat products.

The Meat Labeling Act of 1998 was unanimously approved by the Senate during its deliberations of the 1999 Agriculture appropriations bill. The House, however, did not include it in its version of its Agriculture appropriations bill. Currently, we are tied up in conference.

Again, this is commonsense legislation. We label virtually every product Americans purchase, whether it be T-shirts, auto parts, shoes, whatever. The one thing that is not labeled by country of origin is the food products we feed our families.

This has the support of the National Cattlemen's Beef Association, the National Farmers Union, the American Farm Bureau Federation, and the American Sheep Industry Association. It has broad bipartisan support, and I am proud that the original Senate bill had the support of eight Republicans and nine Democratic Senators.

Our livestock producers across this country have invested heavily in ap-

proved genetics, in marketing efforts, and in food safety in order to provide the best quality and safest food in the world to American consumers. But all too often they don't gain the benefit of those investments.

With the Canadian producers sending over half their beef production into the United States today, I believe more than ever the time is ripe for American consumers to at least have the ability to judge for themselves whether or not they wish to buy a foreign product. They may choose to do so. That is their prerogative. There is nothing in the food labeling amendment that would prohibit imported meat products into the United States, but it would put us on par with what other countries in the world are doing. The European Community is going to be mandating country of origin food labeling by the year 2000 for all of their nations. Most other major consuming nations in the world also apply country of origin labeling to food as well as to other consumer products.

This legislation, in short, is more than simply help for our livestock producers. It is endorsed by the National Consumers League, the Nation's oldest consumer organization. Once again, American consumers have a right to know the source of the food products they feed their families.

Madam President, this particular effort is not anti free trade; it is common sense. I know there are some who say, on the one hand, that Americans may choose a foreign meat product. If they do so, that certainly is their prerogative. There are others who say no, Americans will choose American meat products. If they do so, again, it is their prerogative. There are those who are concerned that other nations will label country of origin on their food products. They already have. But even so, I have enough confidence, and obviously the American agricultural organizations, the key organizations that are in support of this amendment have equal confidence, that if any nation anywhere in the world wishes a stamp "Made in USA" on an American meat product, more power to them. We have confidence in our product. We think we can market with the country of origin label right now.

Currently, Argentina, Australia, Bosnia, Brazil, Canada, Chile, Colombia, Costa Rica, the Czech Republic, the Dominican Republic, Egypt, El Salvador, Estonia, Guatemala, Honduras, Hungary, Indonesia, Israel, Korea, Latvia, Malaysia, Mexico, Philippines, Russia, Switzerland, Thailand, Turkey, United Arab Emirates, and Venezuela have some sort of meat labeling, with the E.C. soon to follow comprehensively by the year 2000.

I have been meeting with Secretary Glickman as well as with Senator LARRY CRAIG of Idaho, Senator CONRAD BURNS of Montana, Senator MAX BAUCUS of Montana, and Senator BYRON DORGAN of North Dakota to discuss the importance of this legislation to our

farmers and ranchers as well as our consumers. I am pleased that Secretary Glickman has exhibited his willingness to work with us on this legislation to make country of origin meat labeling a reality.

With these steps in the right direction, I do not believe that we will have resolved all of the crises that we have in American agriculture, but it will go a long way toward addressing both the short- and the long-term problems we face. We need, obviously, to address trade issues, we need to address rural development issues, ag research—all of them go together—if we are going to have the kind of comprehensive strategy that is necessary to maintain a strong rural America and an underlying strong level of support for a qualitative and abundant food supply for this Nation.

At this time, there is no other package that comes as close as this does to addressing the urgent crises that we have in American agriculture. So I enthusiastically rise in support of this amendment and again commend ranking member HARKIN for his tremendous leadership, as well as Senator DASCHLE for his work in making this amendment a reality. This is an opportunity to address this crisis. We are running out of time. We have 5 to 6 weeks remaining of this Congress. There are farmers and ranchers leaving the land as we speak. There are small businesses going broke as we speak. There is no time to wait. We need to move now on this legislation and get this to the President's desk as quickly as possible.

I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I thank the Senator from South Dakota for his contribution not only to this debate but his contribution to overall agriculture legislation which he has worked on for so many years, first as a Member of the House and now the Senate. I know of his deep commitment to family farmers and to doing whatever we can this fall to stop the crisis in agriculture. I know it is hitting the State of South Dakota every bit as hard as it is hitting Iowa and other States in the Midwest. So I listened carefully to what the Senator from South Dakota had to say, and he is right on the mark.

Madam President, we cannot really afford to dally around any longer. We have to take action, and we have to take action now, or it is going to cost us a lot more later on.

There are two things I would like to have printed in the RECORD. One is a letter dated September 10 from Secretary of Agriculture Glickman supporting the package of amendments we are considering in the Chamber right now. I ask unanimous consent this letter be printed in full in the RECORD.

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

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, September 10, 1998.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR TOM: I am writing in support of the Daschle-Harkin Agriculture Relief amendments to address the crisis faced by American farmers. This is an important set of actions that will help respond to the deteriorating economic conditions that have placed enormous burdens on our nation's agricultural community.

Our farmers are faced with problems unequalled in years: Corn prices are 30% below the average of the past five years; Wheat prices are 28% under the average level of the past five years; Soybean prices are under the five year average by 16%; Cattle prices are 17% under the 5 year average; Net cash farm income projects will be 43% below the average of the past five years; and as a result of these and other price declines: many of our farm families are facing dire circumstances; farm land values are declining, farmers are increasingly facing cash flow problems, and they are being told they might not get credit for their 1999 crops.

When the President signed the 1996 Farm Bill, he said we must do more to restore the safety net for American farmers. In July, in response to this crisis, the President announced measures to ease farmers' difficulties, including the purchase of up to 80 million bushels of wheat worth approximately \$250 million for humanitarian shipment abroad, and he supported the Conrad-Dorgan amendment for disaster assistance that was added to the agricultural appropriations bill.

Since then, because crop prices have continued to plummet, with no immediate sign that the trend will be reversed, we must do even more. Therefore, the Administration supports the Daschle-Harkin amendment to the Interior appropriations bill that would remove the cap on marketing loan rates for one year.

We look forward to working with you to assist the nation's farmers who have been so severely affected by these circumstances.

With best personal regards, I am

Sincerely,

DAN GLICKMAN,
Secretary.

Mr. HARKIN. Secondly, Madam President, I learned this morning of a poll that had been taken, and the poll has just been released. I believe it was released at 2:30 this afternoon, so the paper is still hot, just off the press. It is quite a startling poll when you look at the results. I am going to talk about that. The poll was prepared by Rockwood Research, a subsidiary of Farm Journal, Inc. It was prepared for the Nebraska Wheat Growers Association, the American Corn Growers Association, and the Nebraska Farmers Union.

I just want to say what the method was here. The method was that representative data was drawn from 1,000 wheat and corn growers throughout the United States. They have here a table of how many were contacted in each State. For example, in the State of Illinois, 55 corn growers and 33 wheat growers, for a total of 88, were contacted; in Idaho, 1 corn grower, 12 wheat growers, a total of 13; in Iowa, 72 corn growers, no wheat growers; in Kansas, 9 corn growers, 72 wheat growers, et cetera. All over the United States, from every State, from Ala-

bama to Wyoming, farmers were contacted on this poll—500 corn growers and 500 wheat growers, calls made randomly. I will not go through all the questions, but I would like to highlight just a couple.

Question No. 7: "Congress should modify the current farm program?" Yes or no. Seventy-six point nine percent said yes, 17.7 percent said no.

Question No. 8: "Congress should lift loan caps and raise loan rates 59 cents per bushel on wheat and 32 cents on corn." That is what is in the package of amendments in the Chamber right now. And 72.5 said yes, 19.4 percent said no.

Overwhelming, 3 to 1—actually over 3 to 1—said that we have to raise the loan rates, we have to modify the farm program, and we ought to lift the caps.

There are a couple of other findings in this poll, one here that I found very illuminating. Question No. 13: "A farm program should retain planting flexibility and include a farmer-owned and farmer-controlled grain reserve?" Eighty-five point nine percent, yes; 9.9 percent, no. Think about it. Planting flexibility with a farmer-owned and farmer-controlled grain reserve—almost 86 percent of the farmers polled said yes. There is no question about that.

Well, that is what is in the package of amendments before us. We have planting flexibility, we provide standby authority for the Secretary of Agriculture to provide for storage payments to farmers, and then lifting the caps from the loan rates would give the farmer marketing flexibility, that ability to keep his own grain and market it as he wants to over the next several months. Eighty-six percent of those polled said yes, they were in favor of that.

Madam President, I am going to put a copy of this poll on every Senator's desk, and I hope that each Senator will read this poll very carefully before a vote is taken on our package of amendments. I understand there is going to be a motion to table. I am just hopeful that every Senator will take a look at these poll results and see what the farmers are saying. This is not my poll. It is not a skewed poll. The poll was done by a reputable polling firm. One thousand farmers polled, random sampling. It is not even close—it is not even close—about whether farmers want to raise the loan rates or not. It is overwhelmingly positive to get the loan rates raised and to provide for a farmer-owned reserve so that farmers can market their own grain.

Madam President, I ask unanimous consent to print the results of this poll in the RECORD.

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

U.S. FARM BILL STUDY

(Prepared by: Rockwood Research, a subsidiary of Farm Journal, Inc.)

(Prepared for Nebraska Wheat Growers Association, American Corn Growers Association, and Nebraska Farmers Union)

BACKGROUND

The "Freedom to Farm" bill was intended to give farmers financial stability despite the fluctuating market. Nebraska Wheat Growers Association, along with American Corn Growers Association and Nebraska and National Farmers Union, are concerned that the bill is not effective considering the current U.S. economic position. This study investigates the attitudes of U.S. farmers in regards to the current and future economic climate associated with the farm bill.

PURPOSE

To identify farmers' attitudes concerning the current U.S. farm economy and farm program. Results will be used to influence future U.S. economic policy.

OBJECTIVES

To identify growers' attitudes concerning current U.S. farm policies.

To measure the need for U.S. farm policy reform.

METHOD

Representative data was drawn from 1000 wheat and corn growers throughout the United States. The sample was drawn from FARMMAIL, a database of Farm Journal, Inc. Respondents raised a minimum of 100 acres of wheat or corn. All interviews were conducted at Rockwood Research Corporation's interviewing facilities in River Falls, WI and Webster City, IA. Professionally trained agricultural interviewers conducted the survey between September 4 and September 10, 1998. The collected data were edited, processed and tabulated in Rockwood's in-house data processing department. Numbers have been weighted to accurately represent the number of growers per state.

SAMPLE DISTRIBUTION

The sample was drawn from 500 corn growers and 500 wheat growers in the United States. Calls were randomly made throughout the United States resulting in the below distribution:

State	Corn Growers	Wheat Growers	Total
Alabama	5	0	5
Arkansas	1	8	9
California	2	4	6
Colorado	4	11	15
Florida	2	0	2
Georgia	8	0	8
Idaho	1	12	13

State	Corn Growers	Wheat Growers	Total
Illinois	55	33	88
Indiana	37	25	62
Iowa	72	0	72
Kansas	9	72	81
Kentucky	17	0	17
Louisiana	1	0	1
Maryland	5	5	10
Michigan	19	24	43
Minnesota	42	25	67
Mississippi	3	2	5
Missouri	21	0	21
Montana	0	17	17
Nebraska	29	25	54
New Jersey	1	0	1
New Mexico	0	2	2
New York	10	0	10
North Carolina	13	13	26
North Dakota	0	45	45
Ohio	37	47	84
Oklahoma	0	33	33
Oregon	0	6	6
Pennsylvania	21	15	36
South Carolina	4	0	4
South Dakota	16	24	40
Tennessee	9	0	9
Texas	7	29	36
Utah	1	2	3
Vermont	1	0	1
Virginia	6	7	13
Washington	1	10	11
West Virginia	1	0	1
Wisconsin	36	0	36
Wyoming	0	1	1
Total	500	500	1,000

Note: Numbers are weighted to accurately represent the number of growers per state.

Question	A	D	DK	A	D
3. large agribusiness concentration in agriculture markets causes lower ag commodity prices	65.1	25.8	9.1	71.6	28.4
4. The current farm bill provides an adequate income safety net to protect farm income during years of low commodity prices	23.9	72.8	3.4	24.7	75.3
5. At today's prices, I see myself farming five years from now	39.8	55.1	5.1	41.9	58.1
6. I would encourage my children to enter farming	32.0	61.5	6.5	34.2	65.8
7. Congress should modify the current farm program	76.9	17.7	5.4	81.3	18.7
8. Congress should lift loan caps and raise loan rates 59 cents per bushel on wheat and 32 cents on corn	72.5	19.4	8.1	78.9	21.1
9. US agriculture has the ability to produce more total farm goods than can be sold at profitable levels	73.8	18.6	7.6	79.8	20.2
10. A farm program should reduce production in exchange for increased income safety net support	56.3	37.3	6.4	60.2	39.8
11. See below.					
12. A farm program should retain planting flexibility and include normal crop acreage set-asides	74.4	20.2	5.3	78.6	21.4
13. A farm program should retain planting flexibility and include a farmer-owned and farmer-controlled grain reserve	85.9	9.9	4.2	89.7	10.3
14. The US government should stop the importation of grains into the US market that are in surplus or abundant supply, such as Canadian Wheat	85.0	13.2	1.9	86.6	13.4
15. The US should not export its farm commodities at prices below the cost of production	57.2	38.5	4.3	59.7	40.3
16. The Conservation Reserve Program (CRP) should be expanded	61.5	31.8	6.7	65.9	34.1
17. I expect my banker to continue to provide me with necessary operating loans under the same loan provisions as he extended me in the past	76.7	13.7	9.6	84.8	15.2
	GF	LF	B	DK	GF
18. Are you primarily a grain farmer or livestock feeder?	56.7	14.9	27.9	0.4	56.9
	05%	010%	015%	OAA	ODK
11. How much cutback in production is acceptable?	8.6	13.9	5.6	51.7	20.1
	10.8	17.4	7.0	64.8	(Don't knows not included)

Mr. HARKIN. Madam President, I heard some talk around here that some on the other side of the aisle are talking about coming up with a new program called lost market compensation payments, or something like that. So, as I understand it, it would just be a set rate of payments. They are going to come up with money and give it out to farmers like another AMTA payment.

So what is the difference between that and taking the caps off the loan rates? A big difference. Keep in mind, if we have a direct payment, if you just give the money out to farmers this fall, and if the prices go up next year—which we all hope they do—the Government is out that money. If we have an increased loan rate and farmers can take that loan and pay their bills, and if the prices go up next year over 15 months—because that is what we put in the legislation, a 15-month loan—if, over the next 15 months, the prices go up, farmers can sell their grain, pay the loan back to the Government with interest, and, therefore, the Government would not necessarily be out all that money. The income protection is

there, but if prices rise the Government will not bear as much cost.

As I understand it the idea is to come up with this lost market compensation payment—it certainly sounds fancy to me—to pay out some amount of money regardless of what prices may do over the course of the marketing year. The loan rate approach is responsive to changes in market prices and the need for farm income protection. Again, keep in mind, if the money just goes out in direct AMTA-type payments and the price goes up next year, the Government is out that money. You do not get that money back.

Second, if you make that direct payment to farmers, a lot of that direct payment will not go to farmers. Like the AMTA payment, it will go to landowners, it will go to landlords, and it may go to a number of people who will not even be farming next year. I heard that concern a lot in Iowa. In July we passed a bill to allow up-front payment of AMTA payments, we brought up next year's payment to this fall. There are going to be a number of cases where people who took that early AMTA payment are not around to be

farming next year, and the person who is farming the land next year will get nothing. Lifting the caps from the marketing loan rates goes to benefit the farmer. It goes to that producer out there who really needs the income protection this fall and over the next 12 to 15 months.

The next point to keep in mind, and the difference between raising the loan rates and the new AMTA-type payments, is that with increasing the loan rate, even though it is a marketing loan, we believe it will provide some price stability. It will help farmers conduct more orderly marketing of commodities and help to lessen the erosion of prices because farmers will not be under such pressure to sell. A direct payment out will not have this effect. And it will mean that farmers this fall without an adequate loan rate will have less of an opportunity to avoid just having to dump their grain on the market for whatever they get. So a marketing loan at a better level, particularly along with some storage payments, can head off a lot of problems. Without them we are likely to have more grain sitting on the siding, grain

dumped on the ground and more of it rotting out there because we do not have the railcars to move it all at once.

So any way you cut it, any way you want to look at it, lifting the loan rate caps makes sense. From the standpoint of how much we are asking the taxpayers to bear the burden, who is going to receive the help—whether it is farmers or landlords—and whether we are going to do something to stop the downward trend of prices, any way you look at it, removing the caps on loan rates and providing standby authority for storage payments is in our best interest.

Finally, there are those who might say if you raise the loan rates, you are going to cut us out of foreign markets. What nonsense. Keep in mind that these are marketing loans we are addressing today. They do not price the U.S. out of markets. And, in any event, I have often wondered what good does it do if a farmer has to sell a bushel of grain for 10 cents a bushel because that is the only way to export the grain? By that reasoning we will drive all our farmers out of business. Taking the cap off of loan rates will help farmers stay in business to produce the grain we are going to need to be a reliable and adequate supplier for the world market, and it will help our farmers and not just those who may happen to own land.

Madam President, we are, right now, on the verge of losing thousands and thousands more farmers, mainly young farmers, a lot of them who have a heavy debt load who are paying it off, trying to get a foothold in agriculture. They are smart. They are aggressive. They are good managers. But they are being driven out of agriculture by forces beyond their control. Now our efforts to improve the farm bill to help them seems blocked by an ideological devotion to every aspect of the present farm bill. I don't mind. I know people have ideologies and they believe certain things and they enact them into law. That is fine. It happens all the time. But at some point, practicality has to rule. However good the so-called Freedom to Farm was for the last couple of years because we had good export markets, it is not working now to address this crisis. If it is not working, change it. Are we so rigid, are we so cast in stone that because we passed a bill a couple of years ago we can't do anything about that?

Yes, we can. The farm bill is not the Ten Commandments. Improving it doesn't require a constitutional amendment. It just requires 51 votes; that is all, just 51 votes. As I said earlier, when you look at those poll results, when you see more than a three-to-one ratio of farmers saying we ought to raise the loan rates, then you know that we ought to be doing it to help them survive this crisis.

Madam President, over the weekend, farmers, bankers and others with real knowledge of the farm economic situation told me that by next February,

March, and April, we will likely have many farmers in this country going to the banks to get their loans for planting and being told by the bankers who look at their balance sheets, "I am sorry, you simply do not qualify."

I also point out that we have a lot of farmers with Government-backed loans who are making it now; they are farming. But what is going to happen next spring if they can't make it and they can't get the money to put in another crop? What is going to happen to all the Government-backed loans that we have out to farmers?

Again, we have to act, and we have to act soon. We cannot wait until next February, March, or April. It will be too late. The one thing I heard loudly and clearly this weekend in my State of Iowa was that if Congress doesn't do something before we adjourn, we might as well not do anything at all next year. That came through loudly and clearly.

Another message that came through loudly and clearly is that we don't need another direct payment going out in a lump sum because the benefit of those payments flows so heavily to landowners, and the farmer got precious little.

I had a number of farmers tell me this weekend that some of those advanced payments that we gave, or are sending out this fall, a number of those people getting those payments won't even be farming next year—won't even be farming. So we are giving them a farm payment that would have gone next year to farmers, and they are not even farming, but they are going to get the payment this fall. That doesn't sound like a very wise policy to me.

The wisest thing for us to do is what has proven to be effective and what farmers know is effective and the poll results show: Lift the caps on marketing loan rates, extend the period to 15 months, provide the Secretary of Agriculture the authority to make storage payments and increase the amount of indemnity payments we are going to make. The amount we passed in July is not sufficient. Do those things, and then we can really help farm families to survive, we can save our economy, and remain competitive in world markets.

Madam President, I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. What is the current business?

The PRESIDING OFFICER. The pending question is the Harkin amendment No. 3580, which is a first-degree amendment to S. 2237, the Interior appropriations bill for fiscal year 1999.

Mr. THOMAS. Thank you. Madam President, I am going to speak a few minutes on the amendment and, in particular, on the farmers' and ranchers' situation.

Madam President, almost all of us have farmers and ranchers in our areas. Certainly in Wyoming, agriculture is

one of the three economic interests that we have, most of us do, so all of us are concerned about agriculture. And we are in a time when agriculture needs, indeed, are our concern, and more than our concern, it needs some action. Many of us have been working for some time to find some areas in which agriculture can be strengthened, in which agriculture can be helped and assisted through a very hard time.

I have listened this afternoon to several Senators representing their constituents and talking about agriculture. Each of them has represented a point of view, and that is basically to seek to return to the farm program time, and that is the issue here. I don't think there will be a soul in this place who doesn't want to assist agriculture. There won't be anyone in this Senate who doesn't think we ought to do something to strengthen this segment of our economy, but there is a division of view as to whether we seek to do some things to help make the transition from agriculture, as we have known it over the years—with acreage limitations, with farm subsidies and those kinds of things—to a market enterprise which we are now seeking to do.

Our real challenge is to assist in continuing to move toward market agriculture which, at least in the State I represent, is the predominant view. People know that long-term agriculture will be stronger. Agriculture will be better. Our production will be more efficient in a market economy. What we are really talking about is how can we best do this, how can we best help agriculture, how can we best pull through this kind of a situation, and at the same time continue to help agriculture move to a market economy.

Some have spoken about their contacts over the last week and, indeed, over the last month. I spent August in Wyoming talking with farmers and ranchers about it. Interestingly enough, we have three economic areas, basically, in my State: One is agriculture; one is mineral extraction; and one is visitation and tourism. Frankly, agriculture and minerals are both in tough shape. Oil, for example, is the cheapest it has been in history, I think. So we do have some concerns.

Let me talk to you about some of the things that agricultural producers said to me in terms of long-term recommendations.

One is consumer demand. For instance, in the beef industry, we need to strengthen consumer demand. Certainly what has happened in Asia has an impact on agriculture, particularly on exports. Some 40 percent of agricultural production goes into exports.

Meat labeling, which we are moving toward doing—we need meat labeling so we know the origin of meat, whether it is imported, whether it is domestic, so buyers can make a choice.

In my State, we have other kinds of things. Fifty percent of our State belongs to the Federal Government and is

Federal lands. We have a good deal of problems with animal damage control, with predators and these kinds of things. These are also some of the issues.

The idea that you simply try to go back to a controlled farming program is not a solution to all of agriculture. I understand the Senator from Iowa is concerned about the basic crops—wheat and corn and grains. That is a farm program kind of a thing.

The agricultural problem is not confined only to those commodities. I am told, with the market, in rural areas, they are talking about fast track, for example, doing something about increasing markets in South America, doing something about increasing markets in Asia to strengthen access, increase consumer demand. These are the things that were told to me by agriculturists who want to do things that will be of long-term benefit.

We need to talk about control programs for grasshoppers. We haven't done as well. We are not funding the Grasshopper Control Program as we did. Those are things having an impact on agriculture, not simply going back to a program that we had before to increase the loan rate. That is a remedy, but that is certainly not the only remedy and, indeed, probably not the best remedy.

We need to be doing some things now and, indeed, we are. We need to continue to do that. The \$5.5 billion in transition payments and accelerated payments that have been made to farm producers designed to help make the transition from a controlled Government farm program to a market program, that is what is expected; that is what is being done. We will do something, hopefully, about fast-track negotiations which are being held up, as you know.

The Crop Insurance Program is one that needs to be changed. Crop insurance is based on last year's production, last year's crop. If you didn't have a crop last year because of the drought, or whatever, then your crop insurance is virtually of no value.

We need to do something about tax legislation. We need capital gains relief in agriculture. Probably of any industry, the people who are in agriculture have more money invested in their facilities for the amount of cash flow of any industry.

There are farm savings accounts and income averaging which we passed and need to make permanent. Agriculture is traditionally profitable one year, less profitable another year. There needs to be income averaging.

They need 100 percent deductibility of self-employed health care, which is one of the things that farmers and ranchers need to put them on an even par with others.

These are the kinds of things that we are, indeed, talking about doing and, indeed, must do in order to allow this transition to take place.

There has been talk about a program for an increased conservation reserve,

which would cost, I suppose, \$2.5 billion to actually take some of the production out of production and put into a conservation area so that we can have impact on the prices. We can do this.

These are the things that are underway now, as a matter of fact, and have been for some time. Some of them were passed before we left in August. And we should continue to do that.

So I think everyone here takes seriously the difficulties that we are having in agriculture. Everyone here knows that we need to do some things to keep agriculturists in business, to help level out income over years when it is up and down—as it traditionally is—to do something about crop insurance so that when you are put up to the vagaries of weather and those kinds of things that there is some kind of an income support that you can depend on, but one that is part of the market, the market system.

We surely need to go back to the beginning to open more foreign markets so we can do that. We have to do something about unilateral sanctions, which we already did at least partially. And you remember in Pakistan when they fired off the nuclear thing, immediately sanctions went on, the fact that we could not sell agricultural products there. That has been changed and, indeed, should be changed so we have that market available.

So these are the kinds of things. I hope that we take a look at what really helps farmers and ranchers make a transition into the marketplace, in which I believe strongly. Frankly, the people in my State who I talk to believe also the best long-term direction for both agriculture and producers, and for consumers, is to have a market demand so that the production is, indeed, for the market, that production is not simply for some kind of a loan in which it goes into storage and becomes an obligation of the Federal Government. We have been through that. We have been through that program.

I happen to have been in agriculture almost all my life. My first job when I got out of the Marine Corps was with the Farm Bureau. I worked with the Farm Bureau for a very long time at the local level, the American Farm Bureau.

I just came back from my home college, the University of Wyoming, where we had Agriculture Appreciation Weekend this weekend. This is an area about which I feel very strongly. I hope that we make some moves before we leave, as the Senator from Iowa said. We should do that.

We have begun. We started a number of things that need to be continued now. We need to do more short-term things that will have impact this year, but also the long-term kinds of changes that allow this transition to take place, that allow farmers to produce for the market, that allow consumers to have a choice as to what it is they buy, that farmers are not dependent upon the Federal Government pay-

check but indeed produce the kinds of things in the market, that we can increase these markets. We have the most efficient agriculture in the world, and there is a great deal of market available there as the world changes.

Let me say, again, that there is no question, I do not think among all of us, there needs to be something done. The real question is, What do we do? It is a philosophical question to a large extent, not whether you help but how in fact you do it, how in fact that help will impact over a period of time as we make the transition to a marketplace.

Madam President, I hope that we continue to talk about this. And I am sure we will.

Mr. FAIRCLOTH. Mr. President, I rise to address the farm crisis, and it is indeed a farm crisis. Prices are at historic lows for many commodities. That fact has received much of the attention.

Well, in North Carolina, that is just a part of the problem. My tobacco farmers also faced a direct attack on our billion-dollar tobacco crop from the White House. Further, my tobacco farmers were hit with a 17% quota cut last year, so they're facing dire times.

The Daschle amendment is not the answer for them. Really, it is not the answer for most farmers, it just doesn't address the root issues. It will not help in the short term. It will not help in the long term.

The Daschle amendment ignores the tobacco farmers. North Carolina tobacco farmers face the effects of drought—and hurricanes—but this amendment fails to address their problems. In fact, it's just not geared for the Southeastern farmers, but for the Midwest and West.

My tobacco farmers can't boost their exports to relieve their crisis not because there is no foreign market, but because it is government policy to prohibit efforts to help them build export markets. All the other commodities are on the table at the trade negotiations, but it is official policy to ignore tens of thousands of tobacco farmers. That is wrong.

We need a farm assistance plan that includes all farmers and that does not ignore North Carolinians.

I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LUGAR. Madam President, I rise to oppose the amendment offered by the distinguished ranking member of the Agriculture Committee. I appreciate his sincerity, scholarship, research, and his passion, but the solution that he offers, in my judgment, is the wrong one.

Republicans and Democrats are concerned about the financial stress in the farm sector. It is substantial. We have

worked together on many initiatives aimed at strengthening the long-run health of our farm and ranch economy. There is, unfortunately, no single magic bullet that will make all of our farmers prosperous. But several constructive steps have been taken. I will explain later why raising loan rate caps would be unwise, but first it is appropriate to mention a few of the constructive steps that farm organizations have suggested would help American agriculture.

Nearly all farm groups strongly support giving the President fast-track negotiating authority. The Senate Finance Committee has reported, in fact, a comprehensive trade bill containing a renewal of fast track. The majority leader, Senator LOTT, intends that the Senate act upon that bill in this session. Our House colleagues have also pledged to act on fast-track legislation.

Madam President, I start with that point because, very clearly, we must give the President fast-track authority. By that I mean the ability to submit to the Senate, on an up-or-down basis, a trade treaty negotiated with others, and in the case of the World Trade Organization negotiations next year, over 100 countries. If there is not the ability to deal with that legislation or that treaty on an up-or-down basis—and the normal course of the Senate would be to offer amendments—then other nations will feel free to offer amendments and the negotiations will founder.

Madam President, I mention fast-track authority, and so do most farm groups, first because the export side of our farm business is the growth side. As a matter of fact, in recent years most Americans must realize that about a third of all we produce on our farms has been exported. That is a very large part of demand.

The current crisis on the farm is of two origins. One is bad weather in some sections of our country and, in some cases, bad weather for several years running. As we have heard testimony from the distinguished Senators from South Dakota and North Dakota, parts of their States have reported conditions impossible for 4 years to get a crop. We have noticed very considerable drought this year in Texas, in Oklahoma, and in Georgia. And the Senate has acted appropriately.

When the appropriations bill came before the Senate, the agriculture appropriations bill—and it was managed very adroitly by the distinguished Senator from Mississippi, Senator COCHRAN—\$500 million of so-called indemnity payments were set aside, and that amount of money is in a conference between the House and the Senate now. The thrust of the indemnity payments was to recognize that although we are inexact in knowing exactly what damages should be assessed, there has been a great deal of pain and a formula must be worked out. That would be helpful to those farmers in those States and

those regions that have had extraordinarily bad luck from the weather.

Farming is always a situation of potential bad luck from the weather. No farm in this country is immune from those natural difficulties. That is a part of the excitement, risk, and the reward situation. Nevertheless, the Senate reacted appropriately, in my judgment, and now in conference a discussion about a half billion dollars of indemnity payments is proceeding.

