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131 Cong Rec S 16359

REFERENCE: Vol. 131 No. 162 -- Part 2

TITLE: AGRICULTURE, FOOD, TRADE, AND CONSERVATION ACT OF 1985

SPEAKER: Mr. BENTSEN; Mr. BIDEN; Mr. BOREN; Mr. BOSCHWITZ; Mr