The other reason that a farm crisis has occurred is that the Malaysian economy, the Thai economy, the South Korean economy, and the Indonesian economy all went into disastrous tailspins for a variety of reasons. But whatever may have been the reasons, agricultural demand coming from our Asian customers stopped cold. Our best estimates are that about one-third of our exports to Asia, which we would have counted on this year—there is a very strong trend showing year by year gains, and as Asian citizens have had more income and have tried to upgrade their diets, they have become very good customers of farmers in this country.

In any event, about a third of that demand is gone, and a third of all of our exports were headed to Asia. That means that roughly 10 percent of the entire demand for agricultural products in this country has vanished—vanished literally overnight. That has had a devastating impact, obviously, when demand heads into the tank at a time in which supply is huge. The supply of our corn crop, for example, is now going to be perhaps the second largest crop in the history of the country, and the soybean crop is the largest ever. Wheat farmers have already been heard from, and their pain has been felt. That registers both in the indemnity payment situation as well as a number of steps that the Senate and House have taken, including, as you will recall, an extraordinary debate on the Glenn amendment on Pakistan and India. The Glenn amendment required sanctions on both of those countries after they both tested nuclear weapons. But the Senate and the House voted rapidly to exempt Pakistan from that situation with regard to wheat so that an auction going on in Pakistan could continue, and, as a matter of fact, Pakistan bought, apparently, about 100 thousand metric tons bushels of wheat from the United States due to that extraordinary action. We had been conscious of the lack of demand for wheat and we are conscious of that lack of demand for corn and for soybeans.

As the distinguished Senator from Wyoming who preceded me on the floor pointed out, American agriculture is not entirely grain. It is not entirely vegetables or fruits. It includes livestock. Of course, one of the interesting aspects of agriculture is that as we dwell upon the price of feed grains, it has the worst effect on the cost of raising cattle or raising hogs. There are many farmers who have productions

that include both livestock and grain. Many do so deliberately so that they have hedges either way.

But, in any event, in the totality of American agriculture, the important point this year is weather and Asia. Worse still is that the Asian situation was not contained there. The Asian problems may have been precipitated or extended by the fact that the world appears to be in the throes of a deflationary spiral, not only for agricultural commodities, but also for metals, minerals and for oil. All of these situations have been in what could be called a deflationary mode. The world has not seen this type of phenomenon for a half a century.

It is not clear who the winners and losers are from deflation. There are many of us anecdotically going to a filling station to fill up a tank who rejoice in the fact that sometimes you can buy a gallon of gasoline for less than \$1 these days. There is not a great hue and cry on the part of the public to raise the price of gasoline to \$1.20 or \$1.50. As a matter of fact, we pocket the change without commenting and are simply pleased that some nice things come along in life unexpectedly.

But, if you were in fact a Nigerian, a Venezuelan, or even a Russian, and you saw that a large portion of the income of your country comes from oil and that income has gone down precipitously, or if you were any country in the world that gained most of its hard currency and export from mineral extraction, you would find a first-class recession on your hands. That has compounded the problem, obviously, for many of the Asian countries, as well as the increasing number of difficulties in our own hemisphere. It is not clear, Madam President, where the fallout will end with regard to so-called developing countries and others that have currency crises. But each of these weaken export demand from the United States for agricultural products and increasingly for other manufactured products as well. We need to recognize that.

There are speeches every year about shortfalls in prices. Some of these shortfalls occur every year as we approach our harvest and the market tries to sort out where the lows are going to be and a certain amount of speculation occurs. This time the real fear is that, given the harvest woes, the bounce back may not be very substantial if there is not somewhere the prospect that we are going to have sales.

I noted in the Wall Street Journal last Friday, at least that day—corn went down and beans went down. The problem pointed to by traders was that the export markets still looked weak. The article commented that wheat prospects looked somewhat better in the export markets—but not for corn and not for beans. That is a problem with which we are going to have to deal. That is why, Madam President, I pointed out that in the World Trade

Organization meeting next year we must have fast-track authority. It is essential if we are to expand substantially our export markets, which we must do if demand is to increase and if prices are to go up.

Let me point out that farm groups also strongly support International Monetary Fund funding and reform. They know that we have to deal with the Asian demand, the potential for declining demand in Latin America, and restoring IMF funding.

Madam President, the debates upon IMF have been hot and heavy on this floor, and in the committees. That has been true in the other body. Clearly, a number of Senators pointed out that the IMF may not have given the best prescriptions for a healthy return in Malaysia, Thailand, Indonesia, and Korea; that the IMF is far too opaque in terms of its deals; needs to be less secretive; that in fact prescriptions of raising taxes and lowering spending do not always work in economies and may not have been a realistic solution for Russia during the several times IMF money was given to that country. So, as a result, the Congress has not decided yet IMF funding. But, as I have pointed out, it is a very crucial situation. As a matter of fact, it is essential that we act in that area as well as the fast-track authority—two votes which leadership has promised.

Agricultural groups want to maintain the viability of crop insurance and to improve it. In the debate today, considerable attention has been given to one of the failings of crop insurance. This failing is that should crop failure occur for several years, the producer's acreage production history falls, and his insurance premiums increase. We will have to reform crop insurance. But I would simply point out that there are a good number of debates, depending upon the standpoint of the observers, as to how that is to be done.

For example, should there be a national premium for all farmers in all States and all locations regardless of risk that might be involved? Or should there be a premium based upon risk; upon the actuarial figures that show the history of a particular region or a particular crop? What should be the exposure of the taxpayers to the support of the insurance companies? We will need to face those problems of multicrop failures and actuarial soundness.

There is currently a subsidy to the companies so that crop insurance will be provided universally, and, yet, there will be debates among Senators who are not in the agriculture business as to why this particular type of insurance is subsidized. But this year the Senate and the House—and the President by signing legislation as an amendment to the agricultural research bill—went a long way to stabilizing the situation for the next 5 years so that farmers would have a pretty good idea of the lay of the land, and so would the insurance providers. That was critically important.

Madam President, part of our debate today on how agriculture is to be strengthened in the country was addressed in legislation that the Senate and the House passed and the President signed. We went a long way in the same legislation by providing specifically for agricultural research of all sorts, including pure research on those breakthroughs that we need to have if American agriculture is to be the most efficient, to be the lowest cost, and to be in a position to feed the world.

I look forward in the Agriculture Committee to substantial hearings and efforts by all parties as we progress into the next session. But for now, we have most farmers in this country covered with some degree of crop insurance. The amount of coverage was the choice of the farmer. I would say from my own experience that I had to make choices with regard to coverage of my corn and soybean crops this year. I could take a chance by having no insurance. That really has been my policy for decades. Or I could assume that perhaps El Nino would not work out so well, or El Nino would come behind it, or there would be other difficulties. I had better be prudent, be certain that I cover certain acres, and guarantee a certain price or outcome. Premiums differ according to the amount of risk that is acceptable. That is what most prudent business people do, in agriculture, outside of agriculture, anywhere.

Madam President, a number of farmers in the country apparently were not prudent and did not purchase adequate crop insurance coverage. Maybe they did not adequately understand the program, which means we have a large education job to do. But in any event, crop insurance reform is of the essence. That ought to be a part of our agenda. We have acted to mitigate the effects of economic sanctions on agriculture.

Madam President, I wish that the Senate had passed the sanction reform legislation, S. 1413, which I offered as an amendment to the agriculture appropriations bill. I believe that would have been a very constructive and hopeful step not only for agriculture but for all of American exporters. I have suggested in that legislation—which is still alive and hopefully will be reconsidered this year or next year—that there ought to be a systematic way in which our country considers economic sanctions. The President or the Congress ought to state what we are attempting to achieve, what the benchmarks will be for success, and what the costs will be of the sanctions to Americans and to American businesses, in terms of their effect on incomes and jobs. Finally, we ought to review sanctions each year. After 2 years they ought to be sunsetted unless the President or Congress specifically decides that a particular sanction is making a difference in our foreign policy.

I proposed this prospectively—that is, for the future—as opposed to revis-

iting the sanctions of the past, although many Senators have offered bills that touch upon the past or offered sanction waivers to the President. Unhappily, my bill got caught up, in a way, in the problems we have had during the appropriations season. There is not much time and there is much work to do.

But in any event, others have proposed sanction reform legislation. I have supported a number of those attempts because they take away roadblocks to exporting, and exporting addresses demand and increases price. Those who have talked eloquently today about price and income need to talk about exports, fast-track authority, and sanctions reform as opposed to policy options to store and overhang supplies for the future.

Let me point out, Madam President, that with regard to food there is a special case to be made against sanctions. I have supported such legislation, and I have supported the thought that we ought not to have economic sanctions on food, and that it is an inhumane policy. It is not an effective policy with regard to our foreign policy, and resolving sanctions on food would be of great help to American agriculture and American farmers.

We acted with corresponding dispatch in this body, as we did on the wheat sales to Pakistan, by speeding up the 1999 AMTA payments, the Freedom to Farm payments to farmers. This is a very large sum of cash. AMTA payments are made twice. The final 1998 payment for farmers will be made before the end of the fiscal year.

But we suggested that beginning October 1, 1999, farmers all over America who need increased cash flow—and we have heard much discussion of that today—could apply for the total AMTA payment for fiscal year 1999. Whether due to an emergency because of weather or because of the catastrophe in Asia, the cash flow could occur without taking out a loan; it is simply cash that the farmer in the program was guaranteed in the farm bill:

But in any event, we decided to make that whole sum of about \$5.5 billion available, and available promptly, as soon after October 1 as the U.S. Department of Agriculture could work out the administrative details, possibly by October 15.

This, I think, is an important point about the current farm bill. It has been suggested—I hope facetiously—by some today that it was the “Freedom to Fail” bill as opposed to Freedom to Farm, but most people would say when it comes to the AMTA payments, they like it. They like the thought that for 7 years, if you are in the program, you get a payment, divorced entirely from supply and demand, from the Asian economic crisis, from anything else as a matter of fact. It is a so-called transition from the farm bills of supply control of the past to the market-oriented programs that we have now.

Let me just say finally that the Senate, while approving \$500 million in disaster aid as a placeholder for conference, it was understood that there

may be additional monetary demands placed on the conference. I am not advocating that the sum be increased, but I am acknowledging that Senators from around the country have realized there has been further crop losses and plummeting prices. This legislation that is going to pass as a conference report, and hopefully will be signed by the President.

Let me point out, Madam President, that in addition to these very substantial ways of bringing money to farmers and new and enhanced demand, many of us have supported Senator GRASSLEY's farm and ranch risk management proposal and we will work diligently to encourage its inclusion in any new tax legislation this year.

I was very pleased to note in the Wall Street Journal today that Congressman ARCHER, the distinguished chairman of the House Ways and Means Committee, as he initiates \$80 billion of tax cuts, has created an accelerated estate tax exclusion. The \$1 million exclusion would commence January 1, 1999.

In the hearings we have had before the Senate Ag Committee, there have been two items that real live farmers said we need, we want. One is estate tax relief because it means the family farm really does have some possibility of remaining a family farm as opposed to confiscatory taxes intruding into an estate which is very heavy in real estate, land, livestock, buildings, and often very low in cash. So this is a critical item if you are a family farmer, and I am. This is critical, at least as I take a look at it, from the perspective of all the people I know in Indiana who are involved in family farming. This is real change in the economic aspects for this year and for many years for the continuity of farm life as we know it. So that is an important item.

The second thing people came in to say is, year by year, the most important thing you could do for us is to give us 100 percent deductibility of our health payments. For the average family farmer farming, say, 500 acres or so in Indiana, that often is an additional \$4,000 or \$5,000 added to the bottom line. That is a big piece of change.

The price effects changes that would come from removing the cap on the loan rate amount to about a 15-cent change, a 15-cent change in the price of a bushel of corn. It takes a lot of additional bushels to add up to \$5,000 in the bottom line. A learned study just performed by the Food Agriculture and Policy Research Institute, and commissioned by the distinguished ranking member, Senator HARKIN, determined this.

Congressman ARCHER is proposing in this bill that we go to 100-percent exemption promptly. That would be true for all Americans, and that is true of the estate tax situation. These are not proposals that are made specifically for farmers.

I make that point because, although, quite properly, we are concerned with agricultural America, Senators have other people in their States in addition

to farmers. In fact, some States hardly have very many farmers at all. What we are talking about, for example, in raising the loan caps is what the Congressional Budget Office now has estimated as a \$5 billion new expenditure. That means that \$5 billion would go from all the other taxpayers of the United States to some specific taxpayers who are essentially grain farmers. Few Americans may understand that transaction, that we have today been debating whether to give up \$5 billion to grain farmers. But that is a huge transfer of income to a small group.

What I think is more constructive is a proposal such as that of the distinguished chairman of the House Ways and Means Committee in which he said estate taxes apply to all, including farmers. Farmers are 16 times more likely to pay estate taxes, for example, than other people. But this legislation is not limited to farmers or grain farmers. It is for all of us, and is true of the deductibility of those who pay their medical payments as individual persons.

I think it is, likewise, important to point out that Congressman ARCHER was quite specific on one of his proposals. He suggested that a provision retroactive to January 1, 1998—that is the beginning of this year—would expand to 5 years from 2, the number of tax years farmers can carry back losses.

That would be very helpful. A number of us have been talking about income averaging. This really goes at it aggressively, a carry back to 5 years. The Outlook, the publication of the USDA, points out that the last 5 years have been pretty good ones for agricultural America. This year is a downer with the weather and the Asia problems, but this has not always been the case. I can testify from my own farm that the last 5 years have been very, very healthy years. And farmers all over America have repaid debt. And businesses that thrive at the crossroads have thrived with that type of farm income.

Let me point out the FAIR Act, the Freedom to Farm Act, did not abolish price support loans. I think that is important to point out. In fairness, several Senators have pointed that out. They have said that there is a marketing loan in the farm bill. They disagree with the rate of that loan, or the price that is to be allowed—\$1.89 for corn, for example, and would like for that to be over \$2.20.

But let me just take an example, once again, from my own operations. I ask the patience of the Senate with regard to that because I do not believe there are many Senators here today who are in farming. There may be a few. I know the distinguished Senator from Iowa, Senator GRASSLEY, has long been involved with his family farm that I visited in Iowa. But there are not many. I am one of them, and today, Providence willing, soybeans will be shipped from harvest on my farm into the local elevator in Indianapolis. We

will receive the marketing assistance loan at the rate of \$5.26, which is being quoted today.

I sold beans at an average pretty close to \$6.75 to \$6.80 over the last year. So \$5.26 is well off of that. One could say it is 20 percent, maybe more, maybe less. But I am happy to report that the yield per acre on the Lugar farm on beans looks to me to be way up. I think that is probably important, too. As a matter of fact, the cost per bushel will be down if the number of beans coming up is up.

We have heard suggestions today that you have almost an immutable cost out there. It simply cannot be met by these loan deficiency payments or marketing assistance loans. But I point out, volume still counts. And volume we have this year—a record soybean crop in America. Not just on our farm, that specific location, but all over America; unparalleled number of bushels of beans, maybe only the second in history in terms of corn.

So before all the dire predictions are visited, one has to take a look at some actual situations, some actual farmers who have some beans and have some corn. I point out the Freedom to Farm Act has not gotten into the loan deficiency payment until this year, and it is because low prices have kicked it in. But it would appear that this is going to be an additional \$2 or \$3 billion for grain farmers this year.

I pointed out earlier that over \$5 billion is kicking in early in the AMTA payments for cash flow purposes, an additional \$2 or \$3 billion in this LDP program, and at least \$500 million in an indemnity payment in regard to the weather. The taxpayers of this country have not been grudging when it has come to trying to meet agricultural pain and difficulty this year. As a matter of fact they have been very generous. And farmers are saying we do not really want charity, we want sales, we want marketing, we want exports. Give us at least those tools in fast-track authority in the IMF, in various other facilities. Give us taxation changes so as individuals who have to pay our own health insurance, we get the benefit of the deduction which in some strange way has been denied us. That is not the case in the industrial sector. Give us tax relief in terms of carry-back provisions so we can average out over the good years, and save the taxes. Give us estate tax relief.

Let me just point out, we are not going to see, in my judgment, an end to the Asian crisis, the Russian crisis, or others, overnight. But we can exacerbate the problem inadvertently by doing the wrong thing. Higher loan rates have instant appeal—and I think that is obvious from the argumentation given here earlier today. But history shows they have long-term effects that are undesirable. A higher loan rate inevitably stimulates more production than the market can absorb.

That is a very big point, Madam President, because, as a matter of fact, lower prices currently are very likely to send exactly different signals; namely, do not plant as much of those things in which you do not do well. There will be marginal changes. There are some farm operations geared up to plant a particular crop every year come hell or high water. There is no need for market signals, that is what the farm does. The question is, Can you lower costs so that you become profitable and efficient over the years? Most farmers have lowered costs. That is why we are the lowest cost producers in the world and why we are bound to be good when we export.

But at the same time, the higher loan rate, by stimulating more production, will lead to a surplus and, thus, lower prices in the future, not higher prices. This amendment is clearly a short-term stimulus. If the projections of a \$5 billion cost for taking off the loan cap is correct, \$5 billion is going fairly immediately from some taxpayers in America to grain farmers, essentially. That will increase the income but, Madam President, the following year, the income comes down.

Let me point out that a study that was completed for my distinguished colleague, Senator HARKIN, points this out. Senator HARKIN approached well-known researchers at the Food and Agricultural Policy Research Institute. They pointed out, as we might anticipate, that if, in fact, the amendment before us were to be adopted, the average price of corn for the current year, 1998–1999, would increase 10 cents a bushel. That would be the average increase for that corn this year—10 cents. Wheat prices would increase 15 cents and soybean prices 6 cents.

But, unfortunately, they point out that the aftermath also indicates that in the following year, prices go down. Corn prices go down by 6 cents and wheat prices go down by 10 cents below the baseline. Soybean prices, would be relatively flat, they say. Essentially, they evaluate the immediate income surge at about \$4.56 billion, pretty close to the \$5 billion estimated by CBO.

They point out the obvious: if you have \$5 billion injected into this situation averaged over 2 or 3 years, you still have more money than you had when the \$5 billion went in. But they point out that absent a constant stream of this kind of activity—that is unleashing the caps, with continual injections of cash—that prices come down and so does overall income.

(Mr. ROBERTS assumed the Chair.)

Mr. LUGAR. That, Mr. President, is the basic problem with the amendment that has been offered by the distinguished Senator from Iowa. I simply point out that the basic and largest farm organizations in America have spotted this and they wrote to me on September 11. The organizations that have written and signed this letter are: American Farm Bureau Federation,

American Sheep Industry Association, National Broiler Council, National Cattlemen's Beef Association, National Pork Producers Council and the National Turkey Federation—very sizable groups, covering general agriculture, as well as specific livestock and poultry situations.

They say:

Dear Chairman LUGAR: As the largest market for feed grains and soybean meal, the livestock and poultry producers are concerned over the debate to change the farm program's non-recourse loan rate structure. While we empathize with the market situation faced by feed grain farmers, we urge you to consider the very serious potential impact that changes in loan rates could have on all users of feed grains. With the export market being so vitally important to American agriculture, it is necessary to ensure that changes in government policy not put animal agriculture at a competitive disadvantage.

Historically, non-recourse loan rates that do not reflect market conditions have proven to affect producers' marketing decisions, which in turn have led to government surpluses that negatively pressure market price recovery. At a time when all of agriculture is facing depressed marketing conditions and export losses, we respectfully request that the Committee examine alternative policy initiatives to address low price conditions and help restore profitability to farmers and livestock and poultry producers.

I make that letter available, Mr. President, and ask unanimous consent that it be printed in the RECORD.

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

SEPTEMBER 11, 1998.

Hon. RICHARD LUGAR,
Chairman, Senate Committee on Agriculture,
Nutrition and Forestry, Senate Russell 328,
Washington, DC.

DEAR CHAIRMAN LUGAR: As the largest market for feed grains and soybean meal, the livestock and poultry producers are concerned over the debate to change the farm program's non-recourse loan rate structure. While we empathize with the market situation faced by feed grain farmers, we urge you to consider the very serious potential impact that changes in loan rates could have on all users of feed grains. With the export market being so vitally important to American agriculture, it is necessary to ensure that changes in government policy not put animal agriculture at a competitive disadvantage.

Historically, non-recourse loan rates that do not reflect market conditions have proven to affect producers' marketing decisions, which in turn have led to government surpluses that negatively pressure market price recovery. At a time when all of agriculture is facing depressed marketing conditions and export losses, we respectfully request that the Committee examine alternative policy initiatives to address low price conditions and help restore profitability to farmers and livestock and poultry producers.

We would urge that any resources that become available to help improve agriculture's bottom line should focus on providing assistance for weather-related disasters, addressing domestic and international marketing problems, providing income and trade assistance to address the loss of exports and providing additional tax relief for farmers, ranchers and livestock producers.

Thank you for your consideration of our concerns. We look forward to working with you and the Committee on these matters.

Sincerely,

American Farm Bureau Federation.
American Sheep Industry Association.
National Broiler Council.
National Cattlemen's Beef Association.
National Pork Producers Council.
National Turkey Federation.

Mr. LUGAR. Mr. President, these agencies, including the American Farm Bureau and the sheep, broiler, beef and pork producers have made the essential point with regard to the removing of the cap on the marketing loans. Inevitably, the signals go out and the supplies increase. Even under the marketing loan concept, in which it is unlikely that there will be the buildup of forfeitures and the buildup of governmental storage that characterized previous situations, there still is a glut on the market. The surplus does not disappear.

Price signals were out there for a purpose. They indicated who wanted to utilize the commodity, who could utilize the commodity. Tragically, in this country, we are utilizing commodities about as well as we are going to. The up-side potential that we talked about today on the export side is the difference. That is where the thrust has to occur. To have a domestic transfer of income simply hides the problem; it doesn't market the commodities. The costs do not decrease for farmers in the field, although much that we have done this year in terms of our research bill might assist people in bringing about lower costs.

I commend all of my colleagues who have spoken to this issue today for their concern. They have spoken with sincerity. They are advocates of producers in their States and of American agriculture generally. Many are Members of the Senate Committee on Agriculture and participate regularly in trying to think along with the majority and minority how we can deal with these problems.

But, Mr. President, we have debated, as was pointed out earlier by various Senators, this issue on at least a couple of occasions. On one occasion, the distinguished Senator from Montana, who is on the floor now, discussed a lengthening of payment of the loan rate. He did not press for a vote on that occasion. But then on the appropriations bill, an amendment was offered by the distinguished minority leader of the Senate, Senator DASCHLE, that had very similar characteristics with regard to the caps on the loan rate. The Senate voted 56 to 43 after extensive debate that took, as I recall, the better part of 4 hours on that occasion.

We have revisited the issue for another 4 hours this afternoon, and it is probably worthy of considerably more attention. I suspect the problem is that the Senate is also attempting to deal with the Interior appropriations bill in addition to problems of agriculture.

It will not be a good idea to adopt this amendment. I have listened carefully to others who have spoken. But

we ought to defeat this amendment. Therefore, Mr. President, I commend my colleagues for their sincerity, but after a consultation with and on behalf of the majority leader I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. LUGAR. The vote, I understand, Mr. President, will occur after the first vote that is now set for 5:30; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. I thank the Chair.

TRUTH IN EMPLOYMENT ACT

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, there will now be 30 minutes for debate equally divided in relation to S. 1981. The Senators from Arkansas and Massachusetts control the time.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

Mr. HUTCHINSON. Thank you, Mr. President.

I think we have before us a bill that is very important and well worth the time that we have taken debating it on the floor of the Senate today. This bill deals with the unconscionable practice of some labor unions today to send paid salts or unpaid salts into a business under the guise of working for that employer but when the real intent is to wreak economic damage and ultimately bring a business and employer to his or her knees.

Salting is the calculated practice of placing trained union agents in a non-union workplace whose primary purpose is to harass, disrupt company operations, apply economic pressure, increase operating and legal costs, and ultimately put the company out of business.

Mr. President, the Truth in Employment Act simply inserts a provision in the NLRA freeing an employer from the requirement of employing "... any person who is not a bona fide employee applicant, in that such person seeks or has sought employment with the employer with the primary purpose of furthering another employment or agency status." In other words, an employer is not required to hire an employee whose primary—primary purpose—I emphasize, whose primary purpose in applying for a job is not to work and benefit the company.

Participation in union activities or an in-house employee organizing committee would not constitute employment or agency status. It simply allows employers to not hire overt salts and to give employers recourse against covert salts—those who would come in surreptitiously.

The bill also specifically protects the rights of bona fide employees to self-organization, labor organization membership, and collective bargaining.

Let me just take a moment to emphasize what this bill will not do, because it has been so grossly mischaracterized by those who want to see this practice continue in the American workplace.

No. 1, it does not undermine legitimate rights or protections. Employers will gain no ability to discriminate against union membership and activities or activities, or activities in other organizations. It only seeks to stop the destructive practice of salting; that is all.

No. 2, it does not prevent union organizing or other types of organizing, such as women advocacy groups or a day-care program in the workplace. It does not prevent women and minorities from advocating their rights. It does not change the definition of "an employee" and what an employee is.

It does not overturn the decisions of the Supreme Court. It does not overturn the decision of Town & Country Electric, Inc., which stated that paid union organizers can fall within the literal, statutory definition of "employees."

It does not create a system of blacklists. And it does not promote mind reading or mind control, as some of my colleagues would suggest.

Salting is not a product of my imagination, it is a very great reality in the workplace today.

Jack Allen, previously of Thomasville, GA, provided an account of his experiences to Representative ALLEN BOYD of Florida, where he currently is employed. Allen Electric was founded by his father in 1947. He eventually took over the company.

Mr. Allen's family-owned business, passed down from his father, eventually sank under the heavy financial weight of legal expenses—expenses incurred because he tried to defend himself against fraudulent discrimination charges by union salts.

Mr. President, this legislation will prevent others from suffering the injuries that Mr. Allen suffered—the loss of his family company, the loss of all his hard work, the loss of his reputation.

I think it is wrong for us, under current law, to compel employers to hire someone who comes into the workplace with the goal of disrupting, destroying, and eventually bankrupting their employer. That is wrong. This is a modest piece of legislation that takes a small step in restoring balance and fairness in employee-employer relations. I ask my colleagues to support this motion to invoke cloture.

I reserve the remainder of my time and yield the floor.

Several Senators addressed the Chair.

Mr. KENNEDY. I yield my colleague 7 minutes.

Mr. WELLSTONE. I thank my colleague.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my good friend—he is a good friend—Senator HUTCHINSON, I have looked through the language, and under the section dealing with protection of employer rights—maybe there should be another time my colleague should bring this bill to the floor because this bill, in its present form, would allow an employer not to hire someone who might simply have an interest in joining a union. It is that ambiguous.

I say to my colleague that while this isn't his intention, it sort of reminds me—you cannot have such broad language. It is sort of like the days a long time ago—it is not the intention of my colleague from Arkansas; and I think my colleague from Massachusetts would appreciate this—where the Irish had a hard time getting jobs because people assumed, "They might very well come in there and organize a union." We cannot go back to those days.

Or as I look at this piece of legislation, you have a situation where maybe an employer would not hire a minority for fear that that minority, based upon her past experience, might come into the workplace and say to other people, "Listen. We're not getting a fair shake." Or the same thing can hold true with someone who has been active in the National Organization for Women, and the argument might be, "We don't want to hire such a person because, again, they might engage in the kind of activity that we would prohibit."

Or you might get into a situation where you do not want to hire someone—I think we have had that discussion before—who might come in and, because of her background—she is an activist—"My gosh, she might come in and start organizing with other women and say, 'You know what? We ought to be going to our employer and saying this ought to be a more family-friendly workplace. We need good child care here.'"

This is a piece of legislation which is so broad in its application and so ambiguous, I say to my friend from Arkansas, that this is an enormous step backward.

I only have a few minutes, and if I get more time we can go to debate, but I just want to simply say that I think the direction we ought to go in—because the truth about this Truth in Employment Act is that it just takes us back decades. It is unacceptable.

I have a piece of legislation that I have introduced called the Fair Labor Organizing Act. Let us talk about, What is the truth when it comes to the imbalance of power between employers and employees right now? If there is going to be a focus on how parents or a parent can do their best by their kids—in which case, they do their best by our country—then part of the focus is going to be on living-wage jobs. That speaks to the right of people to organize and bargain collectively, to earn a

decent living, and give their children the care they know their children need and deserve. This piece of legislation goes exactly in the opposite direction.

Now, the Fair Labor Organizing Act—and I would love to have support from my colleague on this—says three or four things. It says, first of all, let us talk about what is going on, the reality, the truth of what is going on right now. It says, first of all, that when it comes to organizing, companies do not get to give captive-audience speeches; the employees, the workers, also are going to have a right to hear someone from the union. Free flow of information.

The second thing it says is that companies—let's talk about the truth. The truth is that, right now, there are too many companies that hire union-busting consultants and illegally fire people. Some 10,000 people a year are illegally fired because they want to do nothing more than join a union, have some power, bargain for a decent wage and do well for their families. What the Fair Labor Organizing Act, which I have introduced, says is that if a company does that, it is not going to be profitable for them to do that any longer. They are going to pay serious back pay. There are going to be serious fines on them.

The third thing we say in this legislation is that even if people are lucky enough to be able to organize a union and aren't fired while they are trying to do so, then all too often companies just stonewall and refuse to sign a contract, in which case they will go to binding arbitration, mediation.

I say to my colleague from Arkansas that if, in fact, we want to talk about truth in employment, then we ought to deal with the truth of the matter, which is right now we have egregious examples of people being illegally fired, not able to organize, not able to bargain collectively, and this legislation goes in exactly the opposite direction.

This has very little to do with truth in employment. This has a whole lot to do with basic first amendment rights. This has a whole lot to do with giving those companies—I hope there are not too many, and I don't think there are; unfortunately, there are more than I wish there would be—a huge loophole whereby they simply don't have to hire somebody who potentially might have an interest to join a union, or she calls on her colleagues to join a union. It is unacceptable. You can't have a piece of legislation passed with this kind of mandate. We can't give companies a mandate not to hire women, not to hire minorities, not to hire activists who might want to join a union or want other members to join a union, not to hire men or women who want to fight for more child care. That is what this legislation does. Bring back another piece of legislation which doesn't have this kind of language and I will support it. But tonight I come to the floor to say to my colleagues that there should be an overwhelming vote against this piece of legislation.

How much time do I have left?

The PRESIDING OFFICER. The Senator has 20 seconds.

Mr. WELLSTONE. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes 44 seconds, and the Senator from Arkansas has 10 minutes 30 seconds.

Mr. HUTCHINSON. Mr. President, I yield 4 minutes to the distinguished assistant majority leader, Senator NICKLES from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, first, I wish to compliment my colleague from Arkansas for bringing this bill to the floor. I urge my colleagues to vote in favor of it. In response to my colleague from Minnesota, I think he should read the legislation. In reading the legislation, the protection of employer rights, section 8(a) of the NLRA is amended on line 22 to read:

Nothing in this subsection shall be construed as requiring an employer to employ any person who is not a bona fide employee applicant, in that such person seeks or has sought employment with the employer with the primary purpose of furthering another employment or agency status: *Provided*, That this sentence shall not affect the rights and responsibilities under this Act of any employee who is or was a bona fide employee applicant, including the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining. . . .

Mr. President, under the legislation my colleague from Arkansas has, an employee can come in, and if they want to help organize or participate in the collective bargaining process, they can do so. But they have to have the primary purpose of employment, of working with the employer. It can't be to circumvent and say, no, we want to work full time for the union, even to the destruction of the company.

Unfortunately, that happens today to some companies that might be non-union. The organizers who are trying to unionize the company sometimes say, "We would rather destroy that company if they are not going to be union." I will read you one comment that was in the International Brotherhood of Electrical Workers' organizing document on how to use salting techniques:

Phase 3 is infiltration, confrontation, litigation, disruption, and annihilation of all nonunion contractors. If we cannot get inside and organize, then we must disrupt the operations of the nonunion contractor.

That is a quote. I understand they have now taken that out of their organizational manual. But, in essence, they want to infiltrate and do everything they can to disrupt, and that means filing untold numbers of unfair labor practices. That means filing untold numbers of OSHA complaints, and any other thing to disrupt the company and make them an unsuccessful organization. Unfortunately that happens.

I have a letter from one of my small companies in Oklahoma, dated May 29, 1998. He is telling a story and talking about filing false and incorrect reports with the NLRB:

We hired an attorney to represent us in these proceedings. Each time, we had proof, and sometimes outside witnesses, to prove our side of the story.

It goes on and on and on and talks about harassment. So I compliment my colleague from Arkansas. I think he is exactly right. I urge my colleagues to vote in favor of this bill.

Mr. President, I have two editorials. One is dated June 8 of this year, from the Daily Oklahoman, entitled "Salt, Not Light." It repeats the real essence of this legislation, why it is needed. Also, I have one that was in today's Washington Times, entitled "Pass the Salt Reform." It is dated Monday, September 14.

I ask unanimous consent to have these printed in the RECORD.

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

[From the Daily Oklahoman, June 8, 1998]

SALT, NOT LIGHT

At a recent congressional hearing the owner of a non-union electrical contracting firm explained that his company had been hit by 85 unfair-labor-practice complaints since 1985, all dismissed as frivolous.

One came from a worker who'd been fired for refusing to wear his hard hat on his head. "He would strap it to his knee and then dare us to fire him because he said our policy stated only that he had to wear the hard hat—it (the employee manual) didn't say where he had to wear it," said John Gaylor of Carmel, Ind.

The worker was a "union salt" sent to harass a non-union business. Gaylor's firm is a favorite target of the International Brotherhood of Electrical Workers (IBEW). He budgets \$250,000 a year to fight frivolous complaints.

"Union salting" is a serious problem for small businesses. Union members are sent to disrupt productivity. According to the IBEW's organizing manual, the idea is to "threaten or actually apply the economic pressure necessary to cause the employer to . . . raise his prices, to recoup additional costs, scale back his business activities, leave the union's jurisdiction, go out of business and so on."

It's big labor's version of guerrilla warfare, and it should be stopped. In March the U.S. House passed a bill to free employers from having to hire anyone who seeks a job to pursue interests unrelated to their own. The bill would require the National Labor Relations Board (NLRB) to decide complaints related to union membership within a year. It would mandate reimbursement for attorneys fees and other costs if NLRB sues a small company and loses.

The Senate should follow the House's lead. Congress also should reject Bill Clinton's nomination (AFL-CIO lawyer Laurence Cohen) to be the NLRB's general counsel. Cohen is the father of union salting and as such is the wrong choice for the NLRB, which is supposed to be a non-partisan arbiter in labor-management conflicts.

[From the Washington Times, Sept. 14, 1998]

PASS THE SALT REFORM

The story goes that a small Dallas electrical company of about 30 employees won a

bid for work on a school construction project and ran an ad inviting workers to apply. When a local electricians' union responded to the ad, as Rep. Sam Johnson described the incident in debate earlier this year, their hiring blew the company's fuse.

The union members, he said, "staged small strikes by leaving the job for three or four hours but returning just before they could be replaced. They also sabotaged the electrical work and went on to file close to 50 grievances against the company, eventually driving it out of business."

What the company didn't know was that it had hired "salts," union members sprinkled into non-union companies with the goal not of organizing them along union lines but of sabotaging them financially. It's an increasingly popular way for Big Labor to beat non-union firms with which it can't compete.

As one former salt testified, "Salting has become a method to stifle competition in the marketplace, steal away employees and to inflict financial harm on the competition. Salting has been practiced in Vermont for over six years, yet not a single group of open-shop electrical workers have petitioned the local union for the right to collectively bargain with their employers."

What makes this practice particularly effective is, first, that as of now it is perfectly legal and, second, salts can win even when they lose simply by running up a company's legal bills with frivolous charges filed with the National Labor Relations Board, the Occupational Safety and Health Administration and other federal agencies. Among the casualties to date: a Carmel, Ind., firm that faced 96 charges, all of them dismissed, but has run up \$250,000 in legal bills trying to defend itself; a Cape Elizabeth, Maine, company that faced 14 charges, all dismissed after spending \$100,000 in legal bills; a Clearfield, Pa., firm faced with as many as 20 charges, all but one dismissed, but a \$75,000 legal bill plus lost time that eventually forced it out of business after 38 years.

Companies faced with this kind of extortion fear they can't afford to win. Given the choice of pyrrhic financial victory or paying off the salts and settling the case for less, many choose to settle.

A more cynical exploitation of "worker rights" is hard to imagine, but it has been hard to reform existing law. By just a two-vote margin along party lines earlier this year, the House of Representatives approved reform amid much clucking about the Republican Party's anti-worker tendencies.

Today, the Senate is scheduled to take up the matter with a vote to shut off debate on the issue. The focus of the debate is legislation introduced by Arkansas Sen. Tim Hutchinson that attempts both to protect the right to organize and to prevent its abuse. The bill specifies that any bona fide job applicant, union or non-union, is entitled to all the rights and responsibilities that go with the job (i.e., to join a union, to bargain collectively and so on). But if the applicant has sought employment with the primary purpose of promoting the agenda of some other organization or business, a company is not required to employ him. Put another way, if the applicant would not have sought the job but for his union mission, then he is a salt not entitled to the usual worker rights.

By passing such a law, the Senate would protect not just companies but taxpayers whose money covers the cost of agency hearings and other administration that results from union salting. Workers might have a better opportunity to air legitimate grievances, too. It's time to put union on a low-sodium legislative diet. It's time to pass the salt reform.

Mr. KENNEDY. Mr. President, as I understand it, we have 7 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes 41 seconds.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

First, let's remind ourselves of what this legislation is all about. Its purpose is to say to American workers who are qualified for a job that they will be denied employment if they have an intent to try to organize co-workers in nonworking areas and during nonworking hours.

Very clearly, you can't have it both ways. You can't say we are really not trying to overturn the Town and Country case. All you have to do is look at what the testimony was before our committee. Every single person who supports this bill wants to reverse that case.

Second is the idea that these workers are going in to destroy the company. What good does it do to organize if they are there to destroy it? That makes no sense. The claim makes no sense.

Mr. President, it is very clear what the court holdings are. First of all, if a company doesn't want to hire individuals who are paid by a union to organize the workforce, which has been a protected right for over 60 years, all the company has to do is set a blanket rule barring all other employment. That solves the problem—do it for those who are paid by the union, and for those who are going to be moonlighting. That solves the problem. We don't need legislation, Mr. President—they can do that today.

Mr. President, the court decisions also make plain that you can fire any employee who neglects their duties. If workers are disruptive on the jobsite, current law allows them to be fired.

Supporters claim that these workers won't do their jobs, but instead will file phony charges with government agencies. But the law allows companies to recover attorney's fees if an unjustified charge is pursued.

Mr. President, we have to look at what is the issue. The issue is fundamental. It is whether we in this country are going to permit workers who have the ability to do the job, and who are performing their job—whether we are going to muzzle them, to blacklist them and say under no circumstances can they go out there and try to persuade workers to join a union.

If the company finds out that they are going to be organizing a union, they can go ahead and fire them. That is what this language says—go out there and fire them right away.

Mr. President, this applies not just to those individuals who hold an employment status with a union, but those who hold an "agency status." What in the world does that mean? I will tell you what it means. That means, for example, of the 100 top CEOs in the restaurant industry, there isn't a single woman—not one, not a single woman. Do you understand that—in the restaurant industry, of the top 100 CEOs,

none is a woman? So workers go in and say, "We want to break the glass ceiling in the restaurant industry." Under this bill, the employer can say "Oh, no. Oh, no. You have another thought in mind. You may need this job. You may want this job. You may do it very well. But if you intend to try to do something about equal pay for women, try to do something about a child care program, try to do something to break the glass ceiling, oh, no. Oh, no." These workers can be fired by the employer as well.

This is a continuation of the effort that we have seen in the last 3 years to attack working families' income, and the rights of working families to represent themselves and try to persuade individuals to be part of their union. If they don't choose to be, so be it. If they do choose to be, so be it as well. But you are denying them that opportunity to choose.

Mr. President, we have to ask ourselves now on a Monday night why we are debating this particular issue when we have a Patients' Bill of Rights ready to go. We could be debating those issues which are of such basic, fundamental importance and significance to families in this country.

I withhold the rest of my time.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, it is a little frustrating for me because there could be nothing more unambiguous than the language in this bill. As often as somebody wants to get up and yell and scream and have a tirade about this being disruptive of workers' and union members' rights and the rights to organize, if you simply read the bill, it says unambiguously and very forthrightly that there is nothing in this bill that will interfere with "... a bona fide employee applicant, including the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representation of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection."

Mr. KENNEDY. Will the Senator yield on my time? Who is going to make that decision? The employer is going to make that decision.

The PRESIDING OFFICER. The Senator from Arkansas has the time.

Mr. HUTCHINSON. I will be glad to yield for a question, not a speech.

Mr. KENNEDY. Who is going to make the decision?

Mr. HUTCHINSON. The NLRB will make the decision, because the employee has the right to file that complaint and go to the NLRB. But the burden of proof will be different. It will be the NLRB attorney who certifies that he was a bona fide employee applicant and not someone who went in for the purpose of destroying that company.

I would like to yield 3 minutes to my distinguished colleague from Colorado. The PRESIDING OFFICER. The distinguished Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I thank the Senator for yielding.

Mr. President, I am rising in support of Senate bill 1981, the Truth in Employment Act.

I agree with my colleague from Arkansas that we do protect the right of employees to organize under the National Labor Relations Act. The problem is that we have small businesses out here that are being harassed and their businesses are being disrupted. I want to take a minute to explain to you or relate an incident that happened in Denver, CO. It is a real life story of what happened.

This businessman, who happened to be an electrical contractor, saw a van pull up in front of his business. Seven union organizers jumped out of the van, ran into his office, and they applied for a job with the business. They had their videotape running. When all was said and done, he hired some of them and put them to work. When all was said and done, when all the harassment was done, and all of the later procedure and everything, there was a considerable amount of cost to the company in management time as well as actual dollars. It ended up that there were approximately 19 frivolous and sometimes false charges with the National Labor Relations Board. Each one of those charges was eventually dropped. However, the company had already dedicated 500 management hours to deal with problems created by these salting workers and suffered financial losses of more than \$1 million.

This is not workers' rights, this is going out and harassing your competition. It is going out and disrupting another company that is trying to compete in the fair marketplace. It doesn't have anything to do with jobs. What it ends up doing is costing the consumer. You and I, as consumers of electricity, will have to pay more electrical rates because of this type of activity that increases the cost of providing the services that consumers end up utilizing.

I think this is a good bill. I am rising in support of it. I urge my colleagues to support this. I think my colleague from Arkansas is doing the right thing. I believe that we are protecting the rights of employees. What we are doing is eliminating the harassment and the unnecessary cost to the employer.

I yield the remainder of my time.

Mrs. BOXER. Mr. President, I oppose the bill before us—S. 1981—because it would ban a perfectly legal and protected activity which was upheld in 1995 by a unanimous Supreme Court decision. The bill would ban "salting," which occurs when efforts are made by union supporters to gain employment with nonunion employers to organize their fellow employees during non-working hours.

This bill, I believe, is an attack on the working men and women of this

country who choose to exercise their legal rights. For the first time since the enactment of the National Labor Relations Act (NLRA), employers could refuse to hire workers or could terminate workers who sought or obtained employment because they intended to engage in organizing activities.

Although the proponents of S. 1981 contend the bill merely prevents employers from being forced to hire union organizers, the actual impact of this bill would be significantly broader. For example, under S. 1981, employers could refuse to hire pro-union applicants even if they were not paid union organizers. In addition, an employer could deny employment to an applicant whose goal was to further "another employment or agency status." Agency status, however, is not defined. What does it mean? Since it is not defined, it could include any number of things, including the ability of women to try to organize for an on-site day care center.

The proponents of S. 1981 also contend the bill is necessary in order to prevent workers from gaining employment for the purpose of destroying an employer's business. I agree, of course, that an employer should not be forced to hire a worker who seeks employment with the intention or purpose of destroying the employer's business. In fact, however, employers already have tools at their disposal to deal with employees who are disrupting an employer's business or who are not properly carrying out their job responsibilities. Such workers can be disciplined or even discharged.

S. 1981 goes far beyond that. It says that any worker who applies for a position and has the intention of organizing a union can be denied employment even if that worker has no relationship with a union.

The NLRA currently prohibits the discharge of employees who attempt to organize. Nothing in S. 1981 ensures that this protection will continue. This is important because if S. 1981 were enacted, an employer could claim that a recently hired employee who had begun to speak to fellow workers about the need for a union had applied for the job with that purpose, giving the employer the legal right to fire such an employee.

The right to organize is a basic freedom guaranteed to our American workers and I strongly support it. S. 1981, unfortunately, does not. It would diminish the rights of America's workers, and weaken the protections in the NLRA for them. It is anti-worker and anti-union, and it should be defeated.

Mr. BOND. Mr. President, I urge my colleagues to vote for cloture so that the Senate may proceed to consideration of S. 1981, The Truth in Employment Act. As an original cosponsor of the bill, I applaud Senator HUTCHINSON for his efforts to restore balance to our federal labor laws. S. 1981 would prohibit the controversial practice of some unions called "salting," while maintaining the right of all workers to

choose whether or not to be represented by a union.

"Salting" is a controversial tactic that typically involves a union instructing its agents to apply for jobs with non-union employers. If these agents, or "salts," are not hired, then the union immediately files unfair labor practice charges with the National Labor Relations Board (NLRB) alleging discriminatory hiring. If the salt is hired, he or she attempts to convince the other employees to join the union, tries to generate unfair labor practices, and initiates complaints with other federal agencies like OSHA and EPA. Some unions have made it clear that if organizing is unsuccessful, then the goal is to drive non-union companies out of business to lessen competition for unionized businesses.

S. 1981 would amend the National Labor Relations Act (NLRA) to ensure that no employer is required to hire an applicant or retain an employee whose primary purpose is to disrupt the workplace through harassment, increased costs, and frivolous complaints at the direction of a union or other employer. Last Congress, the Committee on Small Business received testimony on salting and the use of such campaigns by some unions to harass and intimidate non-union employers and employees.

So one denies that unions have the legal right to organize non-union workers. The problem arises when a union directs its members and business agents to gain access to a workplace not only to organize, but to harass. In the situations I have heard about in Missouri and around the country, salting campaigns involve abuse of the NLRB's procedures in an effort to put small companies out of business. For instance, over a two-year period, the NLRB at the instigation of the unions filed 48 unfair labor practice charges against a small construction contractor in Missouri. Although 47 of the charges were later thrown out by NLRB and one settled for a few hundred dollars, the employer was forced to incur \$150,000 in legal fees to mount its defense. During this period, the union never sought a representational election so that employees could vote for or against joining the union. Salting campaigns can also include destruction of property, tampering with equipment, and general harassment of the non-union workforce by the union salts applying to the companies with the intention of disrupting the workplace or producing NLRB charges.

As Chairman of the Committee on Small Business, I am sensitive to the concerns raised by small businesses about the effects our laws and regulations have on their ability to operate. S. 1981 provides a common sense solution to a nonsensical situation. While I support the right of workers to organize, S. 1981 would restore the balance intended between the rights of workers and of employers. Under S. 1981, only employees and applicants seeking work

in good faith would be entitled to the protections provided under the NLRA. In 1995, the Supreme Court ruled that current law does not distinguish union salts from employees engaged in traditional organizing activities protected under the NLRA. S. 1981 does not overturn the Court's decision, but would amend the law to recognize the distinction between salting activities to cause economic harm to the employer versus legitimate organizing. S. 1981 retains the prohibition on employers' discriminating against bona fide employee applicants exercising their protected rights under the NLRA. I believe S. 1981 would restore the balance intended.

On March 26, 1998, language identical to S. 1981 passed the House of Representatives as part of H.R. 3246, the Fairness for Small Business and Employees Act of 1998. While the House bill passed by a narrow 202-200 vote, it is time the Senate gave full and careful consideration to this issue. I urge my colleagues to join me in voting for cloture.

Mr. FEINGOLD. Mr. President, I rise in strong opposition to S. 1981, the so-called "Truth in Employment Act" and urge my colleagues to do so as well.

Mr. President, this legislation is an affront to the American worker. It opens the door to abuse of good workers and unfair job termination. This measure would undermine a worker's right to organize, to seek better working conditions, to work to reduce racial tension, and to seek higher wages and better benefits. This measure seeks to undermine and penalize most every action an employee might take to improve the lot of workers.

In a unanimous 1995 decision, *NLRB versus Town and Country*, the United States Supreme Court held that a "union organizer is an employee, with all the protections of the National Labor Relations Act (NLRA), if acting as a union organizer does not involve abandonment of his or her service to the employer." This legislation makes a mockery of the Court's decision by requiring that workers be, what it calls, "bona fide" job applicants and by subjecting workers to an outrageous test of motivation as a condition of enjoying the protection of the NLRA rights. This bill provides a legal shield to employers who refuse to hire applicants who are union members or who have worked for an organized employers.

Mr. President, it's not my intention to stand here telling the business community of this country that they do not have the right to terminate union employees for cause or that they must hire only applicants who claim a union affiliation. In my eyes, anyone who does not produce quality work product or who consistently ignores the rules of the workplace should face the threat of termination. Along those lines, any applicant who does not have the skills or experience to perform a job well should not be hired and the law today does not

require that any unqualified person even be considered for a job. Mr. President, that's just common sense—that's just fair. This bill, the deceptively named "Truth in Employment Act," is not fair.

Mr. President, since being elected to the Congress, the Senate majority has used every possible opportunity to attack worker rights. They have used a variety of vehicles, ranging from their anti-overtime bills, to repeated efforts to water down OSHA requirements, to their opposition to an increase in the minimum wage or any expansion of the Family Medical Leave Act. This latest measure is just the latest in a long history of anti-worker legislation presented to us by the majority party.

This bill is blatantly anti-union, anti-worker and anti-American. I urge my colleagues to stand up for the ordinary American workers in their state. I urge my colleagues to vote "no" on this harmful measure.

Mr. HUTCHINSON. Mr. President, might I inquire as to the amount of time on each side?

The PRESIDING OFFICER. The Senator from Arkansas has 2 minutes, 59 seconds; the Senator from Massachusetts has 2 minutes, 31 seconds.

Mr. KENNEDY. Mr. President, we hope that this motion for cloture will not be passed. This is a very fundamental issue; that is, whether we are going to permit employers to get into the minds of potential employees who are qualified to do the job. If applicants are not qualified to do the job, they are not hired. It is not necessary to hire them.

This legislation permits any employer to say to any worker who comes into the shop, who is interested in trying to describe the benefits of a union, whether it be higher wages or child care facilities—to be able to say, "No, we are not going to hire you." You know what is going to happen then. It is a decision that will be made by the employer. That decision then goes to the NLRB. Three years go by, and then the case comes to trial. What was in the mind of that particular employee? There is not any evidence of disruptive activities. The law gives employers many ways to police those. The fact of the matter is, the workers are trying to convince other workers to join the union, and not be disruptive—to demonstrate that there is a better opportunity for them by working through the company rather than being disruptive.

That is why we have scores of letters to indicate that this is something that is constructive and productive. This involves a very basic and fundamental issue, and that is whether, in our country, which has benefited so much from the development of collective bargaining, we are going to deny workers the chance to be able to gather together to represent their interests to improve the lives of their families.

Mr. President, I oppose this legislation and I urge my colleagues to oppose cloture on this motion.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, we likewise have scores of letters that have been submitted for the RECORD—small companies that are being destroyed by the terrible practice of salts. We have literally tens of thousands of names that have come in on petitions saying please pass something to protect small employers.

The Senator from Massachusetts has questioned the logic. Why would somebody go in to destroy a company? Why not organize the company? That is the whole point. These are companies that have not been willing to organize, or they could not get the support among the employees of that company to organize. So in desperation they go in not to organize, not to legitimately persuade employees to join a union and to collectively bargain, but to economically ruin and devastate the viability of a small company. Why are we compelling employers to hire people who do not want to work but want to destroy their company?

Imagine that salt who comes home at the end of the day, hired by the labor union to go in and economically destroy by filing frivolous complaints, to file OSHA complaints, or cause OSHA complaints, at the end of the day facing their wife who says, "Honey, how did your day go?" "My day went great. I went out and helped to destroy the livelihood of my employer"—the American dream of what he has worked for for a lifetime. Imagine the employer going home at the end of the day, a small businessman, and his spouse says, "How did your day go?" "Oh, great. I spent my day in court trying to defend myself against frivolous complaints that have been filed."

It is not good for the employee or the employer. Many salts have come out of it and have said, "I will not be involved in that kind of practice any more."

I ask my colleagues this simple question, because I think it is simply an issue of common sense. Would you hire someone in your office, would you hire someone for your staff, who came in with the conscious, primary purpose of undermining everything you are working for—every legislative goal, every legislative agenda, every project in your State—and they are coming in for the purpose of undermining your role as a U.S. Senator? Would you hire that person? I think the obvious, common-sense answer—and the answer that we employ every day when we interview applicants—is no, we wouldn't do that. And yet, we are compelling small businessmen and women across this country to hire those who, they know in their heart when they come in, are going to disrupt the workplace and undermine the economic viability of the business and ultimately destroy them.

This legislation is modest. It is appropriate. I ask my colleagues to invoke cloture so that we can pass this

bill for the benefit of small business men and women across this country.

Mr. KENNEDY. Mr. President, I understand that I have 32 seconds remaining?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, this issue was considered by the Supreme Court of the United States with a number of Justices that were nominated by Republican Presidents, and it was decided 9 to 0—not 7-2, not 8-1, 9 to 0—to sustain the arguments that we have presented here this afternoon. The Senator wants to overturn that decision here this afternoon, and I hope that we will not do so.

The PRESIDING OFFICER. The time under the control of the Senator has expired.

Mr. HUTCHINSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 20 seconds remaining.

Mr. HUTCHINSON. This legislation does not overturn that Supreme Court decision, as I know. That court decision involved the issue of whether you could be a paid union employee and be a bona fide employee for another company, and you can't. This doesn't deal with that. This deals with the destructive practice of going in with the primary purpose of not organizing but destroying the employer.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUTCHINSON. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 344, S. 1981, the salting legislation:

Trent Lott, Tim Hutchinson, Don Nickles, Lauch Faircloth, Paul Coverdell, John Ashcroft, Jim Inhofe, Susan Collins, Chuck Hagel, John Warner, Jeff Sessions, Connie Mack, Sam Brownback, Jesse Helms, Wayne Allard, Kit Bond.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Sen-

ate that debate on the motion to proceed to S. 1981, the Truth in Employment Act, shall be brought to a close. The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New York (Mr. D'AMATO) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLINGS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

The yeas and nays resulted—yeas 52, nays 42, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—52

Abraham	Gorton	McConnell
Allard	Gramm	Murkowski
Ashcroft	Grams	Nickles
Bennett	Grassley	Roberts
Bond	Gregg	Roth
Brownback	Hagel	Santorum
Burns	Hatch	Sessions
Chafee	Helms	Shelby
Coats	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Coverdell	Jeffords	Stevens
Craig	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Faircloth	Mack	
Frist	McCain	

NAYS—42

Akaka	Dorgan	Landrieu
Baucus	Durbin	Lautenberg
Biden	Feingold	Leahy
Bingaman	Feinstein	Levin
Boxer	Ford	Lieberman
Breaux	Glenn	Moynihan
Bryan	Graham	Murray
Bumpers	Harkin	Reed
Byrd	Inouye	Reid
Campbell	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Wellstone
Dodd	Kohl	Wyden

NOT VOTING—6

D'Amato	Mikulski	Specter
Hollings	Moseley-Braun	Torricelli

The PRESIDING OFFICER (Mr. ALLARD). On this vote the yeas are 52, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Just to inform Members, we will have a second vote momentarily, but it will not be very long, I don't think. I believe the Democratic leader is going to have some brief remarks and then I have one Member who wants to have remarks printed in the RECORD, and Senator CRAIG wishes to make closing remarks on our side. So after a relatively brief period of time we will have another vote, and then that will be the last vote for tonight.

Again, I am going to talk to Senator DASCHLE, but I believe the next vote

will be at 2:15 tomorrow afternoon, after the luncheon.

I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate will continue with the consideration of the bill.

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3580

Mr. DASCHLE. Mr. President, I understand all time has expired on the pending amendment. I choose to use my leader time.

Mr. LEAHY. Mr. President, could we have order? The leader is entitled to be heard. The Senate is not in order.

The PRESIDING OFFICER. The Senate will please come to order. Senators will please take their conversations to the cloakroom. We would like to have quiet in the Chamber.

The minority leader is recognized.

Mr. DASCHLE. I thank the Chair, and I yield 2 minutes to the Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my leader from South Dakota.

Mr. President, I think many minds on this amendment are already made up. I, just for a couple of minutes, would like to speak to those Senators who have not yet made up their minds. The point very simply is this: There are a good number of farmers and ranchers. I daresay most of them are in dire straits through problems and conditions that are no fault of theirs. They didn't cause them.

Prices for their products are way below cost of production, whether it is wheat, cattle prices, whatnot. For example, in my State of Montana, farmers are getting \$2 a bushel. They subtract from that \$1 a bushel for freight costs and that ends up \$1 a bushel. The price of a loaf of bread in the supermarkets is pretty close to that. There is no way in the world a farmer can begin to make ends meet in these conditions, and that is true for most farmers.

The amendment before us is very simple. It just says take the cap off the loan rates just for crops that are harvested in 1998—not for next year, just 1998—to put a little bit of cash in farmers' pockets to help them pay the loans, to help them make the payments to the bank, to help them just a little bit. I must tell you, raising the caps is nowhere close to solving the problem. It is just a little bit.

Why are prices so low? Very simply, because of worldwide production, countries are subsidizing producing wheat.

Second, we are in dire straits because of the Asian crisis. Asia is not buying anymore.

Third, because the U.S. dollar is so high. Farmers didn't cause those problems, but farmers are facing those problems, and in some parts of the country, there is a drought, there is flooding, there is infestation of insects. They are stuck.

The only argument of any credibility I have heard against this amendment—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. I ask for 1 additional minute.

Mr. DASCHLE. I yield 1 additional minute.

Mr. BAUCUS. I thank the Senator. The only credible argument I have heard against this amendment is it breaks open Freedom to Farm and it might raise worldwide prices because you are raising loan rates. The short answer to that is we are not opening Freedom to Farm. This is just a 1-year, temporary payment to meet an emergency. And secondly, we have no idea what the prices are going to be next year. We have no idea.

We can't let perfection be the enemy of the good. At least adopt this amendment to help farmers right now. We will worry about next year, next year. This amendment is very much needed.

Mr. President, I very much thank the Senator from South Dakota for yielding this time.

Mr. DASCHLE. Mr. President, I yield 2 minutes to our ranking member, the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, this amendment is going to save a lot of farmers and do it in a cost-effective manner and a manner that is sound financially. It looks as though we are going to come down on one or two courses here. We either are going to raise the caps on loans and provide a loan rate increase to farmers, or we are going to have some kind of direct payment to farmers. I hear rumbling around that there is going to be a big, massive multibillion-dollar check to go out to farmers this year.

I said earlier there is a poll released today of 1,000 farmers—Mr. President, may we have order? I can't even hear myself think.

The PRESIDING OFFICER. The Senate will please come to order. The Senator from Iowa.

Mr. HARKIN. I thank the President. A poll came out today of 1,000 farmers taken nationwide by a polling firm. It was done for the Nebraska Wheat Growers, American Corn Growers and the Nebraska Farmers Union—1,000 farmers.

Two questions I will point out: One, Congress should modify the current farm program. Yes, 76.9 percent; no, 17 percent.

Congress should lift loan caps and raise loan rates 59 cents per bushel on wheat and 32 cents on corn. Yes, 72.5 percent; no, 19.4 percent.

Over 3 to 1. Farmers recognize this is the best way to proceed rather than getting a direct payment. Keep in mind, if we raise the loan rates, it gives the farmer a marketing tool. The farmer can get the loan and hold on to the crop. If prices go up next year, the farmer can sell that crop and then pay

the loan back to the Government with interest.

If, however, we are just going to get a bunch of money and send it out to farmers in a payment, there is no chance that any of that money is ever going to come back to the Government. Keep in mind, these loans have interest charges, and if farmers pay those loans back, they pay them back with interest.

Secondly, if we make a payment to farmers this fall, as I hear some people want to do, just one big lump sum, just a check that goes out, a lot of those people getting that money will not be in farming next year, and it won't go to the producers.

The PRESIDING OFFICER. The Senator has used his 2 minutes.

Mr. HARKIN. I ask for 30 seconds.

Mr. DASCHLE. I yield the Senator an additional 30 seconds.

Mr. HARKIN. If the loan rates go up, the loan rates increase, it goes to producers; it gives them a marketing tool whereby they can take the grain and market when they want and not just dump it all out there this fall. That is why we have to remove the loan caps that are in the farm bill of 1996. I yield the floor.

Mr. DASCHLE. I yield to the distinguished Senator from Louisiana.

Ms. LANDRIEU. Mr. President, two months ago, I joined my colleagues in requesting assistance for our Nation's farmers in Louisiana and other parts of the Nation who are on the brink of bankruptcy. Not because they are bad farmers but as a result of natural disasters and prices that they cannot control.

In Louisiana, farmers are experiencing the most severe agriculture disaster it has been subjected to in the last 100 years. The Louisiana State University (LSU) Agricultural Center has estimated crop losses at \$391 million. When losses due to aflatoxin in corn and livestock losses are added, the State is projecting escalated losses of \$450 million. If no effective disaster relief is provided, Louisiana will lose 35-40 percent of its farmers. Without these farmers the State projects that its economy will lose an additional \$1 billion.

Mr. President, this is a very serious situation, one that warrants an effective solution for the disaster situation facing the South and the income losses facing the Midwest. For Louisiana, relief needed is twofold: One, production loss related to the drought and heat and two, economic. For other areas, income loss assistance needed is different.

The major problem in providing equitable relief is that while the Midwest has bumper crops and no price, the South has no crops and no price. Therefore, I am very concerned that while this amendment will provide help to some, it does not go near far enough to ensure that Louisiana farmers are provided the emergency disaster assistance that they need to make it another year.

For example, under the current legislation being debated a corn farmer in the Midwest who produces a normal yield of 120 bushels per acre under a loan rate of 30 cents per bushel would receive a Loan Deficiency Payment (LDP) of \$36 per acre. In the South, a corn farmer who produced only 50 bushels per acre, due to the drought, under the same loan rate would only receive a LDP of \$15 per acre. A corn farmer in the South whose corn had to be destroyed due to aflatoxin would receive no LDP whatsoever.

The bottom line is that higher loan rates only benefit producers on actual production sold. The only way higher loan rates would benefit producers whose production was substantially reduced would be to make an economic payment on the lost production in addition to the bushels harvested. Therefore, while this may help farmers in the Midwest, it provides little to no assistance to farmers in the South.

The other provision in the underlying amendment that may be more helpful in providing disaster assistance to Louisiana is the \$1.5 billion included in the amendment to replenish the national disaster reserve. However, the details in how USDA would implement this measure to provide disaster assistance to farmers with only one year losses, such as in the case of Louisiana, is unclear.

As I have previously stated, the reasons for the income loss related problems facing farmers in Louisiana and other parts of the U.S. are quite different, but the results are the same. Only through direct assistance, can Louisiana farmers be helped.

For Louisiana and other Southern States, many farmers will not see next year and grow the crops that provide Americans with the safest food supply in the world. Time and time again, when a natural disaster has struck, the Congress has provided the help needed to rebuild our cities and towns. Should we provide help to family farms that are facing an economic disaster beyond their control? Absolutely. It is now time that the Congress work on the bipartisan basis to provide direct financial assistance to our farmers just like we provide assistance to other individuals who have faced disasters beyond their control.

Mr. President, I urge my colleagues to join me and my senior colleague from Louisiana, Senator BREAU, in working to ensure this assistance is provided fairly to all farmers, including farmers in Louisiana and the South.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I thank my colleagues for their eloquent comments and the contributions they have made to this debate all afternoon. I will be very brief, because I know that Senators wish to express themselves on this amendment, and we will accommodate that.

There are two points I want to make. The first is that since the Senate has

attempted to address this problem in July, the situation has worsened immeasurably. To the extent that we can measure it, it is simply important for all of us to understand that prices have fallen dramatically just in the last 6 weeks.

For July, corn prices have fallen 28 percent. For wheat, since July, prices have fallen an additional 20 percent. For soybeans, an additional 20 percent, and that is just since July. The bottom has fallen out of the market. The situation continues to worsen.

Mr. President, we have no choice but to take as immediate an action, as comprehensive an action as we possibly can to address this problem. Very simply, the second point is to simply address one last time what it is we attempt to do.

The Senator from Iowa ably, again, articulated why we need to increase the cap on the marketing loan. That is No. 1.

No. 2, so farmers aren't forced to move their grain onto the market, we give them the opportunity to store their grain on an emergency basis. Let me remind my colleagues, we are only talking about a 1-year authorization, first for the loan rate, and second for the storage.

Third, we provide indemnity losses. The Senator from Louisiana is right and the senior Senator from Louisiana has expressed his concern to me about how this problem is spreading. Louisiana is hit even harder now than they were last July. So the indemnity proposal is absolutely essential if we are going to address the multiplicity of problems we have in agriculture nationally.

The fourth is that we go back to the issue that we discussed earlier on mandatory price reporting. If we are ever going to change the livestock situation, we must get rid of the secret deals. We must make sure that they—that is livestock producers—have the same opportunities for open and fair competition as others. Mandatory price reporting will do that.

And then finally, we believe that we need to make consistent in agriculture what we have done in every other commodity and industry for as long as I know, and that is, simply label the products when they are imported. We do it for every other product. We ought to do it for the food we eat.

Mr. President, basically that is what we are proposing today, to address this problem in as comprehensive a way, recognizing that in both livestock and grain we have a serious problem. We cannot wait any longer. This issue must be addressed. This amendment does it.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. From my leader time, I yield such time as he may consume to the Senator from Idaho, Senator CRAIG.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, is there a farm problem? You bet there is. Is there a farm crisis? Yes. On most farms in America today, if you are below the cost of production, and you have a debt, you have a problem. The Senators on the other side of the aisle are absolutely true to what they speak. And I could have used every one of their charts this afternoon for the very same message.

We have a crisis in American agriculture. Is it a result of Freedom to Farm? No. It is a combination of everything coming together, the loss of our markets in Asian countries and tremendous overproduction. Thank goodness, it is a blessing in most countries when agriculture overproduces; it is a crisis in ours because it shoves down the price of commodities.

Yes, Mr. President, we have a crisis in farm country. Have we recognized it? Yes, we have. And we started doing something about it before we adjourned here in August. We passed and reauthorized the agriculture research title. We advanced the fiscal year 1999 transition payment. We revoked sanctions on India and Pakistan to try to move some of our product into the market.

We approved significant reform in the farm labor program. We established a binational commission to examine the concern that we have with beef prices and with the flood of Canadian meat coming into our market. We required international programs to purchase American commodities. And we passed a sense-of-the-Senate resolution encouraging USDA to use existing authorities to help wheat farmers. Did it raise the price of wheat at the farm bin? It did not. But it sets in motion a variety of opportunities to begin to move that.

What further should we do? Frankly, Mr. President, there is a great deal more we should do. The chairman of the Ag Committee has announced he will reexamine much more thoroughly sanctions and trade reform to open up the 11 percent of the market that our farmers are now exempt from or cannot get to. We have talked about and we will do meaningful tax reform.

Our colleague from Kansas has talked about making sure that crop insurance is the right kind of insurance so that the production agriculture buys it and uses it to insure their crops, to insure their income against disaster, against drought for an income purpose. We are working on that. We have to get that done next Congress, come heck or high water.

And then let us look at a lost market compensation payment. The Senator from Iowa says that is so much money, just throw it out to the farmer. It is something we can buy and afford to buy. It is not a \$7 billion program off-budget, no offsets—emergency spending proposed by our colleagues on the other side of the aisle.

Senators, this is a \$7 billion program you are being asked to vote on tonight. Stop and think about it. We have not

worked together. When we solve agricultural problems, we come together. All of those items that I mentioned we passed before the August recess, we did it in a bipartisan way. We did not open the farm bill. We did not open Freedom to Farm.

I would hope you stand behind the chairman of the Senate Ag Committee tonight on a motion to table. Does that mean this issue is gone? Absolutely not. We are meeting now and we will meet tomorrow. I would hope, too, that my colleagues on the other side of the aisle would come down and sit with us and look at what we can do. Are we going to spend some money? Yes. We are going to spend some money so that agriculture does not go bankrupt. And we have got to do it. But I suggest that lifting a loan cap does not solve that problem on the short-term basis and the long-term basis. Then it becomes so easy to extend it, and then it is \$8 or \$10 billion or more.

So this is not the last vote we are going to have tonight or tomorrow or before this Congress adjourns to deal with a real farm crisis, be you a grain producer, a hog farmer, a cattle rancher—soybeans, corn, you name it. They are not making money. They are losing millions.

We ought to be sensitive to assuring that there is some kind of baseline out there this year so that the farmer can be in production next year. We will accomplish that here in the Senate, if we recognize that and come together to get it done.

I do not believe this is a solution to the problem. I encourage all of our colleagues to stand with the chairman of the Ag Committee—vote to table this amendment.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I yield the remainder of my time to Senator ROBERTS. I understand we have one other Senator who would like to speak briefly, Senator BREAUX. But first I yield that time to Senator ROBERTS.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I thank the distinguished majority leader for yielding.

Mr. President, I rise today in opposition to the amendment offered by the Senator from Iowa and to present what I believe will be an important plan to help our farmers and ranchers get through the current low prices and natural disasters they are experiencing.

Mr. President, there are indeed areas of rural America facing economic hardships caused by drought, flooding, wheat scab, and low prices. The question here is: will raising loan rates provide the cash flow assistance that farmers need? Or, will it create an additional set of issues that simply exacerbate the current problem?

We have consistently heard on this floor that there is no longer a "safety net" for America's farmers. Yet, we do not hear that under the 1996 farm bill,

farmers have received over \$6 billion more in payments than they would have received under the old farm bill. We do not hear about the transition payments producers are receiving on 85 percent of their historical yields. And, we do not hear about the Loan Deficiency Payments (LDPs) producers are receiving under the 1996 legislation. Recent estimates show that producers may obtain up to \$3 billion in LDPs on their 1998 crops—in addition to their transition payments.

This is a "safety-net!"

Let me repeat: We have a "safety-net!"

Raising and extending loan rates does not improve producer incomes. Extending the loan rate actually results in lower prices in the long-run. Extending the loan for six months simply gives producers another false hope for holding onto the remainder of last year's crop. Farmers will be holding onto a portion of the previous year's crop, while at the same time harvesting another bumper crop in 1998.

As I stated during debate on the Agricultural Appropriations bill, rolling over the loan rate actually increases the amount of grain and soybeans on the market and results in lower prices—not higher prices. Since excess stocks will continue to depress prices, will we then extend the rate again? It will become an endless cycle that costs billions of dollars, and which will eventually lead to a return to planting requirements and set-aside acres in an attempt to control agricultural output and limit the budget effects.

Extending and raising loan rates will only serve to exacerbate the lack of storage associated with the transportation problems in rural America because it causes farmers to hold onto their crops and fill elevator storage spaces. Kansas still has wheat on the ground from this year's near record wheat harvest and we have begun to harvest what are expected to be record or near record corn, sorgham, and soybean crops. Raising loan rates will worsen the storage problems we are already facing.

It is also argued raising loan rates allows farmers to wait for a higher price. However, a study by Kansas State University looked at the years 1981 through 1997 and compared farmers' earnings if they held wheat in storage until mid-November versus selling at harvest. In all but five years, farmers ended up with a net loss as storage and interest costs exceeded gains in prices. Raising rates simply provides a false hope to farmers.

Mr. President, I think we must also ask several important question that have not been addressed by the advocates of this plan.

How do higher loan rates help producers who have suffered crop failures and have no crop to put under loan?

If loan rates will raise prices—as has been argued by the advocates—what will this do to feed prices for livestock producers who are in many instances

facing more severe economic situations than grain producers?

How do higher loan rates help wheat producers that have already harvested and marketed their crops?

It is argued this action is needed to raise prices because the 1996 Farm Bill has caused the low prices we are currently experiencing. What about the low prices we experienced under the previous program in the mid-1980s and early 1990s? What was the cause of those programs?

Mr. President, it is obvious this plan will not work and will not assist all producers. Therefore, I am proposing the following five point plan which will be supported by many Republicans and which I believe can also garner bipartisan support.

The plan addresses cash flow concerns, crop insurance, the tax burden on farmers, trade, and the Conservation Reserve Program.

It is obvious we must provide some form of cash flow assistance to all farmers, including those who did not or will not have a crop to harvest. Therefore, I propose a "Farmer Income Assistance Program" which will ensure that all farmers receive some form of cash assistance. I know of no other way to address the multiple problems of farmers with one year of crop losses, multi-year crop losses, and those with large crop but no price. This is the fairest method available to us, and it will ensure that no producer slips through the cracks.

Mr. President, we must also take important steps to reform the crop insurance program. One of the most common complaints I hear from my farmers is that crop insurance does not work. They argue the policies available do not address their needs, not do they get adequate coverage for the money they invest in insurance policies.

A large problem with the program is the roadblocks the Risk Management Agency (RMA) has repeatedly put up to halt or slow down the development and expansion of many private policies. At the same time RMA acts as the regulator over these private companies, it is also developing and selling products in direct competition with the insurance companies. I know of no other industry facing these same roadblocks.

Mr. KERREY and I have long been committed to major reforms of the crop insurance program. And, we are circulating a proposal to pursue these goals. However, it will be difficult to pursue major reforms in the short period of time remaining this session. Therefore, I propose several minor changes this fall to improve the program followed by what I hope will be serious reform next year. The proposed changes include:

Providing a proportional subsidy for all coverage levels up to 75 percent. Farmers often buy only the lowest level of coverage because that is where the highest subsidy levels occur.

Increase the subsidy rate so that it is the same for all revenue insurance con-

tracts as for other all forms of crop insurance.

Mr. President, we must also pursue real tax reform that benefits our farmers and ranchers. We must pursue tax legislation that includes: 100 percent deductibility of self-employed health care; permanent extension of income averaging for farmers; farmer savings accounts; and reductions in the capital gains rates.

I realize some will argue that capital gains reductions do not help farmers. However, I would advise my colleagues on the other side of the aisle that a recent report by the Department of Agriculture recently stated that the greatest level of benefits to farmers from the 1997 Taxpayer Relief Act has come from the reduction in the capital gains rate.

Increased access to world markets is an important step that must be taken. Our farmers and ranchers simply cannot be successful without access to foreign markets. The most important toll to obtaining these markets is to pass fast track trade negotiating authority for the President. Secretary of Agriculture Dan Glickman has stated on several occasions that trade is the "safety-net" for America's farmers and ranchers. Last fall's failure to pass fast track is the single most important foreign policy blunder for agriculture since the shattered glass embargo policies of the late 70s and early 80s. We must pass fast track now.

Finally, Mr. President, USDA should announce a new Conservation Reserve Program (CRP) sign-up sometime this fall. I checked the Farm Service Agency (FSA) website before coming to the floor, and it stated that as of October 1998 there will be just over 30 million acres enrolled in the CRP. The Secretary is allowed to enroll up to 36.4 million acres, and I encourage him to enroll the maximum number of acres during this fall's sign-up. This is an important action which the Secretary does not need additional Congressional approval to undertake, and it will help to take many acres of high risk land out of production—particularly in the Northern Plains.

Mr. President, to summarize the plan is as follows: Income assistance payments; crop insurance reform; tax relief; increased trade; and full enrollment in the CRP.

This is not a plan which is set in stone. It is open to change, and I am happy to work with my colleagues on both sides of the aisle to undertake a plan to assist America's farmers.

I am hopeful my colleagues will work with me in a bipartisan manner. I do not question the desire of my colleagues on the other side of the aisle to help our producers. I simply think their approach will do more harm than good.

We tried to increase loan rates in the early and mid-1980s. It led to excess production and excess stocks that brought agriculture to its knees and greatly contributed to the agricultural crisis of the 1980s.

Mr. President, we tell our children that we study history so we will not make the same mistakes of the past. Past history shows us the Senator from Iowa's plan will not work. I hope that we have learned our lesson and will take the steps necessary to help agriculture move into the 21st Century and not mired in the broken policies of the 20th Century.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Do I have any time remaining?

The PRESIDING OFFICER. Yes.

Mr. LOTT. This is unusual. But in the hope that he will be brief, I yield the balance of that time to Senator BREAUX. I am sure he will speak against this amendment in that time.

Mr. BREAUX. Thank you for the time.

I make one point very quickly, and the point is this: Our friends in agriculture in the northern part of the United States have a problem: They have a crop but they have a very poor price that doesn't allow them to continue. They need help. That is why the loan level is being increased—to try to help those.

For those of us who represent the southern areas, our problem is the opposite: Because of the drought, we don't have any crop. It is not a question of local price. There is no crop to sell at any price.

One of the sections that is in this bill says that the Secretary may use funds made available under this section to make cash payments that don't go for crop disasters but for income loss.

Now, as a representative of an area that has a crop disaster, it seems to me I am being written out of any help at all. If that is the case, I would like to know about it.

Maybe my friend from North Dakota can respond, and I yield to him.

Mr. CONRAD. If I might respond to the Senator from Louisiana and assure him, as the author of this provision, it is designed specifically to help every State that has experienced income loss.

Mr. LOTT. How much time is left?

Mr. BREAUX. I ask unanimous consent that Senator CONRAD may complete the response to my question.

Mr. CONRAD. I just say to the Senator from Louisiana, this is specifically designed to help every State that has suffered income loss. The reason the funding has been expanded is because of the losses in Louisiana, the losses in Oklahoma, the losses in Texas, the losses in Georgia.

This is designed to help every State that has experienced income loss, including the Senator's State of Louisiana.

Mr. BREAUX. I yield the floor.

The PRESIDING OFFICER. Under the previous order, we will proceed to vote. The question is on the motion to table the Daschle amendment. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from New York (Mr. D'AMATO), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Ms. MOSELEY-BRAUN), would vote "no."

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

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—53

Abraham	Frist	McCain
Allard	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Roberts
Brownback	Gregg	Roth
Campbell	Hagel	Santorum
Chafee	Hatch	Sessions
Coats	Helms	Shelby
Cochran	Hutchinson	Smith (NH)
Collins	Hutchison	Smith (OR)
Coverdell	Inhofe	Snowe
Craig	Jeffords	Stevens
DeWine	Kempthorne	Thomas
Domenici	Kyl	Thompson
Enzi	Lott	Thurmond
Faircloth	Lugar	Warner
Feingold	Mack	

NAYS—41

Akaka	Dorgan	Lautenberg
Baucus	Durbin	Leahy
Biden	Feinstein	Levin
Bingaman	Ford	Lieberman
Boxer	Glenn	Moynihan
Breaux	Graham	Murray
Bryan	Harkin	Reed
Bumpers	Inouye	Reid
Burns	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Wellstone
Daschle	Kohl	Wyden
Dodd	Landrieu	

NOT VOTING—6

D'Amato	Mikulski	Specter
Hollings	Moseley-Braun	Torricelli

The motion to lay on the table the amendment (No. 3580) was agreed to.

AMENDMENT NO. 3581

(Purpose: To provide emergency assistance to agricultural producers)

Mr. DASCHLE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. HARKIN, Mr. JOHNSON, Mr. KERREY, Mr. CONRAD, Mr. BAUCUS, Mr. DORGAN, and Mr. WELLSTONE, proposes an amendment numbered 3581.

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

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

The amendment is as follows:

On page 199, between lines 15 and 16, insert the following:

TITLE VII—EMERGENCY AGRICULTURAL ASSISTANCE

SEC. 701. MARKETING ASSISTANCE LOANS.

(a) MARKETING ASSISTANCE LOANS.—

(1) LOAN RATES.—Notwithstanding section 132 of the Agricultural Market Transition Act (7 U.S.C. 7232), for crop year 1998, loan rates for a loan commodity (as defined in section 102 of that Act (7 U.S.C. 7202)), other than rice, shall not be subject to any dollar limitation on loan rates prescribed under subsection (a)(1)(B), (b)(1)(B), (c)(2), (d)(2), (f)(1)(B), or (f)(2)(B) of section 132 of that Act.

(2) RICE.—Notwithstanding section 132(e) of that Act, for crop year 1998, the loan rate for a marketing assistance loan under section 131 of that Act (7 U.S.C. 7231) for rice shall be not less than the greater of—

(A) \$6.50 per hundredweight; or

(B) 85 percent of the simple average price received by producers of rice, as determined by the Secretary of Agriculture, during the marketing years for the immediately preceding 5 crops of rice, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period.

(3) TERM OF LOAN.—Notwithstanding section 133(c) of that Act (7 U.S.C. 7233(c)), for crop year 1998, the Secretary may extend the term of a marketing assistance loan for any loan commodity for a period not to exceed 6 months.

(b) APPLICATION.—

(1) IN GENERAL.—The authority provided by this section applies to the 1998 crop of a loan commodity.

(2) LOANS.—This section applies to a marketing assistance loan for a loan commodity made under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) for the 1998 crop year before, on, or after the date of enactment of this Act.

SEC. 706. EMERGENCY REQUIREMENT.

(a) BUDGET REQUEST.—The entire amount necessary to carry out this title and the amendments made by this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) DESIGNATION BY CONGRESS.—The entire amount of funds necessary to carry out this title and the amendments made by this title is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

Mr. DASCHLE. Madam President, I ask unanimous consent that my amendment be laid aside to accommodate the amendment to be offered by the Senator from Arkansas.

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

Mr. DASCHLE. I yield the floor.

UNANIMOUS CONSENT AGREEMENT—S. 2279

Mr. LOTT. Madam President, I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to the consideration of S. 2279, the Wendell Ford National Air Transportation System Improvement Act. I further ask that during the pendency of S. 2279 only relevant amendments be in order to the bill.

Mr. DASCHLE. Madam President, in spite of the extraordinarily good name this bill has, I just inform the majority leader that we are still negotiating. We hope that we can come to some accommodation here. I would personally like to see this legislation pass, but we are not there yet. On behalf of colleagues on this side, I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Madam President, on this subject, this is a very important Federal Aviation Administration bill. It is critical and is must-pass legislation. I discussed it briefly with Senator DASCHLE and he indicates that he will work to see if we can clear any objections or holds that we might have on it. It involves billions of dollars in airport improvement grants, which cannot be distributed without the authorization bill that has been named the Wendell Ford bill, since he has been a member of the committee and has worked on this particular bill and its authorization for many years. It would provide funding for projects at nearly every airport in the Nation and for work that is really essential. I hope we can come to an agreement on this and get it up for consideration within the next 2 weeks so it won't get caught up and lost at the end of the session. So I will be talking further to Senator DASCHLE about this and any Senator that might have any problems. I know Senator MCCAIN wishes to speak on this.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I thank the majority leader for trying to move this legislation. I thank the Democratic leader for expressing his willingness to try to work something out. But I also have to express my disappointment that we can't reach agreement yet on a manner to proceed to the consideration of the Wendell H. Ford National Air Transportation System Improvement Act. I pledge to do whatever I can within my power to work with my colleagues on a way to move forward with this critical legislation.

This reauthorization bill is a must-pass piece of legislation. The bill must be reauthorized before the end of this fiscal year, or airport grants across the Nation will lapse. Grants to our airports will stop regardless of whether the transportation appropriations bill is signed into law or not.

Madam President, the bill allows for approximately \$2 billion to be spent annually on safety and security improvements, as well as capacity enhancements, at public use airports across the country. Ongoing construction projects at hundreds, if not thousands, of airports will be jeopardized if Congress doesn't act before the end of September. Funding for noise grants will halt, as well as funding for important FAA Letter of Intent projects.

Madam President, coincidentally, the State of Texas happens to entail \$26,942,447.

This bill authorizes a number of safety initiatives, as well as provisions to promote competition in the domestic airline industry. We need only to look at the crippling effect of the Northwest Airlines strike to understand the need to advance legislation that enhances capacity at and access to our most congested airports.

We must move quickly on this bill. Otherwise, we run the risk of the bill's getting caught up in unrelated politically charged issues at the end of the session.

Also, we need to take the time to move through the appropriate process on this bill. There are too many significant improvements in the Senate reauthorization bill which would die on the vine if we don't proceed to consideration of the Senate version of the bill. Both the House and the Senate have completed action on their respective 1999 transportation appropriations bills and are currently moving towards conference. Without an authorization bill these funds would be unavailable obligations to our Nation's airport.

I ask unanimous consent that the Letters of Intent, as well as the Airport Improvement Program Formula Distributions, some \$2.1 billion, be printed in the RECORD.

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

LETTERS OF INTENT

Current letters of intent assume the following fiscal year 1999 grant allocations:

Arkansas: Fayetteville (northwest Arkansas)	\$5,000,000
Colorado: Denver International	24,931,000
Georgia: Hartsfield Atlanta International	7,083,000
Illinois: Mid-America, Belleville reliever	14,000,000
Chicago Midway	3,000,000
Kentucky: Greater Cincinnati	6,000,000
Louisville	18,243,000
Michigan: Detroit Metropolitan	16,400,000
Mississippi: Golden Triangle	300,000
Nevada: Reno/Tahoe International	6,500,000
New York: Buffalo International	1,700,000
Rhode Island: Theodore F. Green State	6,500,000
South Carolina: Hilton Head	558,000
Florence Regional	94,000
Tennessee: Nashville International ..	555,000
Memphis International ..	18,733,000
Texas: New Austin at Bergstrom Dalls/Ft. Worth International	11,430,000
Midland	12,500,000
Virginia: Reagan Washington National	1,327,000
Washington: Seattle-Tacoma International	14,232,000
4,400,000	
Total	173,486,000

(Source: United States Senate Report 105-249, Department of Transportation and Related Agencies Appropriations Bill, 1999; pp. 86)

In addition, there is \$500,000,000 in discretionary funds available for assignment by the FAA after the authorization and appropriations process has been completed.

AIRPORT IMPROVEMENT PROGRAM FORMULA DISTRIBUTIONS

[Estimated FY98 entitlement and State allocations, Total formula funds at \$2.1 billion]¹

Alabama	\$5,823,950
Alaska	31,277,460
Arizona	8,759,576
Arkansas	4,577,601
California	31,086,667
Colorado	7,958,160
Connecticut	2,809,935
Delaware	635,295
District of Columbia	468,506
Florida	13,064,255
Georgia	8,040,687
Hawaii	1,186,786
Idaho	5,134,047
Illinois	11,777,613
Indiana	6,148,104
Iowa	5,065,177
Kansas	6,193,550
Kentucky	4,932,788
Louisiana	5,778,788
Maine	2,734,919
Maryland	4,298,977
Massachusetts	5,091,338
Michigan	12,190,141
Minnesota	7,873,545
Mississippi	4,490,016
Missouri	7,558,689
Montana	8,289,328
Nebraska	5,247,768
Nevada	6,692,991
New Hampshire	1,334,174
New Jersey	6,348,164
New Mexico	7,508,916
New York	16,573,616
North Carolina	7,827,567
North Dakota	4,180,687
Ohio	10,647,533
Oklahoma	6,061,992
Oregon	7,247,957
Pennsylvania	11,505,588
Puerto Rico	2,632,148
Rhode Island	832,693
South Carolina	4,302,524
South Dakota	4,559,359
Tennessee	5,936,395
Texas	26,942,447
Utah	5,752,302
Vermont	933,033
Virginia	6,947,024
Washington	7,410,694
West Virginia	2,638,950
Wisconsin	7,204,305
Wyoming	5,421,196
Insular areas	2,564,100
Total	388,500,000

¹The list includes airport entitlement funds and State funds that would be foregone in fiscal year 1999, assuming the Senate AIP appropriations level of 2.1 billion dollars. These figures don't include discretionary grants & LOI payments.

(Source: United States Senate Report 105-249, Department of Transportation and Related Agencies Appropriations Bill, 1999; pp. 80-1).

(Note: This does not include funds allocated to states for general aviation, relieve, and non-primary commercial service airports, nor does it include nearly half a billion dollars in discretionary grants the FAA will allocate in FY99.)

Mr. MCCAIN. Madam President, finally, in summary, let me just say we worked hard on this bill. There are some things that are controversial. We sat down and worked—I see the Senator from Illinois on the floor—on the issue of Chicago O'Hare. We worked with Senator WARNER on the issue of National Airport. We worked with a lot of other people.

We need to move this legislation forward. I want to tell my colleagues that I have a commitment from the chairman of the Appropriations Committee that he will not put a temporary reauthorization on the appropriations bill if we don't reach a resolution of the authorization bill. I have been working on a couple of these issues for now 10 years. I do not intend to see it delayed further. I am committed to seeing this reauthorization take place.

I look forward to working with all of my colleagues in trying to resolve any differences that we might have.

I thank the majority leader for trying to move this legislation at this time. I appreciate the Democrat leader's commitment to working in trying to work this thing out.

I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent that I be recognized for not more than 10 minutes as if in morning business.

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

BASEBALL HISTORY

Mr. DURBIN. Madam President, I am fortunate to be a Senator representing the great State of Illinois, the great city of Chicago, at great ballpark named Wrigley Field.

Yesterday afternoon it was my good fortune to see at least part of the very historic game, a game between the Chicago Cubs and the Milwaukee Brewers, which will now be part of baseball history. It was a game attended by 40,846 fans at Wrigley Field, and several hundred of us on the rooftops and around the field watched and marveled. Not only was it a great baseball game with the Cubs' victory, but it was a historic game for a very important person. Any newspaper you picked up in Chicago, or Illinois, or perhaps across the country, this morning let everyone in on the fact that baseball history was made yesterday in Wrigley Field.

Paul Sullivan, a Tribune staff writer for the Chicago Tribune put it in lyric words that I would like to read:

With the shadows creeping over the right field vines, and the crowd on its tiptoes, Sosa took hold of an Eric Plunk fastball in the ninth inning and sent it screaming onto Waveland Avenue for number 62, in the greatest home run chase the game has ever seen.

I was happy to be there and to see home run 62. I am happy to represent the State which has in it such a fine man playing as Sammy Sosa. We are really blessed—those of us who follow baseball—to have this wonderful home run derby, and have two extraordinary individuals involved in it.

Mark McGwire of the St. Louis Cardinals also sent 62 home runs this year, eclipsing the record of Babe Ruth, as well as Roger Maris. It is good to know that Mark McGwire is a good person.

He announced early in the season that he would be donating \$1 million of his salary this year for those children who have been physically and sexually abused. He has a heart, and he has shown it many times.

Then there is Sammy Sosa, from the Dominican Republic.

If you will recall the scene last week when Mark McGwire was breaking the record to be the first to do so, there was Sammy Sosa in right field. He could not have been more supportive and more congratulatory. There is a true friendship between the men.

As Mark McGwire received all of this attention and adulation, Sammy was there to cheer him on. Yesterday, Sammy Sosa matched Mark McGwire with 62 home runs. He continued to praise him as a friend and hoped that they both had good luck in this home run derby in the remaining games.

It tells us a lot about baseball. It tells us a lot about these two men.

Sammy Sosa comes from particularly humble beginnings, starting off in the Dominican Republic. One of my favorite quotes during the course of the season is someone went to Sammy Sosa and said, "Aren't you under a lot of stress because of this race for the home run title?" And he said, "You think this is stressful, earning a living as a shoeshine boy in the Dominican Republic is stressful." He put it all in perspective.

He has been gracious and friendly. He has been a true sportsman throughout this race. He deserves our praise and our cheers as well.

All of us watch anxiously for the closing games to see who ends up with the ultimate home run record.

For those of us who are fortunate to love the game and to be watching it closely in 1998, I want to say my hat is off to Mark McGwire and especially to Sammy Sosa, who yesterday with two towering home runs over left field and into Waveland Avenue, really brought Chicago to its feet, cheering this man and all that he stands for.

I am hoping now that they will continue this race to set the record and to put the great American pastime back on its feet. I think they have done a lot for it.

I wish them both the very best. I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT'S NUMBERED 3582 TO 3590 EN BLOC

Mr. GORTON. Madam President, I send a group of amendments to the desk and ask that they be reported en bloc and considered en bloc.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Washington (Mr. GORTON) proposes amendments numbered 3582 to 3590 en bloc.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments en bloc are as follows:

AMENDMENT NO. 3582

Under the heading "Bureau of Indian Affairs", "Construction" on page 33, strike the second proviso.

AMENDMENT NO. 3583

At the end of Title I, General Provisions, add the following new section:

SEC. . . Notwithstanding any other provision of law, the Tribal Self-Governance Act (25 U.S.C. §458aa et seq.) is amended at §458ff(c) by inserting "450c(d)," following the word "sections".

AMENDMENT NO. 3584

(Purpose: To adjust the boundaries of the Columbia River Gorge National Scenic Area)

At the end of Title III, add the following new section:

SEC. . . (a) IN GENERAL.—To reflect the intent of Congress set forth in Public Law 98-396, section 4(a)(2) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544(a)(2)) is amended—

(1) by striking "(2) The boundaries" and inserting the following:

"(2) BOUNDARIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the boundaries"; and (2) by adding at the end of the following:

"(B) EXCLUSIONS.—The scenic area shall not include the approximately 29 acres of land owned by the Port of Camas-Washougal in the South ½ of Section 16, Township 1 North, Range 4 East, and the North ½ of Section 21, Township 1 North, Range 4 East, Willamete Meridian, Clark County, Washington, that consists of—

"(i) the approximately 19 acres of Port land acquired from the Corps of Engineers under the Second Supplemental Appropriations Act, 1984 (Public Law 98-396); and

"(ii) the approximately 10 acres of adjacent Port land to the west of the land described in clause (i)."

(b) INTENT.—The amendment made by the subsection (a)—

(1) is intended to achieve the intent of Congress set forth in Public Law 98-396; and

(2) is not intended to set a precedent regarding adjustment or amendment of any boundaries of the Columbia River Gorge National Scenic Area or any other provisions of the Columbia River Gorge National Scenic Area Act.

AMENDMENT NO. 3585

(Purpose: To delete funding for acquisition by the United States Fish and Wildlife Service of the Texas Chenier Plain)

On page 13, line 13, before the period at the end insert the following: ", and of which no amount shall be available for acquisition of the Texas Chenier Plain".

AMENDMENT NO. 3586

(Purpose: To direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System)

On page 74, after line 20, add the following:

SEC. 1 . CORRECTION TO COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such

corrections to the map described in subsection (b) as are necessary to restore on that map the September 30, 1982, boundary for Unit M09 on the portion of Edisto Island located immediately to the south and west of the Jeremy Cay Causeway.

(b) MAP DESCRIBED.—The map described in this subsection is the map included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, that relates to the unit of the Coastal Barrier Resources System entitled "Edisto Complex M09/M09P".

Mr. CHAFEE. Madam President, Senator HOLLINGS, on July 31, 1997 introduced a bill that makes a boundary change to Unit M09, Edisto Island, which was referred to the Committee on Environment and Public Works. It is my understanding that the amendment he is now offering is identical to your bill. Is that correct?

Mr. HOLLINGS. The Chairman of the Committee on Environment and Public Works is correct. The amendment before us is identical to S. 1104.

Mr. CHAFEE. Could the Senator please explain why the circumstances surrounding this issue are unique?

Mr. HOLLINGS. Certainly, unit M09 has been part of the coastal barrier system since the passage of the Coastal Barrier Resources Act in 1982. In 1987, a portion of Edisto Island was annexed by Colleton County from Charleston County. In 1988, after public notice and comment, the Fish and Wildlife Service recommended that this unit be expanded to include additional areas on Edisto Island. The Fish and Wildlife Service was not advised that a jurisdictional transfer had occurred and provided maps relating to Edisto Island to Charleston County, rather than Colleton. Because Colleton County did not have the appropriate maps, they provided inaccurate maps to landowners at a time when significant economic development were being made.

Mr. CHAFEE. Madam President, the Committee on Environment and Public Works favorably reported out this bill last May. The area in question was correctly mapped as an undeveloped coastal barrier, but extraordinary miscommunication at the Federal, State and local levels failed to ensure that the appropriate maps were being provided to the public. As a result, when the landowner inquired from Colleton County about the status of his land with respect to the Coastal Barrier Resources System, he was given inaccurate information. The sole reason that we supported the changes made by Senator HOLLINGS' bill was because of the unprecedented and unique procedural circumstances in this case, and we do not anticipate that there would be other instances that would warrant similar changes. The law only requires Coastal Barrier Resources System maps to be on file at the United States Fish and Wildlife Service, and reporting this bill does not imply that landowners should rely on maps filed at any other location to determine whether or not their property is located within the Coastal Barrier Resources System.

AMENDMENT NO. 3587

On page 74, after line 20, add the following:

SEC. 1. LAND EXCHANGE IN THE DISTRICT OF COLUMBIA AND PRINCE GEORGE'S COUNTY, MARYLAND.

Section 135 of the Department of the Interior and Related Agencies Appropriations Act, 1998 is amended by adding at the end the following:

"(g) ENVIRONMENTAL IMPACT STATEMENT, COMPLIANCE WITH LAW.—As a condition of the exchange of property under this subsection, the Secretary shall—

"(1) prepare an environmental impact statement in accordance with the National Environmental Policy Act, and

"(2) comply with all other applicable laws (including regulations) and rules relating to property transfers."

Mr. SARBANES. Madam President, I am pleased to join with my colleague Senator MIKULSKI in sponsoring this amendment to require the Secretary of the Interior to prepare an environmental impact statement and comply with all other applicable laws, rules and regulations related to property transfers before engaging in a land exchange near Oxon Creek in Prince Georges County and the District of Columbia.

Section 135 of the Interior Appropriations Act of 1998 directs the Secretary of the Interior, to "accept full title to approximately 84 acres of land located in Prince Georges County, Maryland, adjacent to Oxon Cove Park, and * * * in exchange * * * convey to the Corrections Corporation of America all of the interest of the United States in approximately 42 acres of land located in Oxon Cove Park in the District of Columbia." "notwithstanding any other provision of law." The language directing this exchange was inserted at the eleventh hour in the Conference Report on the Interior Appropriations bill with no prior hearings or consideration, no opportunity for debate, no input from the National Park Service or the area Congressional Delegation and no consultation with the affected communities. It circumvented every procedure and process by which land exchanges normally take place. The only conditions placed on the transaction were that the property would not have environment contamination and that it be a fair market value exchange or equalized in value by a cash payment from CCA.

Since the enactment of the Interior Appropriations bill, the Corrections Corporation of America (CCA) has filed an application with the District of Columbia Zoning Commission to build a 2,200 bed prison on the 42 acre National Park site to house portions of the District of Columbia's inmate population. This facility is strongly opposed by local residents who have raised serious concerns about both the planned location of the prison and the propriety of bypassing National Park Service land exchange and environmental compliance guidelines which allow for public input. Department of the Interior officials have stated that "absent public review, which NPS has been precluded to conduct by statute, it is not clear

that the location of a prison on the current parcel of park land would be in the best interest of the public. Further, the legislated land exchange with CCA does not afford equal opportunity to all potential bidders to provide a nearby inmate facility for felons of the District of Columbia."

It is important to point out that the National Park Service's Oxon Cove property has been planned as the site of a public golf course and a hiker-biker trail—recreational facilities urgently needed in great demand by the local community. They are a key component of an overall effort to revitalize the area and enhance the quality of life for local residents. These public facilities would largely be displaced by the CCA prison. Moreover, development of a correctional facility on this site would likely have adverse environmental impacts on Oxon Cove and on the Potomac River which was recently designated as an American Heritage River. In addition, it is my understanding that the CCA owned property in Prince Georges County is mostly wetlands and has no access and consequently the land swap is hardly a "fair market value" exchange.

The amendment which Senator MIKULSKI and I are offering will ensure that no legislated land exchange can be consummated unless and until the exchange has been reviewed in accordance with the procedures customary for such land exchange proposals including: an Environmental Impact Statement in accord with the National Environmental Policy Act; a determination by the Secretary of the Interior that the land is suitable for exchange under the criteria normally used for such exchanges; an evaluation of whether the land exchange is in the best interests of the public and the National Park Service; an opportunity for public hearings and input; a review of the NPS General Management Plan for the property and scrutiny by the National Capital Planning Commission. It is my firm conviction that this legislated land exchange should never have been enacted. We hold this property and all of our Nation's lands in public trust and it my hope that the amendment we are offering will help preserve that trust as well as citizens' rights to due process and having their concerns heard. I urge adoption of this amendment.

AMENDMENT NO. 3588

(Purpose: To modify Section 121 of the bill regarding wildland fire management in Alaska)

On page 59, line 25, insert between the words "Alaska" and "prior" the following: "for assignment to a Type I hot shot crew that previously has been certified and listed in the Bureau of Land Management 1998 Interagency National Mobilization Guide,".

AMENDMENT NO. 3589

S. 2237 is hereby amended as follows:

At page 19, line 20, add the following after the word "program": "and of which \$4,400,000 shall be available for the Katmai National Park Land Exchange".

At the appropriate place insert the following new section:

SEC. XXX. KATMAI NATIONAL PARK LAND EXCHANGE.**(a) RATIFICATION OF AGREEMENT.—****(1) RATIFICATION.—**

(A) IN GENERAL.—The terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Agreement for the Sale, Purchase and Conveyance of Lands between the Heirs, Designees and/or Assigns of the Palakia Melgenak and the United State of America" (hereinafter referred to in this section at the "Agreement"), executed by its signatories, including the heirs, designees and/or assigns of Palakia Melgenak (hereinafter referred to in this section as the "Heirs") effective on September 1, 1998 are authorized, ratified and confirmed, and set forth the obligations and commitments of the United States and all other signatories, as a matter of federal law.

(B) NATIVE ALLOTMENT.—Notwithstanding any provision of law to the contrary, all lands described in section 2(c) of the Agreement for conveyance to the Heirs shall be deemed a replacement transaction under "An Act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county or municipal improvements or sold to other persons or for other purposes" (25 U.S.C. 409a, 46 Stat. 1471), as amended, and the Secretary shall convey such lands by a patent consistent with the terms of the Agreement and subject to the same restraints on alienation and tax-exempt status as provided for native allotments pursuant to "An Act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska" (34 Stat. 197), as amended, repealed by section 18(a) of the Alaska Native Claims Settlement Act (85 Stat. 710), with a savings clause for applications pending on December 18, 1971.

(C) LAND ACQUISITION.—Lands and interests in land acquired by the United States pursuant to the Agreement shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") as part of the Katmai National Park, subject to the laws and regulations applicable thereto.

(2) MAPS AND DEEDS.—The maps and deeds set forth in the Agreement generally depict the lands subject to the conveyances, the retention of consultation rights, the conservation easement, the access rights, Alaska Native Allotment Act status, and the use and transfer restrictions.

(b) KATMAI NATIONAL PARK AND PRESERVE WILDERNESS.—Upon the date of closing of the conveyance of the approximately 10 acres of Katmai National Park Wilderness lands to be conveyed to the Heirs under the Agreement, the following lands shall hereby be designated part of the Katmai Wilderness as designated by section 701(4) of the Alaska National Interest Lands Conservation (16 U.S.C. 1132 note; 94 Stat. 2417):

A strip of land approximately one half mile long and 165 feet wide lying within Section 1, Township 24 South, Range 33 West, Seward Meridian, Alaska, the center line of which is the center of the unnamed stream from its mouth at Geographic Harbor to the north line of said Section 1. Said unnamed stream flows from the unnamed lake located in Sections 25 and 26, Township 23 South, Range 33 West, Seward Meridian. This strip of land contains approximately 10 acres.

(c) AVAILABILITY OF APPROPRIATION.—None of the funds appropriated in this Act or any other Act hereafter enacted for the implementation of the Agreement may be expended until the Secretary determines that the Heirs have signed a valid and full relinquishment and release of any and all claims described in section 2(d) of the Agreement.

(d) GENERAL PROVISIONS.—

(1) All of the lands designated as Wilderness pursuant to this section shall be subject to any valid existing rights.

(2) Subject to the provisions of the Alaska National Interest Lands Conservation Act, the Secretary shall ensure that the lands in the Geographic Harbor area not directly affected by the Agreement remain accessible for the public, including its mooring and mechanized transportation needs.

(3) The Agreement shall be placed on file and available for public inspection at the Alaska Regional Office of the National Park Service, at the office of the Katmai National Park and Preserve in King Salmon, Alaska, and at least one public facility managed by the federal, state or local government located in each of Homer, Alaska, and Kodiak, Alaska and such other public facilities which the Secretary determines are suitable and accessible for such public inspections. In addition, as soon as practicable after enactment of this provision, the Secretary shall make available for public inspection in those same offices, copies of all maps and legal descriptions of lands prepared in implementing either the Agreement or this section. Such legal descriptions shall be published in the Federal Register and filed with the Speaker of the House of Representatives and the President of the Senate.

AMENDMENT NO. 3590

Purpose: To provide that the Bureau of Land Management may enter into watershed restoration and enhancement agreements with the same entities and for the same purposes as is provided in section 323 of the bill for Forest Service agreements.

On page 74, after line 20, add the following:

SEC. 1 . WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 124(a) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (16 U.S.C. 1011(a)) is amended by striking "with willing private landowners for restoration and enhancement of fish, wildlife, and other biotic resources on public or private land or both" and inserting "with the heads of other Federal agencies, tribal, State, and local governments, private and nonprofit entities, and landowners for the protection, restoration, and enhancement of fish and wildlife habitat and other resources on public or private land and the reduction of risk from natural disaster where public safety is threatened".

Mr. GORTON. Madam President, it was a week ago tomorrow early in the afternoon that the Senate began consideration of the Interior appropriations bill. The distinguished Senator from West Virginia, Mr. BYRD, and I made our opening statements. We passed a handful of agreed amendments, and since then the entire subject matter has dealt with matters totally extraneous to that Interior appropriations bill. According to the minority leader's action, we will have another such extraneous amendment tomorrow. But in the closing of this evening, I do have this set of amendments, all of which relate to the subject of the bill.

The first is by Senator CAMPBELL on behalf of the Bureau of Indian Affairs, which strikes certain language in the bill on the subject of the use of highway trust funds.

The second, of which I am a sponsor, also on behalf of the Bureau of Indian Affairs, is an amendment to the Tribal Self-Governance Act to require the repayment of misused Federal funds by self-governance tribes.

The third one of mine is a minor boundary modification at the Columbia River Gorge National Scenic Area.

The fourth also is one of mine for the Fish and Wildlife Service which prohibits the use of funds for land acquisition at Texas Chenier Plain.

The fifth, by Senator HOLLINGS, to which the colloquy applies, makes amendments to the Coastal Barrier Resource System maps in South Carolina.

The sixth, by the two Senators from Maryland, is a modification of section 135 of the fiscal year 1998 Interior appropriations bill on the subject of the Oxon Cove land exchange.

The next is by Senator STEVENS which clarifies section 121, re: "hot-shot" crews—that is to say, forest fire-fighting crews—in Alaska.

The next, also by Senator STEVENS, provides for exchange of lands in Katmai National Park.

And, the last by Senator WYDEN of Oregon gives the Bureau of Land Management authority to enter into the watershed restoration and enhancement agreements to the same extent that the Forest Service can do so.

With that, Madam President, I ask unanimous consent that the amendments be agreed to.

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

The amendments (Nos. 3582 to 3590) were agreed to.

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

The motion to lay on the table was agreed to.

GOOSE DEPREDAATION

Mr. SMITH of Oregon. Mr. President, the wintering Canada goose population has increased ten times in the last twenty years, to 250,000 geese in the Lower Columbia River and Willamette Valley regions. The result has been large numbers of geese grazing on private agricultural fields of wheat, corn, grass seed, and many other crops, leading to huge financial losses for farmers. Farmers have been meeting since the early 1980s with local wildlife officials to create coordinated resource management plans to relieve depredation, but with no results. In 1997, the first Pacific Flyway Council plan was assembled to deal with agricultural depredation by migratory Canada geese. Farmers met with state and federal wildlife officials and other interested parties from Oregon, Washington, Alaska, and California to create a plan that all parties could agree to—as a first step. This funding will implement some of the priorities of that plan.

Mr. WYDEN. I thanked the Chairman for helping us in the Northwest to address a serious, growing problem with a tremendous overpopulation of geese in the Pacific Northwest. During the course of the past year the Oregon and Washington Farm Bureaus, the Alaska Waterfowl Conservation Committee, and state and federal wildlife agencies have worked together on a plan to address this growing problem, and I appreciate the Chairman's help in funding this proposal. Mr. President, the

Oregon and Washington Farm Bureaus have provided critical leadership in helping us obtain these funds, and I wonder if the Chairman of the Subcommittee would engage in a colloquy about how these funds are to be spent.

Mr. GORTON. Of course, as the senior Senator from Oregon mentioned, this issue is a serious concern of many of my constituents in the southwestern part of my state. I am delighted to have been able to provide funds from this year's U.S. Fish and Wildlife Service budget to develop a solution to this problem affecting both of our states.

Mr. WYDEN. Is it the Chairman's understanding that at least \$152,000 would be directed to fund a study of the economic impact of goose grazing and to develop the most effective methods for reducing damage by Canada Geese; and that the remaining funds will be used to assess, monitor, and reduce depredation by Canadian Geese of agricultural crops in Washington State and Oregon?

Mr. GORTON. The gentleman from Oregon is correct. The \$152,000 of study money will be used to continue ongoing studies at Oregon State University and has strong support among farmers in both our states.

Mr. SMITH of Oregon. Further, is it the Chairman's understanding that the Committee directs the monies be allocated by and based upon the consensus of the Canada Goose Agricultural Depredation Working Group, comprised of, but not limited to, one person from each of the following: Washington and Oregon Departments of Fish and Wildlife; U.S. Fish and Wildlife Service; USDA/APHIS Wildlife Services; and an agricultural representative each from Washington and Oregon?

Mr. GORTON. Yes. I understand that this group, which is composed of a diverse array of impacted interests, recently received approval for the NW Oregon/SW Washington Canada Goose Agricultural Depredation Control Plan which provides a foundation for many depredation reduction programs. I am very impressed by the work of this group and am delighted that it will have sufficient flexibility to develop solutions to this problem.

CIVIL WAR BATTLEFIELD PRESERVATION

Mr. TORRICELLI. Mr. President, I would like to thank the many Senators who have demonstrated a commitment to historic Civil War battlefield preservation which culminated in this amendment to the Interior Appropriations Bill that directs \$10 million be made available for matching grants to States and local communities for Civil War Battlefield preservation. I especially want to thank Senators LOTT and GORTON for their efforts over the past several months as well as my long time ally in this issue, Senator JEFFORDS.

Battlefield preservation is essential to allow current and future generations to experience the powerful lessons these places convey about the past, present, and future of the United States. A battlefield's landscape speaks

beyond written accounts and motion picture and television recreations. The remarkable story of our country's struggle for independence cannot be compellingly told or wholly understood without these sites. The need to protect these sites of heroism and sacrifice has never been more acute. Today, residential, commercial, and industrial development threaten significant battle sites in many states.

A Congressional study of the nation's Civil War sites completed in 1993, found that 20% of the most important sites had already been lost and an additional 50% would be lost in the next ten years without concerted action. The report specifically recommended that \$70 million be made available over a 7 year period for matching grants to aid land acquisition efforts. This amendment would for the first time provide a \$10 million installment for this purpose.

The premise behind this amendment is simple: Congress must provide funds to leverage nonfederal resources to preserve endangered battlefields. These funds are an investment in our national heritage, an investment that will pay dividends not just for our towns and states, but for the entire country and for generations to come.

MORNING BUSINESS

Mr. GORTON. Madam President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, September 11, 1998, the federal debt stood at \$5,547,277,485,008.59 (Five trillion, five hundred forty-seven billion, two hundred seventy-seven million, four hundred eighty-five thousand, eight dollars and fifty-nine cents).

One year ago, September 11, 1997, the federal debt stood at \$5,414,576,000,000 (Five trillion, four hundred fourteen billion, five hundred seventy-six million).

Twenty-five years ago, September 11, 1973, the federal debt stood at \$460,119,000,000 (Four hundred sixty billion, one hundred nineteen million) which reflects a debt increase of more than \$5 trillion—\$5,087,158,485,008.59 (Five trillion, eighty-seven billion, one hundred fifty-eight million, four hundred eighty-five thousand, eight dollars and fifty-nine cents) during the past 25 years.

HANOI TAXI

Mr. DEWINE. Madam President, this week, Americans across the country will be participating in events to pay tribute to Americans Missing in Action and former Prisoners of War (MIAs/

POWs). With that in mind, I would like to talk about an event that took place on February 12th, 1973. On that date, a United States Air Force C-141 landed at the Gia Lam Airport in Hanoi, North Viet Nam. The crew's mission was to pick up and return to the United States the first American POWs from Viet Nam. This historic mission signaled the beginning of the end of a period of uncertainty for many American POWs and their families. The flight for freedom from captivity came to a joyous conclusion when the aircraft carrying these soldiers landed at Hickham Air Force Base, Hawaii, where for the first time in many years, the former POWs once again stepped proudly and honorably onto American soil.

On that day in February 1973, the tail number of the aircraft dispatched to Gia Lam was 660177. As the primary cargo aircraft for the Air Force at that time, the C-141, and specifically aircraft 660177, had flown cargo missions in support of U.S. operations in Viet Nam. To this day, many of the former POWs that were on board that first freedom flight still remember the tail number—660177. In tribute to the historic mission competed by this particular aircraft, flight crew members informally named the aircraft the "Hanoi Taxi."

Following the conclusion of activities in Viet Nam, the "Hanoi Taxi" continued to serve the Air Force as a cargo aircraft. Throughout the years, the role this aircraft played in our military history went largely unnoticed.

In 1992, aircraft 660177, was assigned to the 445th Airlift Wing of the United States Air Force Reserve at Wright-Patterson Air Force Base in Ohio. At that time, members from the maintenance squadron of the 445th Airlift Wing noticed the words "Hanoi Taxi" on a label above the flight engineer's panel. M/Sgt. Dave Dillon became very interested in this unusual appearance and with the assistance of T/Sgt. Henry Harlow, S/Sgt. Jeff Wittman and T/Sgt. Susan Denlinger, they worked to piece together the story behind the name. When they learned of the historic mission that gave aircraft 660177 the name "Hanoi Taxi", personnel from the 445th Airlift Wing began the process of transforming the aircraft into a flying tribute to honor those former Prisoners of War and those that are still Missing in Action.

Today, nose art on the "Hanoi Taxi" represents the emblem of the 4th Allied Prisoner of War Wing and a plaque adorns a position of high visibility near the flight deck honoring the first 40 individuals that made that first flight from Hanoi on February 12, 1973. In addition, photographs of the historic mission are placed throughout the aircraft to allow those passing through the cabin to see those brave individuals who were forced to surrender their own freedom to protect ours.

For many of the POW's that were on board the "Hanoi Taxi", some of the

memories of their captivity have faded over the years, but today the number 660177 is the number of freedom—the number of the aircraft that reunited them with their friends and families.

Notable passengers on board the “Hanoi Taxi” include retired Navy Rear Admiral Jeremiah Denton, who later served as a United States Senator. Then Air Force Captain Ed Mechenbier also was a passenger. Today, Brigadier General Ed Mechenbier still serves his country in the United States Air Force Reserve. The significance of the “Hanoi Taxi” is best illustrated by the following comments General Mechenbier provided in a recent interview:

This airplane is more than a tribute to the POW's that were fortunate to be released in 1973. It reminds us of the service of more than a million Viet Nam era veterans, and it says to those POW/MIAs who did not share in our joy, you are not forgotten.

This week our Nation honors the sacrifices and dedication to duty, honor and country that those Missing in Action and former Prisoners of War have provided. As we remember the sacrifice that has been made, let us not forget the continuing sacrifice that our present members of our armed forces have made as we forge pathways of peace in an ever changing environment of world events.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate communities.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE UNITED STATES PARTICIPATION IN THE UNITED NATIONS FOR CALENDAR YEAR 1997—MESSAGE FROM THE PRESIDENT—PM 155

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1997. The report is required by the United Nations Participation Act (Public Law 79-264; 22 U.S.C. 287b).

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 14, 1998.

REPORT ON THE NATION'S ACHIEVEMENTS IN AERONAUTICS AND SPACE DURING FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT—PM 156

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year (FY) 1997, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involved 13 contributing departments and agencies of the Federal Government, and the results of their ongoing research and development affect the Nation in many ways.

A wide variety of aeronautics and space developments took place during FY 1997. The National Aeronautics and Space Administration (NASA) successfully completed eight Space Shuttle flights. There were 23 successful U.S. Expendable Launch Vehicle (ELV) launches in FY 1997. Of those, 4 were NASA-managed missions, 2 were NASA-funded/Federal Aviation Administration (FAA)-licensed missions, 5 were Department of Defense-managed missions, and 12 were FAA-licensed commercial launches. The Mars Pathfinder spacecraft and Sojourner rover captured the public's attention with a very successful mission. Scientists also made some dramatic new discoveries in various space-related fields such as space science, Earth science and remote sensing, and life and micro-gravity science. In aeronautics, activities included work on high-speed research, advanced subsonic technology, and technologies designed to improve the safety and efficiency of our commercial airlines and air traffic control system.

Close international cooperation with Russia occurred on the Shuttle-Mir docking missions and on the International Space Station program. The United States also entered into new forms of cooperation with its partners in Europe, South America, and Asia.

Thus, FY 1997 was a very successful one for U.S. aeronautics and space programs. Efforts in these areas have contributed significantly to the Nation's scientific and technical knowledge, international cooperation, a healthier environment, and a more competitive economy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 14, 1998.

MESSAGES FROM THE HOUSE

At 3 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the

following bills, in which it requests the concurrence of the Senate:

H.R. 2538. An act to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty.

H.R. 2863. An act to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes.

H.R. 3892. An act to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 2112. An act to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3694) to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Permanent Select Committee on Intelligence, for the consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. GOSS, Mr. YOUNG of Florida, Mr. LEWIS of California, Mr. SHUSTER, Mr. MCCOLLUM, Mr. CASTLE, Mr. BOEHLERT, Mr. BASS, Mr. GIBBONS, Mr. DICKS, Mr. DIXON, Mr. SKAGGS, Ms. PELOSI, Ms. HARMAN, Mr. SKELTON, and Mr. BISHOP.

From the Committee on National Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. SPENCE, Mr. STUMP, and Ms. SANCHEZ.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2538. An act to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty; to the Committee on Energy and Natural Resources.

H.R. 2863. An act to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3892. An act to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2213. A bill to allow all States to participate in activities under the Education Flexibility Partnership Demonstration Act (Rept. No. 105-327).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 1718. A bill to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property (Rept. No. 105-328).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1719. A bill to direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co (Rept. No. 105-329).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2106. A bill to expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah, and for other purposes (Rept. No. 105-330).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3830. A bill to provide for the exchange of certain lands within the State of Utah (Rept. No. 105-331).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 2364. A bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 (Rept. No. 105-332).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 2463. An original bill to provide authorities with respect to the transfer of excess defense articles and the transfer of naval vessels under the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes (Rept. No. 105-333).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS:

S. 2463. An original bill to provide authorities with respect to the transfer of excess defense articles and the transfer of naval vessels under the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. DASCHLE (for Mr. HOLLINGS):

S. 2464. A bill to direct the Secretary of the Interior to make corrections to certain maps relating to the Coastal Barrier Resources System; to the Committee on Commerce, Science, and Transportation.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2465. A bill to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 2466. A bill to authorize the minting and issuance of a commemorative coin in honor of the founding of Biloxi, Mississippi; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself and Mr. JOHNSON):

S. 2467. A bill to amend the Internal Revenue Code of 1986 to increase the years for carryback of net operating losses for certain farm losses; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2468. A bill to designate the Biscayne National Park visitor center as the Dante Fascell Visitor Center at Biscayne National Park; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2465. A bill to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system; to the Committee on Energy and Natural Resources.

STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL STUDY ACT OF 1998

Mr. SARBANES. Mr. President, today I am introducing legislation to help commemorate and preserve significant sites associated with America's Second War of Independence, the War of 1812. My legislation, entitled "The Star-Spangled Banner National Historic Trail Study Act of 1998," directs the Secretary of the Interior to initiate a study to assess the feasibility and desirability of designating the route of the British invasion of Washington, D.C. and their subsequent defeat at Baltimore, Maryland, as a National Historic Trail.

Since the passage of the National Trail Systems Act of 1968, the National Park Service has recognized historically significant routes of exploration, migration and military action through its National Historic Trails Program. Routes such as the Juan Bautista de Anza, Lewis and Clark, Pony Express and Selma to Montgomery National Historic Trails cross our country and represent important episodes of our nation's history, episodes which were influential in shaping the very future of this country. It is my view that the inclusion of the Star-Spangled Banner Trail will give long overdue recognition to another of these important events.

The War of 1812, and the Chesapeake Campaign in particular, mark a turning point in the development of the

United States. Faced with the possibility of losing the independence for which they struggled so valiantly, the citizens of this country were forced to assert themselves on an international level.

From the period of the arrival of the British forces at Benedict, in Charles County, Maryland, on August 18, 1814, to the American victory at Fort McHenry in Baltimore, on September 14, 1814, the war took a dramatic turn. The American forces, largely comprised of Maryland's citizens, were able to slow the British advance through the state and successfully defended Baltimore, leading to the retreat of the British.

The sites along this trail mark some of the most historically important events of the War of 1812. It begins with the only combined naval and land attack on the United States, originating at Benedict, Maryland and continuing on to the nation's capital, Washington, D.C. It follows the defeat of the Americans at the Battle of Bladensburg, the evacuation of the United States Government, the burning of the nation's capital, including the White House and the Capitol Building, the battle at North Point and the bombardment of Fort McHenry, site of the composition of our National Anthem, the Star-Spangled Banner, and the ultimate defeat of the British.

The route will also serve to bring awareness to several lesser known, but equally important sites of the war, including St. Leonard's Creek in Calvert County, where two American vessels scuttled by the British have recently been found, Brookeville, Maryland, which served as the nation's capital for one day, and Todd's Inheritance, the signal station for the American defenders at Fort McHenry. These sites, and many like them, will only enrich the story told along the trail. Additionally, the attention given to these sites should prove beneficial in terms of efforts to preserve and restore them.

Mr. President, the designation of the route of the British invasion of Washington and American defense of Baltimore as a National Historic Trail will serve as a reminder of the importance of the concept of liberty to all who experience the Star-Spangled Banner Trail. It will also give long overdue recognition to those patriots whose determination to stand firm against enemy invasion and bombardment preserved this liberty for future generations of Americans.

By Mr. HARKIN (for himself and Mr. JOHNSON):

S. 2467. A bill to amend the Internal Revenue Code of 1986 to increase the years for carryback of net operating losses for certain farm losses; to the Committee on Finance.

TAX LEGISLATION

Mr. HARKIN. Mr. President, today I am introducing legislation for myself and Senator JOHNSON providing farmers with the opinion of receiving a refund from taxes paid in the past 10

years for their current operating losses. Congressman JOHN TANNER of Tennessee is introducing an identical measure in the House.

Farmers are suffering huge losses through no fault of their own. No other business has less control of the price they can receive for what they produce. Farmers cannot control the world's weather or the World economy. But, those factors determine the price of corn, soybeans and wheat. The Freedom to Farm bill passed in 1997 sharply reduced the farmer's safety net. And, now, farm prices are crashing to levels not seen in decades, to levels never seen before if we adjust for inflation. Many farmers are going to have a very difficult time being able to acquire the funds needed to plant their crops in the coming year or maintain their annual operations. Many farmers could lose the farms that have been in their families for generations. And, the economic difficulty is far broader. It is already having a terrible ripple effect on the economies of rural areas. Layoffs are starting to occur at agricultural equipment manufacturers and in stores in small towns. But, we are just at the beginning stages of what could become a very severe downturn in rural America.

A number of Senators and I are proposing a series of modifications in agricultural programs to help alleviate the problem. But, I believe the Congress should also pass a provision broadening existing law allowing farmers to recover taxes paid in the past to cover their net operating losses.

Under existing law, businesses including farmers can be reimbursed for their business losses by receiving a rebate for taxes paid in the prior 2 years, 3 years in cases where there was a natural disaster. Now we are facing a large economic disaster that can really sink rural America.

There are widely supported proposals to allow farmers to invest some of their profits for up to 5 years without being taxed till the money is used in poor years, effectively a type of income averaging. That is fine. But, what is more desperately needed at this time is more immediate assistance.

I propose that family farmers be allowed the option to get a rebate from the taxes that they paid over the past 10 years covering up to \$200,000 in operating losses rather than the two years allowed under current law. Many farmers cannot receive a rebate for their operating losses because they were not able to make any taxable profits in the last few years. The benefit would only go to farmers whose families are actively engaged in farming and whose business activity is mostly farming. The amount of the rebate would be dependent on the amount of the loss and the tax rate paid by the farmer for the paid taxes that are being restored.

The provision would cover losses occurring in 1998 or 1999. If the measure passed this year, farmers would be able to calculate their loss early next year

and quickly receive a rebate from the IRS for the taxes paid in earlier years.

This proposal provides a significant amount of relief when it is needed early next year. It will help many farmers acquire some of the funds they need to plant.

Current law already allows a few taxpayers in certain circumstances to go back and recover taxes that they paid for 10 years. I believe that it should be broadened to cover farmers in this difficult time. In fact, there is a precedent in the 1997 Taxpayer Relief Act in which Amtrak was allowed to use net operating losses of their predecessor railroads from over 25 years in the past.

I urge that when the Congress considers a tax bill, this provision be considered and passed.

ADDITIONAL COSPONSORS

S. 375

At the request of Mr. MCCAIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 1351

At the request of Mr. BURNS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1351, a bill to amend the Sikes Act to establish a mechanism by which outdoor recreation programs on military installations will be accessible to disabled veterans, military dependents with disabilities, and other persons with disabilities.

S. 1362

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1362, A bill to promote the use of universal product members on claims forms used for reimbursement under the medicare program.

S. 1480

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1480, a bill to authorize appropriations for the National Oceanic and Atmospheric Administration to conduct research, monitoring, education and management activities for the eradication and control of harmful algal blooms, including blooms of *Pfiesteria piscicida* and other aquatic toxins.

S. 1504

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 1504, a bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States.

S. 1868

At the request of Mr. NICKLES, the name of the Senator from Louisiana

(Mr. BREAU) was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 1981

At the request of Mr. HUTCHINSON, the names of the Senator from Washington (Mr. GORTON), the Senator from Arizona (Mr. KYL), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1981, a bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

S. 2145

At the request of Mr. SHELBY, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2145, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 2190

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2202

At the request of Mr. AKAKA, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Kentucky (Mr. McCONNELL) were added as cosponsors of S. 2202, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 2205

At the request of Mr. DORGAN, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from South Dakota (Mr. JOHNSON), the Senator from Colorado (Mr. CAMPBELL), the Senator from Nevada (Mr. REID), and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 2205, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis &

Clark Expedition, and for other purposes.

S. 2281

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2281, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 2283

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 2283, a bill to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2296

At the request of Mr. MACK, the names of the Senator from Hawaii (Mr. INOUE), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 2296, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income.

S. 2335

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2335, a bill to amend title XVIII of the Social Security Act to improve efforts to combat medicare fraud, waste, and abuse.

S. 2354

At the request of Mr. BOND, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 2354, a bill to amend title XVIII of the Social Security Act to impose a moratorium on the implementation of the per beneficiary limits under the interim payment system for home health agencies, and to modify the standards for calculating the per visit cost limits and the rates for prospective payment systems under the medicare home health benefit to achieve fair reimbursement payment rates, and for other purposes.

S. 2364

At the request of Mr. CHAFEE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2376

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2376, A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes.

S. 2383

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2383, A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor.

S. 2412

At the request of Mr. BURNS, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Nevada (Mr. BRYAN), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Rhode Island (Mr. REED), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2412, a bill to create employment opportunities and to promote economic growth establishing a public-private partnership between the United States travel and tourism industry and every level of government to work to make the United States the premiere travel and tourism destination in the world, and for other purposes.

S. 2425

At the request of Mr. SESSIONS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2425, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 2445

At the request of Mr. THOMPSON, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Wyoming (Mr. THOMAS), the Senator from Maine (Ms. COLLINS), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2445, a bill to provide that the formulation and implementation of policies by Federal departments and agencies shall follow the principles of federalism, and for other purposes.

S. 2448

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2448, a bill to amend title V of the Small Business Investment Act of 1958, relating to public policy goals and real estate appraisals, to amend section 7(a) of the Small Business Act, relating to interest rates and real estate appraisals, and to amend section 7(m) of the Small Business Act with respect to the loan loss reserve requirements for intermediaries, and for other purposes.

S. 2453

At the request of Mr. ROTH, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 2453, a bill to amend the Internal Revenue Code of 1986 to extend the credit for producing electricity from certain renewable resources.

SENATE CONCURRENT RESOLUTION 108

At the request of Mr. DORGAN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of Senate Concurrent Resolution 108, a concurrent resolution recognizing the 50th anniversary of the National Heart, Lung, and Blood Institute, and for other purposes.

SENATE RESOLUTION 259

At the request of Mr. THURMOND, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. CLELAND), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Resolution 259, a resolution designating the week beginning September 20, 1998, as "National Historically Black Colleges and Universities Week," and for other purposes.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

DASCHLE (AND OTHERS) AMENDMENT NO. 3580

Mr. HARKIN (for Mr. DASCHLE for himself, Mr. HARKIN, Mr. DORGAN, Mr. JOHNSON, Mr. KERREY, Mr. CONRAD, Mr. BAUCUS, Mr. WELLSTONE, and Mr. BINGAMAN) proposed an amendment to the bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes; as follows:

At the end of the bill, insert the following:

TITLE VII—EMERGENCY AGRICULTURAL ASSISTANCE

SEC. 701. MARKETING ASSISTANCE LOANS.

(a) MARKETING ASSISTANCE LOANS.—

(1) LOAN RATES.—Notwithstanding section 132 of the Agricultural Market Transition Act (7 U.S.C. 7232), for crop year 1998, loan rates for a loan commodity (as defined in section 102 of that Act (7 U.S.C. 7202)), other than rice, shall not be subject to any dollar limitation on loan rates prescribed under subsection (a)(1)(B), (b)(1)(B), (c)(2), (d)(2), (f)(1)(B), or (f)(2)(B) of section 132 of that Act.

(2) RICE.—Notwithstanding section 132(e) of that Act, for crop year 1998, the loan rate for a marketing assistance loan under section 131 of that Act (7 U.S.C. 7231) for rice shall be not less than the greater of—

(A) \$6.50 per hundredweight; or

(B) 85 percent of the simple average price received by producers of rice, as determined by the Secretary of Agriculture, during the marketing years for the immediately preceding 5 crops of rice, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period.

(3) TERM OF LOAN.—Notwithstanding section 133(c) of that Act (7 U.S.C. 7233(c)), for crop year 1998, the Secretary may extend the term of a marketing assistance loan for any loan commodity for a period not to exceed 6 months.

(b) APPLICATION.—

(1) IN GENERAL.—The authority provided by this section applies to the 1998 crop of a loan commodity.

(2) LOANS.—This section applies to a marketing assistance loan for a loan commodity made under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) for the 1998 crop year before, on, or after the date of enactment of this Act.

SEC. 702. EMERGENCY STORAGE PAYMENTS.

Subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) is amended by adding at the end the following:

“SEC. 138. EMERGENCY STORAGE PAYMENTS.

“(a) IN GENERAL.—

“(1) AUTHORITY.—The Secretary may provide storage payments to producers on a farm to encourage the producers to place all or part of eligible cropland devoted to the 1998 crop of wheat or feed grains under a marketing assistance loan under section 131 if the Secretary determines that the wheat or feed grains are in abundant supply and that providing storage payments is an appropriate means of facilitating the orderly marketing of the commodities and alleviating burdens on commodity transportation and marketing systems.

“(2) PARTICIPATION.—The Secretary shall ensure that producers are afforded a fair and equitable opportunity to receive the storage payments, taking into account regional differences in the time of harvest.

“(b) STORAGE PAYMENTS.—

“(1) IN GENERAL.—Payments for the storage of wheat or feed grains under this section shall be made in such amounts and under such conditions as the Secretary determines are appropriate to encourage producers to place wheat or feed grains under marketing assistance loans.

“(2) TIMING.—Storage payments under this section may be made in advance.

“(3) DURATION.—The Secretary shall cease making storage payments under this section—

“(A) in the case of wheat, during any period in which the price of wheat is equal to or exceeds \$4.00 a bushel;

“(B) in the case of corn, during any period in which the price of corn is equal to or exceeds \$2.75 a bushel;

“(C) in the case of any other feed grain, during any period in which the price of the other feed grain is equal to or exceeds an amount that is equivalent to the rate for corn specified in subparagraph (B), as determined by the Secretary; and

“(D) in the case of wheat or any feed grain, during the 90-day period immediately following the last day on which the price of wheat or the feed grain was equal to or in excess of the levels established under subparagraph (A), (B), or (C).

“(4) COMPARABILITY OF STORAGE PAYMENTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), in making storage payments to producers under this section and to commercial warehouses in accordance with the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), the Commodity Credit Corporation and the Secretary shall, to the maximum extent practicable, ensure that the rates of the storage payments paid to producers are equivalent to the average rates paid for commercial storage, taking into account the demand for storage for commodities, efficiency, location, regulatory compliance costs, bonding requirements, and the impact of user fees, as determined by the Secretary.

“(B) NO INCREASE IN OUTLAYS.—The rates paid to producers and commercial warehouses shall be established at rates that will result in no increase in current or projected combined outlays of the Commodity Credit Corporation for the storage payments made to producers and commercial warehouses as a result of the adjustment of storage rates under this section.

“(c) QUANTITY OF COMMODITIES ELIGIBLE FOR STORAGE PAYMENTS.—The Secretary may establish maximum quantities of wheat and feed grains that may be eligible for storage payments under this section that do not exceed—

“(1) in the case of wheat, 450,000,000 bushels; and

“(2) in the case of feed grains, 1,000,000,000 bushels.

“(d) TERM OF LOAN.—Notwithstanding section 133(c), the Secretary may extend the term of a marketing assistance loan for each of the 1998 crops of wheat and feed grains for a period such that the total loan period does not exceed 15 months.

“(e) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall use the Commodity Credit Corporation, to the maximum extent practicable, to carry out this section.

“(f) ADDITIONAL AUTHORITY.—The authority provided by this section shall be in addition to other authorities available to the Secretary for carrying out producer loan and storage operation programs.”.

SEC. 703. RESERVE INVENTORIES.

(a) APPROPRIATION.—For the reserve established under section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a), \$1,500,000,000.

(b) IMPROVEMENTS.—Section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a) is amended—

(1) in the first sentence of subsection (a), by inserting “of agricultural producers” after “distress”;

(2) in subsection (c), by inserting “the Secretary or” after “President or”; and

(3) in subsection (h)—

(A) by striking “(h) There is hereby” and inserting the following:

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are”; and

(B) by adding at the end the following:

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

SEC. 704. LIVESTOCK INDUSTRY IMPROVEMENT.

(a) DOMESTIC MARKET REPORTING.—

(1) IN GENERAL.—Section 203(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(g)) is amended—

(A) by striking “(g) To” and inserting the following:

“(g) COLLECTION AND DISSEMINATION OF MARKETING INFORMATION.—

“(1) IN GENERAL.—The Secretary is authorized and directed to”; and

(B) by adding at the end the following:

“(2) DOMESTIC MARKET REPORTING.—

“(A) MANDATORY REPORTING PILOT PROGRAM.—

“(i) IN GENERAL.—Subject to clause (v), the Secretary shall conduct a 3-year pilot program under which the Secretary shall require any person or class of persons engaged in the business of buying, selling, or marketing livestock, livestock products, meat, or meat products in an unmanufactured form to report to the Secretary (or a person designated by the Secretary) in such manner as the Secretary shall require, such information relating to prices and the terms of sale for the procurement of livestock, livestock products, meat, or meat products in an unmanufactured form as the Secretary determines is necessary to carry out this subsection.

“(ii) NONCOMPLIANCE.—It shall be unlawful for a person engaged in the business of buying, selling, or marketing livestock, livestock products, meat, or meat products in an unmanufactured form to knowingly fail or refuse to provide to the Secretary information required to be reported under subparagraph (A).

“(iii) CEASE AND DESIST AND CIVIL PENALTY.—

“(I) IN GENERAL.—If the Secretary has reason to believe that a person engaged in the business of buying, selling, or marketing livestock, livestock products, meat, or meat products in an unmanufactured form is violating the provisions of subparagraph (A) (or

regulation promulgated under subparagraph (A)), the Secretary after notice and opportunity for hearing, may make an order to cease and desist from continuing the violation and assess a civil penalty of not more than \$10,000 for each violation.

“(II) CONSIDERATIONS.—In determining the amount of a civil penalty to be assessed under clause (i), the Secretary shall consider the gravity of the offense, the size of the business involved, and the effect of the penalty on the ability of the person to continue in business.

“(iv) REFERRAL TO ATTORNEY GENERAL.—If, after expiration of the period for appeal or after the affirmance of a civil penalty assessed under clause (iii), the person against whom the civil penalty is assessed fails to pay the civil penalty, the Secretary may refer the matter to the Attorney General, who may recover the amount of the civil penalty in a civil action in United States district court.

“(v) APPLICATION.—This subparagraph shall apply only to a person that is engaged in the business of buying, selling, or marketing at least 10 percent of the livestock, livestock products, meat, or meat products bought, sold, or marketed in the United States.

“(B) VOLUNTARY REPORTING.—The Secretary shall encourage voluntary reporting by persons engaged in the business of buying, selling, or marketing livestock, livestock products, meats, or meat products in an unmanufactured form that are not subjected to a mandatory reporting requirement under subparagraph (A).

“(C) AVAILABILITY OF INFORMATION.—The Secretary shall make information received under this paragraph available to the public only in a form that ensures that—

“(i) the identity of the person submitting a report is not disclosed; and

“(ii) the confidentiality of proprietary business information is otherwise protected.

“(D) EFFECT ON OTHER LAWS.—Nothing in this paragraph restricts or modifies the authority of the Secretary to collect voluntary reports in accordance with other provisions of law.”.

(2) TECHNICAL AMENDMENT.—Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended—

(A) by striking “The Secretary is directed and authorized to”; and

(B) in the first sentence of each of subsections (a) through (f) and subsections (h) through (n), by striking “To” and inserting “The Secretary is authorized and directed to”.

(b) PROHIBITION ON NONCOMPETITIVE PRACTICES.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) in subsection (g), by striking the period at the end and inserting “; or”; and

(2) by adding at the end the following:

“(h) Engage in any practice or device that the Secretary by regulation, after consultation with producers of cattle, lamb, and hogs, and other persons in the cattle, lamb, and hog industries, determines is a detrimental noncompetitive practice or device relating to the price or a term of sale for the procurement of livestock or the sale of meat or other byproduct of slaughter.”.

(c) PROTECTION OF LIVESTOCK PRODUCERS AGAINST RETALIATION BY PACKERS.—

(1) RETALIATION PROHIBITED.—Section 202(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(b)), is amended—

(A) by striking “or subject” and inserting “subject”; and

(B) by inserting before the semicolon at the end the following: “, or retaliate against any livestock producer on account of any statement made by the producer (whether

made to the Secretary or a law enforcement agency or in a public forum) regarding an action of any packer”.

(2) SPECIAL REQUIREMENTS REGARDING ALLEGATIONS OF RETALIATION.—Section 203 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193), is amended by adding at the end the following:

“(e) SPECIAL PROCEDURES REGARDING ALLEGATIONS OF RETALIATION.—

“(1) CONSIDERATION BY SPECIAL PANEL.—The Secretary shall appoint a special panel consisting of 3 members to receive and initially consider a complaint submitted by any person that alleges prohibited packer retaliation under section 202(b) directed against a livestock producer.

“(2) COMPLAINT; HEARING.—If the panel has reason to believe from the complaint or resulting investigation that a packer has violated or is violating the retaliation prohibition under section 202(b), the panel shall notify the Secretary who shall cause a complaint to be issued against the packer, and a hearing conducted, under subsection (a).

“(3) EVIDENTIARY STANDARD.—In the case of a complaint regarding retaliation prohibited under section 202(b), the Secretary shall find that the packer involved has violated or is violating section 202(b) if the finding is supported by a preponderance of the evidence.”.

(3) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.—Section 203 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193) (as amended by subsection (b)), is amended by adding at the end the following:

“(f) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.—

“(1) IN GENERAL.—If a packer violates the retaliation prohibition under section 202(b), the packer shall be liable to the livestock producer injured by the retaliation for not more than 3 times the amount of damages sustained as a result of the violation.

“(2) ENFORCEMENT.—The liability may be enforced either by complaint to the Secretary, as provided in subsection (e), or by suit in any court of competent jurisdiction.

“(3) OTHER REMEDIES.—This subsection shall not abridge or alter a remedy existing at common law or by statute. The remedy provided by this subsection shall be in addition to any other remedy.”.

(d) REVIEW OF FEDERAL AGRICULTURE CREDIT POLICIES.—The Secretary of Agriculture, in consultation with the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Board of the Farm Credit Administration, shall establish an inter-agency working group to study—

(1) the extent to which Federal lending practices and policies have contributed, or are contributing, to market concentration in the livestock and dairy sectors of the national economy; and

(2) whether Federal policies regarding the financial system of the United States adequately take account of the weather and price volatility risks inherent in livestock and dairy enterprises.

SEC. 705. LABELING OF IMPORTED MEAT AND MEAT FOOD PRODUCTS.

(a) DEFINITIONS.—Section 1 of the Federal Meat Inspection Act (21 U.S.C. 601) is amended by adding at the end the following:

“(w) BEEF.—The term ‘beef’ means meat produced from cattle (including veal).

“(x) LAMB.—The term ‘lamb’ means meat, other than mutton, produced from sheep.

“(y) BEEF BLENDED WITH IMPORTED MEAT.—The term ‘beef blended with imported meat’ means ground beef, or beef in another meat food product that contains United States beef and any imported beef.

“(z) LAMB BLENDED WITH IMPORTED MEAT.—The term ‘lamb blended with imported meat’ means ground meat, or lamb in another meat

food product, that contains United States lamb and any imported lamb.

“(aa) IMPORTED BEEF.—The term ‘imported beef’ means any beef, including any fresh muscle cuts, ground meat, trimmings, and beef in another meat food product, that is not United States beef, whether or not the beef is graded with a quality grade issued by the Secretary.

“(bb) IMPORTED LAMB.—The term ‘imported lamb’ means any lamb, including any fresh muscle cuts, ground meat, trimmings, and lamb in another meat food product, that is not United States lamb, whether or not the lamb is graded with a quality grade issued by the Secretary.

“(cc) UNITED STATES BEEF.—

“(1) IN GENERAL.—The term ‘United States beef’ means beef produced from cattle slaughtered in the United States.

“(2) EXCLUSIONS.—The term ‘United States beef’ does not include—

“(A) beef produced from cattle imported into the United States in sealed trucks for slaughter;

“(B) beef produced from imported carcasses;

“(C) imported beef trimmings; or

“(D) imported boxed beef.

“(dd) UNITED STATES LAMB.—

“(1) IN GENERAL.—The term ‘United States lamb’ means lamb, except mutton, produced from sheep slaughtered in the United States.

“(2) EXCLUSIONS.—The term ‘United States lamb’ does not include—

“(A) lamb produced from sheep imported into the United States in sealed trucks for slaughter;

“(B) lamb produced from an imported carcass;

“(C) imported lamb trimmings; or

“(D) imported boxed lamb.”.

(b) LABELING.—

(1) IMPORTED BEEF OR IMPORTED LAMB.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended by adding at the end the following:

“(13)(A) If it is imported beef or imported lamb offered for retail sale as fresh muscle cuts of beef or lamb and is not accompanied by labeling that identifies it as imported beef or imported lamb.

“(B) If it is United States beef or United States lamb offered for retail sale, or offered and intended for export as fresh muscle cuts of beef or lamb, and is not accompanied by labeling that identifies it as United States beef or United States lamb.

“(C) If it is United States or imported ground beef or other processed beef or lamb product and is not accompanied by labeling that identifies it as United States beef or United States lamb, imported beef or imported lamb, beef blended with imported meat or lamb blended with imported meat, or other designation that identifies the content of United States beef and imported beef United States lamb and imported lamb or contained in the product, as determined by the Secretary under section 7(h).”.

(2) COUNTRY OF ORIGIN.—Section 7 of the Federal Meat Inspection Act (21 U.S.C. 607) is amended by adding at the end the following:

“(g) COUNTRY OF ORIGIN.—Imported beef, imported lamb, or ground beef, ground lamb, or other processed beef or lamb product made from imported beef or imported lamb described in section 1(n) may be marked, labeled, or otherwise identified to indicate the country of origin.”.

(3) CONFORMING AMENDMENT.—Section 20(a) of the Federal Meat Inspection Act (21 U.S.C. 620(a)) is amended by adding at the end the following: “All imported beef or imported lamb offered for retail sale as fresh muscle cuts of beef or lamb shall be plainly and conspicuously marked, labeled, or otherwise

identified as imported beef or imported lamb.”.

(c) GROUND OR PROCESSED BEEF AND LAMB.—Section 7 of the Federal Meat Inspection Act (21 U.S.C. 607) (as amended by subsection (b)(2)) is amended by adding at the end the following:

“(h) GROUND OR PROCESSED BEEF AND LAMB.—

“(1) VOLUNTARY LABELING.—Subject to paragraph (2), the Secretary shall provide by regulation for the voluntary labeling or identification of ground beef, ground lamb, or other processed beef or lamb product as—

“(A) United States beef or United States lamb, beef blended with United States meat or lamb blended with United States meat, or other designation that identifies the content of United States beef or United States lamb contained in the product; or

“(B) imported beef or imported lamb, beef blended with imported meat or lamb blended with imported meat, or other designation that identifies the content of imported beef or imported lamb contained in the product; as determined by the Secretary.

“(2) MANDATORY LABELING.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 18 months after the date of enactment of this subsection, the Secretary shall provide by regulation for the mandatory labeling or identification of ground beef, ground lamb, or other processed beef or lamb product made from imported beef or imported lamb as imported beef or imported lamb, beef blended with imported meat or lamb blended with imported meat, or other designation that identifies the content of imported beef or imported lamb contained in the product, as determined by the Secretary.

“(B) APPLICATION.—Subparagraph (A) shall not apply to the extent the Secretary determines that the costs associated with labeling under subparagraph (A) would result in an unreasonable burden on producers and processors, retailers, or consumers.”.

(d) GROUND BEEF AND GROUND LAMB LABELING STUDY.—

(1) IN GENERAL.—The Secretary of Agriculture shall conduct a study of the effects of the mandatory use of imported, blended, or content labeling on ground beef, ground lamb, and other processed beef or lamb products made from imported beef or imported lamb.

(2) COSTS AND RESPONSES.—The study shall be designed to evaluate the costs associated with and consumer response toward the mandatory use of labeling described in paragraph (1).

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall report the findings of the study conducted under paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(e) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate final regulations to carry out the amendments made by this section.

SEC. 706. EMERGENCY REQUIREMENT.

(a) BUDGET REQUEST.—The entire amount necessary to carry out this title and the amendments made by this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) DESIGNATION BY CONGRESS.—The entire amount of funds necessary to carry out this

title and the amendments made by this title is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

**DASCHLE (AND OTHERS)
AMENDMENT NO. 3581**

Mr. DASCHLE (for himself, Mr. HARKIN, Mr. DORGAN, Mr. JOHNSON, Mr. KERREY, Mr. CONRAD, Mr. BAUCUS, and Mr. WELLSTONE) proposed an amendment to the bill, S. 2237, supra; as follows:

On page 199, between lines 15 and 16, insert the following:

TITLE VII—EMERGENCY AGRICULTURAL ASSISTANCE

SEC. 701. MARKETING ASSISTANCE LOANS.

(a) MARKETING ASSISTANCE LOANS.—

(1) LOAN RATES.—Notwithstanding section 132 of the Agricultural Market Transition Act (7 U.S.C. 7232), for crop year 1998, loan rates for a loan commodity (as defined in section 102 of that Act (7 U.S.C. 7202)), other than rice, shall not be subject to any dollar limitation on loan rates prescribed under subsection (a)(1)(B), (b)(1)(B), (c)(2), (d)(2), (f)(1)(B), or (f)(2)(B) of section 132 of that Act.

(2) RICE.—Notwithstanding section 132(e) of that Act, for crop year 1998, the loan rate for a marketing assistance loan under section 131 of that Act (7 U.S.C. 7231) for rice shall be not less than the greater of—

(A) \$6.50 per hundredweight; or

(B) 85 percent of the simple average price received by producers of rice, as determined by the Secretary of Agriculture, during the marketing years for the immediately preceding 5 crops of rice, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period.

(3) TERM OF LOAN.—Notwithstanding section 133(c) of that Act (7 U.S.C. 7233(c)), for crop year 1998, the Secretary may extend the term of a marketing assistance loan for any loan commodity for a period not to exceed 6 months.

(b) APPLICATION.—

(1) IN GENERAL.—The authority provided by this section applies to the 1998 crop of a loan commodity.

(2) LOANS.—This section applies to a marketing assistance loan for a loan commodity made under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) for the 1998 crop year before, on, or after the date of enactment of this Act.

SEC. 706. EMERGENCY REQUIREMENT.

(a) BUDGET REQUEST.—The entire amount necessary to carry out this title and the amendments made by this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) DESIGNATION BY CONGRESS.—The entire amount of funds necessary to carry out this title and the amendments made by this title is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

CAMPBELL AMENDMENT NO. 3582

Mr. GORTON (for Mr. CAMPBELL) proposed an amendment to the bill, S. 2237, supra; as follows:

Under the heading “Bureau of Indian Affairs”, “Construction” on page 33, strike the second proviso.

GORTON AMENDMENTS NOS. 3583–3585

Mr. GORTON proposed three amendments to the bill, S. 2237, supra; as follows:

AMENDMENT No. 3583

At the end of Title I, General Provisions, add the following new section:

SEC. . Notwithstanding any other provision of law, the Tribal Self-Governance Act (25 U.S.C. §458aa et seq.) is amended at §458ff(c) by inserting “450c(d),” following the word “sections”.

AMENDMENT No. 3584

At the end of Title III, add the following new section:

SEC. . (a) IN GENERAL.—To reflect the intent of Congress set forth in Public Law 98–396, section 4(a)(2) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544(a)(2)) is amended—

(1) by striking “(2) The boundaries” and inserting the following:

“(2) BOUNDARIES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the boundaries”; and (2) by adding at the end of the following:

“(B) EXCLUSIONS.—The scenic area shall not include the approximately 29 acres of land owned by the Port of Camas-Washougal in the South ½ of Section 16, Township 1 North, Range 4 East, and the North ½ of Section 21, Township 1 North, Range 4 East, Willamete Meridian, Clark County, Washington, that consists of—

“(i) the approximately 19 acres of Port land acquired from the Corps of Engineers under the Second Supplemental Appropriations Act, 1984 (Public Law 98–396); and

“(ii) the approximately 10 acres of adjacent Port land to the west of the land described in clause (i).”

(b) INTENT.—The amendment made by the subsection (a)—

(1) is intended to achieve the intent of Congress set forth in Public Law 98–396; and

(2) is not intended to set a precedent regarding adjustment or amendment of any boundaries of the Columbia River Gorge National Scenic Area or any other provisions of the Columbia River Gorge National Scenic Area Act.

AMENDMENT No. 3585

On page 13, line 13, before the period at the end insert the following: “, and of which no amount shall be available for acquisition of the Texas Chenier Plain”.

HOLLINGS AMENDMENT NO. 3586

Mr. GORTON (for Mr. HOLLINGS) proposed an amendment to the bill, S. 2237, supra; as follows:

On page 74, after line 20, add the following:

SEC. 1 . CORRECTION TO COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary to restore on that map the September 30, 1982, boundary for Unit M09 on the portion of Edisto Island located immediately to the south and west of the Jeremy Cay Causeway.

(b) MAP DESCRIBED.—The map described in this subsection is the map included in a set of maps entitled “Coastal Barrier Resources

System”, dated October 24, 1990, that relates to the unit of the Coastal Barrier Resources System entitled “Edisto Complex M09/M09P”.

**MIKULSKI (AND SARBANES)
AMENDMENT NO. 3587**

Mr. GORTON (for Ms. MIKULSKI for herself and Mr. SARBANES) proposed an amendment to the bill, S. 2237, supra; as follows:

On page 74, after line 20, add the following:

SEC. 1 . LAND EXCHANGE IN THE DISTRICT OF COLUMBIA AND PRINCE GEORGE'S COUNTY, MARYLAND.

Section 135 of the Department of the Interior and Related Agencies Appropriations Act, 1998 is amended by adding at the end the following:

“(g) ENVIRONMENTAL IMPACT STATEMENT, COMPLIANCE WITH LAW.—As a condition of the exchange of property under this subsection, the Secretary shall—

“(1) prepare an environmental impact statement in accordance with the National Environmental Policy Act; and

“(2) comply with all other applicable laws (including regulations) and rules relating to property transfers.”.

STEVENS AMENDMENTS NOS. 3588–3589

Mr. GORTON (for Mr. STEVENS) proposed two amendments to the bill, S. 2237, supra; as follows:

AMENDMENT No. 3588

On page 59, line 25, insert between the words “Alaska” and “prior” the following: “for assignment to a Type I hot shot crew that previously has been certified and listed in the Bureau of Land Management 1998 Interagency National Mobilization Guide.”.

AMENDMENT No. 3589

S. 2237 is hereby amended as follows:

At page 19, line 20, add the following after the word “program”: “and of which \$4,400,000 shall be available for the Katmai National Park Land Exchange”.

At the appropriate place insert the following new section:

SEC. XXX. KATMAI NATIONAL PARK LAND EXCHANGE.

(a) RATIFICATION OF AGREEMENT.—

(1) RATIFICATION.—

(A) IN GENERAL.—The terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled “Agreement for the Sale, Purchase and Conveyance of Lands between the Heirs, Designees and/or Assigns of Palakia Melgenak and the United States of America” (hereinafter referred to in this section as the “Agreement”), executed by its signatories, including the heirs, designees and/or assigns of Palakia Melgenak (hereinafter referred to in this section as the “Heirs”) effective on September 1, 1998 are authorized, ratified and confirmed, and set forth the obligations and commitments of the United States and all other signatories, as a matter of federal law.

(B) NATIVE ALLOTMENT.—Notwithstanding any provision of law to the contrary, all lands described in section 2(c) of the Agreement for conveyance to the Heirs shall be deemed a replacement transaction under “an Act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county or municipal improvements or sold to other persons or for other purposes” (25 U.S.C. 409a, 46 Stat. 1471), as amended, and the Secretary shall convey such lands by a patent consistent with the terms of the Agreement and subject to the

same restraints on alienation and tax-exempt status as provided for Native allotments pursuant to "an Act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska" (34 Stat. 197), as amended, repealed by section 18(a) the Alaska Native Claims Settlement Act (85 Stat. 710), with a savings clause for applications pending on December 18, 1971.

(C) LAND ACQUISITION.—Lands and interests in land acquired by the United States pursuant to the Agreement shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") as part of the Katmai National Park, subject to the laws and regulations applicable thereto.

(2) MAPS AND DEEDS.—The maps and deeds set forth in the Agreement generally depict the lands subject to the conveyances, the retention of consultation rights, the conservation easement, the access rights, Alaska Native Allotment Act status, and the use and transfer restrictions.

(b) KATMAI NATIONAL PARK AND PRESERVE WILDERNESS.—Upon the date of closing of the conveyance of the approximately 10 acres of Katmai National Park Wilderness lands to be conveyed to the Heirs under the Agreement, the following lands shall hereby be designated part of the Katmai Wilderness as designated by section 701(4) of the Alaska National Interest Lands Conservation (16 U.S.C. 1132 note; 94 Stat. 2417):

A strip of land approximately one half mile long and 165 feet wide lying within Section 1, Township 24 South, Range 33 West, Seward Meridian, Alaska, the center line of which is the center of the unnamed stream from its mouth at Geographic Harbor to the north line of said Section 1. Said unnamed stream flows from the unnamed lake located in Sections 25 and 26, Township 23 South, Range 33 West, Seward Meridian. This strip of land contains approximately 10 acres.

(c) AVAILABILITY OF APPROPRIATION.—None of the funds appropriated in this Act or any other act hereafter enacted for the implementation of the Agreement may be expended until the Secretary determines that the Heirs have signed a valid and full relinquishment and release of any and all claims described in section 2(d) of the Agreement.

(d) GENERAL PROVISIONS.—

(1) All of the lands designated as Wilderness pursuant to this section shall be subject to any valid existing rights.

(2) Subject to the provisions of the Alaska National Interest Lands Conservation Act, the Secretary shall ensure that the lands in the Geographic Harbor area not directly affected by the Agreement remain accessible for the public, including its mooring and mechanized transportation needs.

(3) The Agreement shall be placed on file and available for public inspection at the Alaska Regional Office of the National Park Service, at the office of the Katmai National Park and Preserve in King Salmon, Alaska, and at least one public facility managed by the federal, state or local government located in each of Homer, Alaska, and Kodiak, Alaska and such other public facilities which the Secretary determines are suitable and accessible for such public inspections. In addition, as soon as practicable after enactment of this provisions, the Secretary shall make available for public inspection in those same offices, copies of all maps and legal descriptions of land prepared in implementing either the Agreement of this section. Such legal description shall be published in the Federal Register and filed with the Speaker of the House of Representatives and the President of the Senate.

WYDEN AMENDMENT NO. 3590

Mr. GORTON (for Mr. WYDEN) proposed an amendment to the bill S. 2237, supra; as follows:

On page 74, after line 20, add the following:

SEC. 1.—WATERSHED REGISTRATION AND ENHANCEMENT AGREEMENTS.

Section 124(a) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (16 U.S.C. 1011(a)) is amended by striking "with willing private landowners for restoration and enhancement of fish, wildlife, and other biotic resources on public or private land or both" and inserting "with the heads of other Federal agencies, tribal, State, and local governments, private non-profit entities, and landowners for the protection restoration, and enhancement of fish and wildlife habitat and other resources on public or private land and the reduction of risk from natural disaster where public safety is threatened".

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a conferee meeting of the Senate Committee on Labor and Human Resources and the House Committee on Education and the Workforce will be held on Tuesday, September 15, 1998, 2:00 P.M., in SD-430 of the Senate Dirksen Building. The subject of the meeting is H.R. 6, Higher Education Act Amendments of 1998. For further information, please call the committee, 202/224-5375.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 16, 1998 at 9:30 a.m. in Room SR-301 Russell Senate Office Building, to receive testimony from the Architect of the Capitol on plans to renovate the Dirksen Senate Office Building and the Capitol Dome.

For further information concerning this meeting, please contact Sherry Little at the Rules Committee on 4-0192.

SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing entitled "The National Cancer Institute's Management of Radiation Studies."

This hearing will take place on Wednesday, September 16, 1998, at 9:30 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Pamela Marple, the Subcommittee's Minority Chief Counsel at 224-2627.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 16, 1998 at 10:00 a.m. in Room SR-301 Russell Senate Office Building, to receive testimony on S. 2288, the Wendell H. Ford Government Publications Act of 1998.

For further information concerning this meeting, please contact either Ed Edens at the Rules Committee on 4-6678, or Eric Peterson at the Joint Committee on Printing on 4-7774.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that during the previously scheduled full committee hearing to consider Department of Energy and Department of Interior nominations, the Energy and Natural Resources will consider the nomination of T.J. Glauthier to be Deputy Secretary of Energy. The hearing will take place on Thursday, September 17, 1998 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, September 17, 1998, 10:00 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is Professional Development: Incorporating Advances in Teaching. For further information, please call the committee, 202/224-5375.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the hearing that was scheduled for Thursday, September 24, 1998 at 2:00 p.m. before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources, to receive testimony on S. 1372, to provide for the protection of farmland at the Point Reyes National Seashore, and for other purposes, has been canceled.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224-5161.

AUTHORITY FOR COMMITTEE TO MEET

SPECIAL COMMITTEE ON AGING

Mr. THOMAS. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on September 14, 1998, at 1 p.m., in Dirksen 628, for the purpose of conducting a hearing.

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

ADDITIONAL STATEMENTS

TRIBUTE TO "LIB" SMITH: 1911-1998

● Mr. HELMS. Mr. President, there was this lady of nobility, whom everybody called "Lib," who was loved by everyone who knew her. She slipped away into eternity on August 15 prompting

sadness among the multitudes whom she had helped and befriended during her busy lifetime.

I met Mrs. Elisabeth Smith in 1972, the year I first became a candidate for the U.S. Senate. She came to our campaign headquarters in Raleigh's Sir Walter Hotel, announcing that she had come to support me—perhaps the most improbable Senate candidate in the history of the republic.

And support me she did, vigorously, from the first campaign in 1972 down through the years until 1996, the year of my fourth reelection.

That day in 1972, she had just retired after long service as a registered nurse in the office of a prominent Raleigh physician.

There was never any question about her fervent love for her country, nor her devotion to the moral and spiritual principles laid down by the Founding Fathers.

She agreed to take on the responsibilities of treasurer of four of the five campaigns conducted by the Helms for Senate campaign organizations.

Year after year, Lib Smith was a sort of beloved "mother hen" to the throngs of volunteer campaign workers as well as those who bore primary responsibilities conducting the campaigns. She was a soothing influence when tempers festered. She was a reliable friend to all who needed her. And she performed perfectly and responsibly as the official Treasurer of every Helms for Senate campaign from 1978 through 1990.

She was a faithful member of St. Timothy's Episcopal Church, the Diocese of North Carolina, and the Altar Guild. In her "spare time" she did the needlework for St. Timothy's Altar Vestments—as well as anything else that needed doing at her church.

I learned only recently that she was renowned as a ballroom dancer—and as an artist who painted many portraits of loved ones and friends. Her two children—son Phillip W. Smith and daughter Mrs. Gayle Bullock—provided her with four grandchildren and six great-grandchildren.

Mr. President, I know of no one who enjoyed life more than Lib Smith. She brought joy and comfort to countless others. She was a wonderfully remarkable lady whom I will never forget and to whom I shall always be grateful. ●

VERMONT MOZART FESTIVAL

● Mr. LEAHY. Mr. President, I rise today to speak about an event that has been a Vermont cultural tradition for twenty-five years. The Vermont Mozart Festival began in 1974, and through the vision of its founders, it has grown tremendously in popularity, today attracting over 17,000 advance ticket buyers for a series of 25 concerts in 16 different locations across the state.

The international acclaim of Wolfgang Amadeus Mozart is clearly demonstrated by the long distances loyal festival attendees travel each year.

Concert-goers flock from all across the United States, Canada and even as far away as Europe to hear top-caliber musicians perform world-class compositions. These faithful return year after year to hear the works of a variety of composers, with a primary focus on the symphonies, concertos and other brilliant works of Mozart.

The festival is a tradition for the Leahy family. I was honored when the festival asked me to speak at a concert to honor its 25th anniversary. I took this opportunity to praise the musicians but also to acknowledge the dedication of the festival organizers and the expansive volunteer network, now numbering over 150. The fruits of their efforts are clear from the warm applause that bring the curtain down at the end of each performance.

Mr. President, I ask that a recent article about the Vermont Mozart Festival that appeared in the Rutland Herald be printed in the RECORD so that all Senators and their staff can learn more about this great Vermont tradition.

The article follows:

[From the Rutland Herald, July 5, 1998]

FESTIVAL CELEBRATES 25TH YEAR WITH MORE GREAT MUSIC

(By Jim Lowe)

The Vermont Mozart Festival's 25 years of success come from turning adversity to advantage, making the most of a situation, according to two of its founders, Melvin Kaplan and William Metcalfe.

When Kaplan, the festival's artistic director from the beginning, discovered Shelburne Farms in a book of North American barns, he got himself invited to tea with Elizabeth Webb, the estate's owner.

"No one living in this community 25 years ago had ever seen it. It was a private home. It was like stepping into a fairy tale," Kaplan said.

"So I said to her, 'Gee, two years from now we're going to start a festival, and it would be wonderful to have concerts here.' And she said, 'Why don't you come and have your concerts here?' A lot of people wouldn't have asked the question."

Five months before the festival opened, however, the Webb children reduced the offer to only a few concerts each year. "Because of that, we turned it into doing multiple locations, which turned out to be a big plus," Kaplan said.

"I think of the concept, which is so special," added Metcalfe, who conducts choral and orchestral concerts, as well as leading the annual Gilbert and Sullivan operetta. "I think the concept, in my mind, is that you take advantage of the special locations we have around Burlington, and you put high quality music into those locations, and build programs in a way which suits the locations. I think that makes this festival very special."

The Vermont Mozart Festival is celebrating its 25th anniversary this summer with 25 concerts at 16 different locations in 12 towns. After a special presentation of the Peter Shaffer play, "Amadeus," July 10 and 11 at Burlington's Flynn Theatre, produced with Vermont Stage Company and the Flynn, the festival will formally open July 12 with the orchestral concert at Shelburne Farms, including the annual dressage exhibition. The festival actually opened July 4 with a pre-season holiday concert at Sugarbush, and closes Aug. 12 at Stowe's Trapp Family Meadow.

"They've got a great theme—the whole notion of Mozart, the greatest composer who ever lived," Thomas Philibon, executive director of the Vermont Symphony Orchestra, said of the festival's success.

"They've been at it all those years, and they really know how to fix up the events and make it so they can attract a lot of happy people."

It all started when Kaplan, a professional oboist and New York concert manager, and his wife, violist Ynez Lynch, bought a barn in Charlotte in 1971, and converted it into a house. He was approached by University of Vermont Lane Series director Jack Trevithick, UVM choral director James Chapman and Metcalfe, who though a UVM history professor had taken over the music department for a year. They asked him to join them in creating a summer music event.

Thus, in 1974, under the auspices of the UVM Lanes Series, the first Vermont Mozart Festival presented 10 concerts over a two-week period, including the opening concert at the UVM Show Barn, Mozart piano concertos on the Lake Champlain Ferry performed by Beaux Arts Trio pianist Menahem Pressler, and myriad ancillary activities. The concert in the Shelburne Farms ballroom was the first time the Webb estate had ever been used for a public event.

Kaplan had connections throughout the music world, and invited some of his well-known musician friends, including Pressler, New York Philharmonic Principal Flutist Julius Baker, as well as his own world-touring ensembles, the New York Chamber Soloists and the Festival Winds. Over 25 years, the festival has attracted some of the world's greatest musicians, including a benefit concert in 1980 by Benny Goodman.

"He looked like a very old man," Kaplan said of the great jazz clarinetist's performance. "He walked up on stage, started to play, and lost 40 years. It was just astonishing."

The festival featured L'Orchestre Symphonique de Montreal (Montreal Symphony) in 1989, but over the years it has presented concerts by such famed ensembles as the Beaux Arts Trio, the Guarneri Quartet, and the Tokyo Quartet. The Emerson String Quartet and the Ying Quartet can thank the festival for some of their earliest concerts. (Both are returning this season.)

"It becomes more like family," Kaplan said. "The people that come here come from San Francisco, Montreal, Ottawa, Philadelphia, New York, etc. Some people come from Europe. Almost all of them have known each other from 30 to 50 years. It's like getting a big family back together."

"It's also true that we've had Vermont musicians here, and it's still true. It's a wonderful mix from people from all over the place," Metcalfe added.

Programming, too, has broadened out of necessity. The first two years were devoted entirely to Mozart, including symphonies, piano concertos, chamber and choral works. After the second year, with three weeks of concerts, it was decided to vary the programming. In addition to the 206 works by Mozart the festival programmed over 25 years, 1,948 by other composers have been performed.

"In the beginning, we felt that an audience of 600 or 700 for big events was enormous," Kaplan said. "When we started to get audiences of 1,900 and 2,000, I convinced the board it made no sense to play a Mozart symphony with just five strings. Little by little, we've increased it so that we have as big an orchestra as we could put on the Shelburne Farms porch. We're stretching it a tiny bit to do Brahms Double Concerto this year."

Still, Mozart remains the staple, and for this year's final concert at Shelburne Farms Aug. 1, Metcalfe will conduct his Oriana

Singers and the Festival Orchestra in Robert Levin's new orchestration of the Requiem. (Mozart died before the work was completed; the version traditionally performed is by his student, Franz Süssmayr.)

"It's different, and I think it's really good," Metcalfe said. "Part of the Mozart Festival tradition is to introduce new things as well as maintain continuity. It opens your ears."

The festival was a popular success from the beginning, with all concerts selling out the first year, but achieving financial stability took a while. After opening with a \$36,000 budget, the festival incurred substantial deficits for its first three years, while under the financial umbrella of the University of Vermont.

When UVM then dropped the festival as a financial liability, its leaders managed to turn it to their advantage. Previously, Burlington businessman Duncan Brown had told Kaplan that if there was any problem with the university, he would solve it.

"I called him," Kaplan said. "He said, 'What do you need?' I said I needed \$55,000 and a secretary to do nothing but that, and an office for her."

Brown hired the secretary, provided space for her at his office, and called together a meeting of a hundred of his music-loving friends and acquaintances at St. Paul's Cathedral.

"Ultimately, it ended up with a bunch of people sitting around saying they didn't want it to die. They met again, and formed the corporation," Kaplan said. "It was much better for the festival to have a community board that was invested emotionally and financially in the whole operation."

Today, the festival has a budget of just over \$600,000, with a year-round full-time staff of three, two more in summer. Ticket sales have grown from \$13,917 in 1974 to \$307,316 in 1997. This year, some 17,000 tickets—6,000 more than last year—were sold by the June 15 discount deadline.

If tickets were to pay the cost of the festival, though, they would be \$30 as opposed to the \$19 charged, explained Trish Sweeney, the festival's executive director since 1996. Fund-raising activities make up the rest, including individual gifts (membership), and merchandise sales, but the largest portion is business sponsorship.

Volunteers, numbering some 160, represent the festival's major support group. It requires 60 for each Shelburne Farms concert. "We have so many who are coming to every concert, which is a blessing because they really know what they are doing," Sweeney said. "People jockey for concerts. For the smaller ones, we have to turn people away."

Although the festival is celebrating its 25th anniversary this year, it doesn't have time to rest. Most of its next season is already set, much of it based on the Paris Piano Trio, which was so successful in the winter season's Burlington chamber music series.

"I think we're going to do the Beethoven Triple Concerto on the opening concert," Kaplan said. "And then on the weekend, on the Friday, Saturday and Sunday, they'll each play a solo with orchestra, and they'll do a trio concert in the middle of that week."●

IN RECOGNITION OF NATIONAL PAYROLL WEEK 1998

● Mr. SANTORUM. Mr. President, I would like to take a few minutes of Senate business to recognize National Payroll Week 1998, which has been designated as September 14-18.

National Payroll Week was founded by the American Payroll Association in 1996 to honor the men and women whose tax contributions support the American Dream and the payroll professionals who are dedicated to processing those contributions.

In particular, the Susquehanna Valley Chapter of the American Payroll Association represents 186,000 residents in Pennsylvania who are employed by 21 businesses. These taxpayers and businesses contribute millions of dollars to the federal treasury through payroll taxes each year. These taxes go toward important civic projects including roads, schools and crime prevention. In addition, taxpayers and payroll professionals are partners in upholding the Social Security and Medicare systems.

Mr. President, I ask my colleagues to join with me in commending the taxpayers and payroll professionals who, through the collection, reporting and payment of payroll taxes, have set a national precedent of what works in America.●

HEROES IN REDFORD TOWNSHIP

● Mr. ABRAHAM. Mr. President, I rise today to recognize the heroic actions of Sgt. James Turner and Sgt. Adam Pasciak of the Redford Township Police Department in Michigan. On June 10, 1998 both gentlemen were patrolling the South end of Redford Township when they made a routine traffic stop. It was discovered upon investigating that the driver of the vehicle had a revoked driver's license. Sgt. Turner and Sgt. Pasciak approached the car to place the driver under arrest. As Sgt. Pasciak began to pat the subject down, the subject pulled out a gun and began to shoot. Sgt. Pasciak was critically wounded while Sgt. Turner shot back to protect himself and Sgt. Pasciak. Further gunfight ensued between Sgt. Turner and the subject ending in the subject being mortally wounded. The lives of both Sgt. Turner and his partner were saved.

Sgt. Turner and Sgt. Pasciak displayed tremendous bravery on June 10, 1998. They are true heroes whom Redford Township and the State of Michigan should be very proud of. It is my pleasure to honor both of them. I also send my warmest "get well" wishes to Sgt. Pasciak who is recovering from his gunshot wounds at home.●

EBRI'S 20TH ANNIVERSARY

● Mr. GRASSLEY. Mr. President, I rise today to recognize an organization that has served the U.S. Senate well for 20 years. The organization I want to talk about is the Employee Benefit Research Institute or EBRI, as we call it. EBRI is observing its 20th anniversary today, September 14. Created with the help of a handful of employee benefit consultants and actuaries in 1978 who wanted to fill the void that existed relating to data about employee benefits,

EBRI has increased its membership to include representatives from pension funds to Fortune 500 companies, labor unions, and trade associations.

With this broad representation, EBRI has the ability to influence policy-makers and elected officials throughout the country. But EBRI uses its influence wisely. EBRI does not lobby Members of Congress or other governmental agencies. Rather, its mission is to provide objective, nonpartisan information on the issues of economic security and employee benefits. EBRI does its job very, very well.

As Chairman of the Senate Special Committee on Aging, I can personally attest to the value of EBRI's work and the expertise of its staff. Last year, the CEO of EBRI, Dallas Salisbury moderated a panel forum consisting of 6 experts who discussed the role of employment in retirement income. This forum led to a Senate hearing on the issue of the implications of raising the retirement age, as well as a number of articles in newspapers and magazines on the need to consider whether older Americans have sufficient opportunities to stay employed.

More recently, EBRI was actively involved with its educational partner, the American Savings Education Council (ASEC), in the planning of the first National Summit on Retirement Savings. This Summit was part of an initiative I introduced in the Senate called the Savings Are Vital to Everyone's Retirement or SAVER Act. The Summit attracted international attention and has put the Department of Labor, ASEC, and state and local governments on a course toward enhancing the awareness of Americans about the need to save for retirement and how to go about it.

I know my colleagues value the work of EBRI just as much I do. In the years ahead, I am sure we will continue to rely heavily on the research and the publications produced by EBRI. The issues EBRI concerns itself with—employee benefits and income security—are receiving more national attention than ever before. EBRI's contributions as an objective provider of information will help make the job of ensuring Americans have health and income security in retirement easier to achieve.●

TRIBUTE TO BENNY GOLSON

● Mr. SANTORUM. Mr. President, I rise today to pay tribute to Benny Golson for his extraordinary career as a musician and a composer.

I am proud to say that Mr. Golson began his professional career in Philadelphia. He went on to compose music for many household names such as Diana Ross, Sammy Davis, Jr., Mickey Rooney and Dizzy Gillespie. He then began writing for the hit TV shows "M*A*S*H" and "The Partridge Family" as well as pilots for CBS, ABC and NBC and the Academy Awards.

During a two year residency at William Paterson College, Mr. Golson

wrote a symphony and a piece for violin virtuoso Itzhak Perlman. He also lectured to students and received an honorary doctorate degree. In 1994, Mr. Golson was awarded the Guggenheim Fellowship and, in 1996, a Jazz Masters Award from the N.E.A.

On Sunday, September 27, the Big Jazz Band "Impro-Vista" will perform a tribute to Benny Golson to benefit Philadelphia youth involved in jazz.

Mr. President, I ask my colleagues to join me in applauding Benny Golson for his remarkable professional achievements and his extraordinary contributions to society.●

GEORGETOWN MAJOR BOYS BASEBALL LITTLE LEAGUE TEAM STATE AND CENTRAL REGION CHAMPIONS

● Mr. ABRAHAM. Mr. President, I rise today to congratulate a very special group of young men. On August 6, 1998 the Georgetown Major Boys Baseball Little League Team won the Michigan state little league championship in Ishpeming, Michigan. They then continued on to win the central region championship in Indianapolis. They competed in the Sanctioned Little League World Series in Williamsport, Pennsylvania from August 20-30. Getting to the World Series is testament to the great talent and efforts of this team.

The following 14 boys who make up the team, have undoubtedly made the city of Jenison, Michigan, very proud: Jesse Barfelz, Brandon Button, Tony Clausen, Kevin Hogan, Adam Kretz, Sean Markle, Brett Meyer, Billy Miller, Casey Robrahn, John Sheeran, Derek Stempin, Peter Vanderkalk, Ben VanKlombenberg and Cody Fennema. At this time I would also like to recognize the coaches, Tom Meyer, Tom Button and Dick LeFever. It is a combination of good coaching and talent that leads a team to the kind of success this team has enjoyed.

As an avid fan of baseball it is my pleasure, once again, to congratulate the Georgetown Major Boys little league team on their state Championship. It is very encouraging to see young people strive for such excellence. This team has made Georgetown Charter Township and the entire state of Michigan very proud.●

ORDERS FOR TUESDAY, SEPTEMBER 15, 1998

Mr. GORTON. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, September 15. I further ask that when the Senate reconvenes on Tuesday immediately following the prayer, the Journal of proceedings be approved, no resolutions come over under the rule, the call of the calendar be waived, the morning hour be deemed to have expired, and the time for the two leaders be reserved. I ask consent

there then be a period of morning business until 10 a.m. with the time equally divided between the majority and minority leaders or their designees. I further ask unanimous consent that at 10 a.m. the Senate resume consideration of the Interior appropriations bill.

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

Mr. GORTON. I further ask unanimous consent that at 10 a.m. Senator BUMPERS be recognized in order to offer an amendment relating to mining, and that the time until 12:30 be equally divided in the usual form. I ask unanimous consent that at 2:15 there be 10 minutes of debate equally divided in the usual form with a vote occurring on or in relation to the Bumpers amendment at the hour of 2:25 on Tuesday, with no amendments in order to the Bumpers amendment prior to the vote.

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

Mr. GORTON. I further ask unanimous consent that the Senate recess from the hours of 12:30 to 2:15 for the weekly policy conferences to meet.

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

PROGRAM

Mr. GORTON. For the information of all Senators, tomorrow the Senate will resume debate on the Interior appropriations bill. Senator BUMPERS will offer an amendment relating to mining laws with the vote occurring on or in relation to that amendment at 2:25 tomorrow afternoon. Following that vote, it is hoped that Members who still intend to offer amendments to the Interior appropriations bill will work with the managers of the legislation to schedule consideration of their amendments. I thank my colleagues and remind all Members that the first vote will occur on Tuesday beginning at 2:25 in the afternoon.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GORTON. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:11 p.m., adjourned until Tuesday, September 15, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 14, 1998:

IN THE NAVY

RICHARD DANZIG, OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF THE NAVY, VICE JOHN H. DALTON, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. ROBERT C. OLSEN, JR., 0000

CAPT. ROBERT D. SIROIS, 0000
CAPT. PATRICK M. STILLMAN, 0000
CAPT. RONALD F. SILVA, 0000
CAPT. DAVID R. NICHOLSON, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE UNITED STATES AIR FORCE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

To be major general

BRIG. GEN. WILLIAM A. MOORMAN, 0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES V. DUGAR, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. ERIC K. SHINSEKI, 0000.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 624:

To be lieutenant commander

LEANNE K. AABY, 2331	ROBERT L. BOSWORTH, 0000
TIMOTHY A. ACKERMAN, 0000	THOMAS N. BOTTONI, 0000
MICHAEL T. ACROMITE, 0000	CLIFFORD BOWENS, JR., 0000
JOHN M. ADAMS, 0000	JUDY L. BOWERS, 0000
JOHN Q. ADAMS, 0000	GEORGE D. BOWLING, 0000
MARIE H. ADAMSON, 0000	LEON F. BRADWAY, 0000
TALMADGE K. ADCOCK, 0000	CORINNA M. BRANCIO, 0000
BRIAN F. AGEE, 0000	MICHAEL S. BRAUN, 1851
RICHARD E. AGUILA, 0000	PAMELA J. BRETHAUER, 0000
CHRISTOPHER AGUILAR, 0000	STACY A. BRETHAUER, 0000
FELIX J. AGUTO, 0000	MICHAEL D. BRIDGES, 0000
KYLE A. ALDINGER, 0000	FREDERICK R. BROOME, 0000
KATHLEEN V. ALDRIDGE, 0000	KEVIN L. BROWN, 0000
EDWARD ALEXANDER, 0000	WILLIAM L. BROWN, 0000
MARJORIE ALEXANDER, 0000	WILLIAM J. BRUNSMAN, 0000
STEPHEN G. ALFANO, 0000	BRYAN S. BUCHANAN, 0000
THOMAS ALLEN, 0000	KARI A. BUCHANAN, 0000
MATTHEW A. ALLISON, 0000	JULIA C. BUCK, 0000
JAMES H. ALTIERI, 0000	KEVIN D. BUCKLEY, 0000
CURT D. ANDERSEN, 0000	NEIL H. BUCKLEY, 0000
ELIZABETH C. ANDERSON, 0000	BRADLEY R. BURNETT, 0000
MARK S. ANDERSON, 0000	LESLIE K. BURNETT, 0000
TROY G. ANDERSON, 0000	DAVID R. BUSTAMANTE, 0000
BILLY M. APPLETON, 0000	SARAH M. BUTLER, 0000
JOSEPH C. AQUILANA, 0000	MICHAEL D. BUTTOLPH, 0000
HECTOR A. ARELLANO, JR., 0000	CHRISTINE Y. BUZIAK, 0000
MARSHALL E. ASHBY, JR., 0000	IRIS A. BYERS, 0000
KRISTEN ATTERBURY, 0000	WILBERT R. BYNUM, 0000
BRIAN K. AUGE, 0000	BARBARA G. CAILTEUXZEVALLOS, 0000
LEE A. AXTELL, 0000	GLENDAM M. CALEY, 0000
JAMES E. BARCOCK II, 0000	ROBERT A. CALLISON, 0000
SCOTT D. BAILEY, 0000	GREGORY S. CAMBER, 0000
LAUREN D. BALES, 0000	MARQUEZ F. CAMPBELL, 0000
JULIE H. BALL, 0000	PETER J. CAMPBELL, 0000
GLENN F. BALOG, 0000	RICHARD S. CAMPBELL, 0000
ANTHONY J. BARILE, 0000	JOSEPH M. CAMPISANO, 0000
STEVEN T. BASEDEN, 0000	JOHN F. CAPACCHIONE, 0000
ROBERT G. BASS, 0000	JOSEPH P. CARLOS, 0000
JOHN L. BASTIEN, 0000	TIERNEY M. CARLOS, 0000
ANTHONY G. BATTAGLIA, 0000	DAVID W. CARLTON, 0000
EMMANUEL T. BAUTISTA, 0000	MEGHAN A. CARMODYBUBB, 0000
MARY F. BAVARO, 0000	JULIA A. CARON, 0000
FREDDIE L. BAZEN, JR., 0000	DONALD R. CARR, 0000
JOHN A. BAZLEY, 0000	EDWIN M. CARROLL, 0000
SCOTT J. BEATTIE, 0000	NOLI A. CAVA, 0000
KENNETH A. BELL, 0000	SOOK K. CHAI, 0000
MICHAEL M. BELLES, 0000	PAULA Y. CHAMBERLAIN, 0000
SUSAN E. BELLON, 0000	CHRISTOPHER C. CHARON, 0000
LUIS A. BENEVIDES, 0000	CARLA S. CHERRY, 0000
CHARLES R. BENSON, 0000	KATHY S. CHIVINGTON, 0000
ELIZABETH W. BENSON, 0000	THOMAS M. CHUPP, 0000
SHAWN J. BERGAN, 0000	KARINA J. CIESIELSKI, 0000
DAVID A. BERGER, 0000	DAVID R. CLARK, 1348
JEFFREY S. BERGER, 0000	JAMES E. CLARK, 0000
ROY BERGSTROM, 0000	JOSEPH B. CLEM, 0000
CARMEN M. BESSELLI, 0000	RICHARD W. CLINE, 0000
MICHAEL C. BILAK, 0000	SHANE M. CLINE, 0000
CAROL L. BLACKWOOD, 0000	GEOFFREY M. COAN, 0000
PHILIP J. BLAINE, 0000	KELLY P. COFFEY, 0000
MARK A. BLAIR, 0000	VICKI J. COLAPIETRO, 0000
CHERYL W. BLANZOLA, 0000	DOYLE S. COLEMAN, 0000
PATRICK W. BLESCH, 0000	MICHAEL E. COMPEGGIE, 0000
SEAN M. BLITZSTEIN, 0000	NANCY K. CONDON, 0000
CHRISTOPHER A. BLOW, 0000	REBECCA A. CONRAD, 0000
JOSEPH M. BOBICH, 0000	MARY N. COOK, 0000
MARC R. BOISVERT, 0000	CRAIG L. COOPER, 0000
OCTAVIO A. BORGES, 0000	ANN COPPOLA, 0000
PAMELA D. BOSWELL, 0000	

ROBERT J. CORDELL, 0000
 DANIEL J. CORNWELL, 0000
 AMY CORY, 0000
 PAUL F. COTTER, 0000
 TIMOTHY P. COWAN, 0000
 CARL R. COWEN, 0000
 HUGH J. COX, 0000
 JAMES G. COX, 0000
 PEGGY J.A. COX, 0000
 THOMAS A. CRAIG, 0000
 PHILIP B. CREIDER, 0000
 STEVEN D. CRONQUIST, 0000
 GEORGE A. CROW, 0000
 STEPHEN T. CRUZ, 0000
 CATHI L. CULVER, 0000
 ANDREW M. CUMISKEY, 0000
 KAREN L. CUNNINGHAM, 0000
 WILLIAM W. CUPO, 0000
 SONYA L. CVERCKO, 0000
 JOSEPH A. DACORTA, 0000
 MICHAEL P. DALGETTY, 0000
 WALTER W. DALITSCH, 0000
 JOHN L. DANGELO, JR., 0000
 MARY F. DAVID, 0000
 BILLY A. DAVIDSON, 0000
 JONATHAN M. DAVIS, 0000
 WILLIAM F. DAVIS, 0000
 PHILIP J. DECH, 0000
 DOMINIC R. DEKATERY, 0000
 ANTHONY E. DELGADO, 0000
 JAMES G. DELUCA, 0000
 THOMAS P. DELUCIA, 0000
 DAVID DELZELL, 0000
 JEFFERY G. DENNY, 0000
 DANNY W. DENTON, 0000
 JOHN D. DENTON, 0000
 HENRIQUE M. DEOLIVEIRA, 0000
 JOHN R. DESNOYERS, 0000
 BEVERLY A. DEXTER, 0000
 TONY DIAZ, 0000
 JAIME E. DIAZSOLA, 0000
 MARK P. DIBBLE, 0000
 MICHAEL
 DIBONAVENTURA, 0000
 MARK L. DICK, 0000
 RICHARD R. DOBHAN, 0000
 NINO M. DOBROVIC, 0000
 ERIC DOMINGUEZ, 0000
 ROBERT J. DONOVAN, 0000
 JOEL A. DOOLIN, 0000
 CONSTANCE A. DORN, 0000
 DOUGLAS H. DOUGHTY, JR., 0000
 THOMAS L. DRIVER, 0000
 DAVID W. DROZD, 0000
 MERRITT W. DUNLAP, 0000
 THANH X. DUONG, 0000
 DONALD DURECKI, 0000
 KYLE A. DURHAM, 0000
 ANTONIO M. EDMONDS, 0000
 THEODORE D. EDSON, 0000
 TIMOTHY R. EICHLER, 0000
 JOHN C. ELKAS, 0000
 MELISSA L. EMMERICH, 0000
 CHARLES W. ERDMAN, 0000
 JENNIFER L. EVEN, 0000
 MARY S. FARACE, 0000
 ROGER F. FAZIO, 0000
 WENDELL A. FELICIANO, 0000
 BRYAN K. FINCH, 0000
 ANNE B. FISCHER, 0000
 JAMES S. FITZGERALD, 0000
 CINDY W. FLACK, 0000
 MARK J. FLYNN, 0000
 PHILIP A. FOLLO, 0000
 EVAN V. FORSNES, 0000
 BILL J. FORTE, 0000
 TEHRAN FRAZIER, 0000
 MICHAEL S. FREEDMAN, 0000
 TIMOTHY M. FRENCH, 0000
 BARNEY T. FRITZ, 0000
 GEORGE M. FRUCHTERMAN, 0000
 DALE H. FULLER II, 0000
 STEVEN K. GANZEL, 0000
 MICHAEL J. GARDELLA, 0000
 PATRICIA D. GARNER, 0000
 THOMAS E. GAROFALO, 0000
 MICHELE L. GASPER, 0000
 RICCARDIO D. GAY, 0000
 RUDOLPH K. GEISLER, 0000
 THOMAS F. GEORGE, 0000
 MARGUERITE A. R. GERMAIN, 0000
 ROBERT L. GERSH, 0000
 SAWSAN GHURANI, 0000
 DAVID W. GIBSON, 0000
 CHARLES H. GIFFORD, JR., 0000
 COLLEEN M. GILSTAD, 0000
 JOHN GILSTAD, 0000
 PATRICK H. GINN, 0000
 DANA P. GLASER, 0000
 MARIA S. GLEBA, 0000

WAYNE M. GLUF, 0000
 PAUL A. GODEK, 0000
 RICHARD C. GOOD, 0000
 FRED L. GOODMAN, 0000
 DARWIN G. GOODSPEED, 0000
 BRICE A. GOODWIN, 0000
 BABETTE R. GORDON, 0000
 STEPHANIE L. GORDON, 0000
 TIMOTHY S. GORMLEY, 0000
 GEOFFREY H. GORRES, 0000
 MARK M. GOTO, 0000
 MICHAEL J. GOUGH, 0000
 CATHERINE M. GRAHAM, 0000
 IAN R. GRAHAM, 0000
 DANIEL L. GRAMINS, 0000
 JOSEPH L. GRANADO, 0000
 KIMBERLY A.
 GRANVILLELAWSON, 0000
 CHRISTINE L. GRAY, 0000
 DAVID E. GRAY, 0000
 JORGE A. GRAZIANI, 0000
 JOSEPH E. GREALISH, 0000
 JOHN N. GREENE, 0000
 LORE E. GREIL, 0000
 TODD GRIFFIN, 0000
 TERENCE M. GROGAN, 0000
 SHAWN D. GRUNZKE, 0000
 LISA C. GUFFEY, 0000
 JOHN E. GUSTAVSSON, 0000
 CHRISTOPHER S. HAHN, 0000
 JEFFREY J. HAHN, 0000
 WILLIAM O. HAISIG, 0000
 TERRY J. HALBRITTER, 0000
 JOHN HALL, 0000
 PATRICK G. HALL, 0000
 CHRISTOPHER A. HAM, 0000
 JOHN S. HAMMES, 0000
 MICHELE A. HANCOCK, 0000
 HOLIDAY HANNA, 0000
 GEORGE S. HANZEL, 0000
 ANDREW R. HARBISON, 0000
 ERNEST D. HARDEN JR., 0000
 CARY E. HARRISON, 0000
 DAVID M. HARRISON, 0000
 ADAM L. HARTMAN, 0000
 JOHN H. HARTSELL, 0000
 STEVEN S. HARTZELL, 0000
 WILLIAM E. HATLEY, 0000
 PATRICK L. HAWKINS, 0000
 JOHN F. HAWLEY, 0000
 LUCINDA L. HAYDEN, 0000
 STELLA M. HAYES, 0000
 JOHN S. HEATH, 0000
 SANDRA K. HEAVEN, 0000
 RANDOLPH H. HELMHOLZ, 0000
 EDWARD D. HENDERSON, 0000
 IAN P. HENDRICKS, 0000
 ANITA M. HENRY, 0000
 SEAN P. HENSELER, 0000
 MICHAEL A. HENSIEN, 0000
 THOMAS C. HEROLD, 0000
 WILLARD G. HESSON, 0000
 CHRISTINA P. HITCHOCK, 0000
 MARK S. HOCHBERG, 0000
 JEFFREY D. HODGDEN, 0000
 SCOTT J. HOFFMAN, 0000
 ELIZABETH M.
 HOFMEISTER, 0000
 ERIC P. HOFMEISTER, 0000
 MICHAEL S. HOGG, 0000
 NICHOLAS M. HOLMES, 0000
 PATRICIA S. HOPKINS, 0000
 TIM B. HOPKINS, 0000
 BRIAN R. HOSKINS, 0000
 JAMES B. HOUGH, 0000
 ROBERT S. HOUSE, 0000
 BRYAN M. HUBER, 0000
 LAURETTA F. HUFF, 0000
 KATRINA L. HUIZING, 0000
 DAVID E. HUNTER, 0000
 JAY P. HUNTINGTON, 0000
 LEWIS S. HURST, 0000
 AUGUST G. HURSTON, 0000
 GAIL HUTTO, 0000
 MATTHEW R. HYDE, 0000
 SANJAI R. ISAAC, 0000
 DARRYL K. ITOW, 0000
 TANJELA M. JACKSON, 0000
 LIONEL N. JACOB, 0000
 PAUL B. JACOB, 0000
 KARL M. JACOBS, 0000
 ROBYN W. JACOBS, 0000
 DAVID L. JACOBSON, 0000
 MICHAEL J. JAEGER, 0000
 JENNIFER M. JACOE, 0000
 LORRAINE N. JARVIS, 0000
 SPENCER J. JENKINS, 0000
 DAVID M. JOHNSON, 0000
 SCOTT L. JOHNSTON, 0000
 KELLY N. JOLET, 0000
 MARVIN L. JONES, 0000
 STEPHANIE M. JONES, 0000
 MONICA K. JORDAN, 0000

ANTONY R. JOSEPH, 0000
 RONALD A. JURAS, 0000
 HOPE KATHARIAN, 0000
 RONALD KAWCZYNSKI, 0000
 TRACY A. KEENAN, 0000
 MICHAEL R. KELLER, 0000
 JULIE A. KELLOGG, 0000
 JAY E. KENT, 0000
 STEVEN A. KEWISH, 0000
 KATHLEEN S. KIEFER, 0000
 JEAN M. KILKER, 0000
 DAVID C. KILLINGSWORTH, 0000
 RENEE L. KILMER, 0000
 BRIAN S. KING, 0000
 HILLARY KING, JR., 0000
 KELLY KING, 0000
 REBECCA S. KING, 0000
 TERRI A. KINSEY, 0000
 GREGORY R. KLEIN, 0000
 CHRISTOPHER J. KLINE, 0000
 CHRISTOPHER J.
 KLUGEWICZ, 0000
 ALISON K. KNIGHT, 0000
 KATHLEEN A. KNIGHT, 0000
 VIRGINIA L. KNIGHT, 0000
 BARBARA
 KNOLLMANNRITSCHHEL, 0000
 TAK M. KO, 0000
 DANIEL G. KOCH, 0000
 TIMOTHY J. KOESTER, 0000
 VINCENT KOLETAR, 0000
 MICHAEL P. KOLSTER, 0000
 SCOTT KOOSTRA, 0000
 THOMAS C. KRAUSZ, 0000
 HUNG C. KWOK, 0000
 KATHY L. KYSER, 0000
 TRI H. LAC, 0000
 CHRISTOPHER J. LACARIA, 0000
 THOMAS J. LACOSS, 0000
 ANN F. LAMB, 0000
 DAVID A. LAMOT, 0000
 LOURAE LANGEVIN, 0000
 CHRISTOPHER S.
 LAPLATNEY, 0000
 JOHN P. LAPURGA, 0000
 BYRON P. LAWHON, 0000
 KHANG T. LE, 0000
 THOMAS K. LEAK, 0000
 RONALD G. LEAVER, 0000
 BILLY R. LEDBETTER, JR., 0000
 BENJAMIN K. LEE, 0000
 GUY M. LEE, 0000
 HENRY C. LEE, 0000
 KENT A. LEE, 0000
 NAM P. LEE, 0000
 SCOTT A. LEMKE, 0000
 WALTER M. LENOIR III, 0000
 RUTH A. LEONHARDT, 0000
 JOSEPH F. LEPAGE, 0000
 GREGORY S. LEPKOWSKI, 0000
 LARRY B. LESLIE, 0000
 JAMES A. LETEXIER, 0000
 CALVIN T. LEUSCHEN, 0000
 JUNIUS M. LEWIS, 0000
 MARY E. LIN, 0000
 SAMUEL C. LIN, 0000
 MARIA R. LINDERMAN, 0000
 ROBERT J. LIPSITZ, 0000
 DONALD G. LITTLE, 0000
 CHRISTINE W. LONIE, 0000
 LARRY L. LOOMIS, 0000
 MARK W. LOPEZ, 0000
 KAREN L. LOTTRIDGE, 0000
 JOELL A. LOWTHER, 0000
 GLEN LUEHRMAN, 0000
 JOSEPH H. LUTHER, 0000
 HEIDI LYSZCZARZ, 0000
 JOHN L. LYSZCZARZ, 0000
 WILLIAM P. MACCHI, 0000
 CATHERINE M.
 MACDONALD, 0000
 LAURIE S. MACGILLIVRAY, 0000
 ELIZABETH S. MACHIELE, 0000
 IAN A. MACKENZIE, 0000
 DANIELLE R. MADRLI, 0000
 JOSEPH F. MAHAN, 0000
 DANIEL F. MAHER, 0000
 MARIA K. MAJAR, 0000
 REBECCA A. MALARA, 0000
 ELIZABETH A. MALEY, 0000
 CYNTHIA J. MANNING, 0000
 CHRISTINA M. MANNIX, 0000
 SCOTT D. MARDER, 0000
 RAYMOND J. MARDINI, 0000
 ADR MARENGOROWE, 0000
 KAREN J. MARIENAU, 0000
 DON A. MARTIN, 0000
 MATTHEW K. MARTIN, 0000
 BRIAN E. MARTINEZ, 0000
 RICHARD G. MASANNAT, 0000

PHILBROOK S. MASON, JR., 0000
 JEANETTE H. MATTHEWS, 0000
 SCOTT T. MAURER, 0000
 ANTHONY J. MAZZEO, 0000
 PAUL D. MCADAMS, 0000
 MARY G. MCALLEVY, 0000
 RYAN MCCAFFERTY, 0000
 ALAN B. MCCAIN, 0000
 DAVID C. MCCARTHY, 0000
 KEVIN F. MCCARTHY, 0000
 SCOTT A. MCCLELLAN, 0000
 MICHAEL S. MCCLINCY, 0000
 JOSEPH J. I. MCCONNELL, 0000
 CHERYL L. MCDONALD, 0000
 JAMES R. MCFARLANE, 0000
 MARY A. MCGARETT, 0000
 MICHAEL B. MCGINNIS, 0000
 LISA M. MCGOWAN, 0000
 STEVEN J. MCGREY, 0000
 PATRICIA L. MCKAY, 0000
 THOMAS A. MCKEE, 0000
 DOUGLAS J. MCLAUGHLIN, 0000
 MARKO MEDVED, 0000
 SEAN C. MEEHAN, 0000
 DAVID S. MEHR, 0000
 MARY E. MEIERHENRY, 0000
 CHARLES E. MENDOZA, 0000
 ROLAND C. MERCHANT, 0000
 MELANIE J. MERRICK, 0000
 MARY F. MESSERLIE, 0000
 MICHAEL L. MEYERS, 0000
 DONNA M. MICHEL, 0000
 ANDREA C. MIKOLAJCZYK, 0000
 MICHAEL A. MIKSTAY, 0000
 BRENT S. MILLER, 0000
 DEBRA K. MILLS, 0000
 MIGUEL D. MIRANO, II, 0000
 PAUL J. MOLLENE, 0000
 TERRY R. MOLLYNEUX, 0000
 MELANIE L. MONTGOMERY, 0000
 ERIN M. MOORE, 0000
 LISA A. MORAN, 0000
 ROBERT P. MOREAN, 0000
 THOMAS G. MORRIS, 0000
 ROBERT N. MORRISON, 0000
 MICHAEL G. MORROW, 0000
 SHARON L. MOSER, 0000
 LISA P. MULLIGAN, 0000
 BRIAN E. MURPHY, 0000
 DAVID P. MURPHY, 0000
 DAVID F. MURRAY, 0000
 JOY L. MURRAY, 0000
 DIPAK D. NADKARNI, 0000
 LORRAINE S. NADKARNI, 0000
 MANUEL E. NAGUIT, 0000
 ISRAEL NARVAEZ, 0000
 DAVID K. NAUGLE, 0000
 ANDREW D. NELKO, 0000
 MARK W. NESBIT, 0000
 KRISTIAAN L. NEVIN, 0000
 KIMBERLY J. NEWELL, 0000
 ROBERT E. NEWELL, 0000
 LARRY L. NEWTON, 0000
 VAN T. NGUYEN, 0000
 JANET M. NICOLAS, 0000
 JOSEPH D. NOBLE, 0000
 ALEXANDER NORTON, JR., 0000
 EDWARD C. NORTON, JR., 0000
 STEVEN J. NOVEK, 0000
 DAVID C. NYSTROM, 0000
 SHARON B. OBY, 0000
 STEVEN E. OCHS, 0000
 PHILIP M. O'CONNELL, 0000
 KENNETH T. OGAWA, 0000
 JOAN R. OLDIMONIO, 0000
 DONALD L. ONG, 0000
 ANTHONY J. OPIKA, 0000
 CRAIG H. OZAKI, 0000
 SCOTT T. OZAKI, 0000
 WILLIAM S. PADGETT, 0000
 VICTOR T. Y. PAK, 0000
 DAVID PALMER, 0000
 VIVIANNA F. PALOMO, 0000
 ERNEST E. PARRISH, JR., 0000
 LISA R. T. PAVLOVIC, 0000
 THOMAS G. PAVLOVIC, 0000
 GEORGE A. PAZOS, 0000
 YUCHI PENG, 0000
 MICHAEL G. PENNY, 0000
 NORA M. PEREZ, 0000
 EDWARD J. PERKINS, JR., 0000
 CRAIG A. PETERSON, 0000
 DAVID B. PETERSON, 0000
 TONY L. PETERSON, 0000
 MELANIE PHILLIPS, 0000
 MICHAEL J. PHIPPS, 0000
 FORTUNATO PICON, 0000
 LEE A. PIETRANGELO, 0000

WENDY H. PINKHAM, 0000
 PAMELA J. PORTER, 0000
 THEODORE T. POSUNIAK, 0000
 ANTHONY V. POTTS, 0000
 CHARLES A. PRATT, 0000
 RODNEY C. PRAY, 0000
 ZITO D. L. PRINCE, 0000
 MICHAEL G. PRINGLE, 0000
 KAREN S. PRUETT, 0000
 MARTIN W. PRUSS, 0000
 JAMES G. PURGASON, 0000
 DAREN L. PURNELL, 0000
 JILL E. K. QUEENER, 0000
 JOHN A. RALPH, 0000
 KATHLEEN A. RAMSEY, 0000
 TRENT D. RASMUSSEN, 0000
 DANIEL P. RATKUS, 0000
 LAURENCE J. READAL, 0000
 JON L. REAGAN, JR., 0000
 KAREN M. REICHOW, 0000
 SHERIDAN A. RENOUF, 0000
 STANLEY D. RHOADES, 0000
 ROY R. RICE, 0000
 STEPHEN T. RICHARDSON, 0000
 BRYAN F. RILEY, 0000
 MATTHEW C. RINGS, 0000
 SUSAN B. ROBERTS, 0000
 DAVID J. ROBILLARD, 0000
 THOMAS D. ROBINSON, 0000
 TODD V. ROBINSON, 0000
 WALTER W. ROBOHN, 0000
 ANDREW F. ROCCA, 0000
 DANIEL R. RODGERS, 0000
 ANTHONIO RODRIGUEZ, 0000
 MILDRED RODRIGUEZ, 0000
 DEBORAH E. ROE, 0000
 LEON RONEN, 0000
 JUAN A. ROSARIOCOLLAZO, 0000
 ROBERT E. ROSENBAUM, 0000
 SYNTIA J. ROSS, 0000
 LAURA L. RUBISON, 0000
 JOSEPH D. RUGGIERO, 0000
 MICHAEL W. RUTTEN, 0000
 KIMBERLY S. RYAN, 0000
 REBECCA E. SANDS, 0000
 SHERRI L. SANTOS, 0000
 SONIA Q. SCHERRER, 0000
 THOMAS P. SCHEUERMANN, 0000
 MARK M. SCHEURER, 0000
 LYNNE T. SCHIERA, 0000
 JOHN T. SCHINDLER, 0000
 RICHARD J. SCHLEGEL, 0000
 CHRISTOPHER E. SCHMIDT, 0000
 WILLIAM R. SCHOEN, 0000
 ASHLEY A. SCHROEDER, 0000
 DAVID M. SCHULTZ, 0000
 ROBERT W. SCHUYLER, 0000
 ERIC L. SCHWARTZMAN, 0000
 MICHAEL R. SCHWARZE, 0000
 RICHARD E. SCRANTON, 0000
 STEPHEN T. SEARS, 0000
 PAUL D. SEEMAN, 0000
 GEORGE J. SEMPLE, 0000
 MARCOS A. SEVILLA, 0000
 DAN G. SEWELL, 0000
 EDWARD G. SEWSTER, 0000
 MELVIN A. SHEFER, 0000
 GARY E. SHARP, 0000
 LOUISE F. SHEFFIELD, 0000
 KIMBERLY W. SHIPLEY, 0000
 WILLIAM G. SHOEMAKER, 0000
 DAVID P. SHUEMAKER, 0000
 SOHAIL A. SIDDIQUE, 0000
 DAVID J. SIENICKI, 0000
 TODD E. SIMO, 0000
 AMANDA J. SIMSIMAN, 0000
 KENNETH G. SINGLETON, 0000
 WESLEY B. SLOAT, 0000
 BRENDA D. SMITH, 0000
 CHARLES M. SMITH, 0000
 GEORGE H. SMITH, 0000
 GILBERT L. SMITH, 0000
 LOREN J. SMITH, 0000
 STEVEN L. SMITH, 0000
 DENNIS G. SMYTHE, 0000
 CHRISTINE S. SNELL, 0000
 IFEOLUMPO O. SOFOLA, 0000
 ANTHONY A. SORELL, 0000
 LAVENCION V. STARKS, 0000
 MARK W. STARR, 0000
 STEPHANIE R. STARR, 0000
 LESLIE S. STEELE, 0000
 MARK J. STEVENSON, 0000
 JOEL D. STEWART, 0000

NORMAN D. STIEGLER, JR., 0000
 VAUGHN L. STOCKER, 0000
 ERIN E. STONE, 0000
 JAMES A. STOREY, 0000
 ERIC J. STRAKA, 0000
 ADAM P. STRIMER, 0000
 JEFFREY G. STRUBBING, 0000
 SUSAN M. STUART, 0000
 MATTHEW E. SUESS, 0000
 JAMES J. SULLIVAN, 0000
 VERONICA M. SULLIVAN, 0000
 THOMAS J. SUMMERS, 0000
 ROGER L. SUR, 0000
 JOHN A. SWANSON, 0000
 ANNE M. SWAP, 0000
 KEITH E. SYKES, 0000
 MARSHALL T. SYKES, 0000
 KATHRYN TARMAN, 0000
 JAMES K. TARVER, 0000
 VICTOR S. TAYLOR, 0000
 TIMOTHY J. THATE, 0000
 DANIEL J. THERRIEN, 0000
 HARRY T. THETFORD, JR., 0000
 MICHAEL A. THIEBLEMONT, 0000
 GREGORY E. THOMAS, 0000
 MICHAEL E. THOMAS, 0000
 TIMOTHY B. TINKER, 0000
 JAMES E. TOLEDANO, 0000
 RAMONA L. TOLEDANO, 0000
 ROBERT B. TOMIAK, 0000
 KEVIN J. TOOL, 0000
 PETER J. TOROK, 0000
 KEVIN R. TORSKE, 0000
 HEIDI E. TOWNSEND, 0000
 JIM T. TRAN, 0000
 KATHY TRAPPJACKSON, 0000
 TIMOTHY J. TUNNECLIFFE, 0000
 DAVID T. TURBYFILL, 0000
 ROBERT W. TYE, 0000
 GARY N. UNDERWOOD, 0000
 STEVEN P. UNGER, 0000
 RICHARD F. URBANCZYK, 0000
 TARA L. VANBENNEKOM, 0000
 DAVID VANDERSTRATEN, 0000
 ROBIN H. VANDIVIER, 0000
 MARK J. VANDUSEN, 0000
 KEVIN E. VANNOTRIC, 0000
 SCOTT E. VANVALIN, 0000
 MICHAEL P. VENABLE, 0000
 JOSEPH M. VITELLI, 0000
 MARY E. WALDMAN, 0000
 GRANT C. WALLACE, 0000
 JODIE K. WARD, 0000
 MICHAEL S. WARRINGTON, 0000
 EDWARD T. WATERS, 0000
 BENJAMIN M. WEBB, 0000
 TERRY D. WEBB, 0000
 ALLAN A. WEBER, 0000
 PERRY J. WEIN, 0000
 CHRISTOPHER
 WESTBROOK, 0000
 ALAN C. WESTEREN, 0000
 JAMES A. WESTRA, 0000
 RICHARD L. WHIPPLE, 0000
 DALE C. WHITE, 0000
 WILLIAM J. WHITE, 0000
 GARY L. WICK, 0000
 WILLIAM M. WIKE, 0000
 GREGORY D. WILLIAMS, 0000
 JOHN C. WILLIAMS, 0000
 BARRY E. WILLIAMSON, 0000
 MOISE WILLIS, 0000
 DAVID G. WILSON, 0000
 DAVID N. WILSON, 0000
 DIANE M. WILSON, 0000
 PATRICIA A. WIRTH, 0000
 JAMIE H. WISE, 0000
 PAUL W. WITT, 0000
 AMIR H. WOLFE, 0000
 GREGG L. WOOD, 0000
 ANTHONY M. WOOLF, 0000
 RODNEY O. WORDEN, 0000
 GREGORY A. WRIGHT, 0000
 SHARON M. WRIGHT, 0000
 EDWIN P. YAEGER, 0000
 CORRYNNE T. YAMANAKA, 0000
 MICHAEL J. YARBOROUGH, 0000
 CARRIE D. YIM, 0000
 MARY A. YONK, 0000
 JAMES C. YOUNG, 0000
 TIMOTHY ZALUDEK, 0000
 CRAIG M. ZELIG, 0000
 JOSEPH J. ZELINSKY, JR., 0000
 JULIE H. ZIMMERMAN, 0000
 MICHAEL J. ZUCCHERO, 0000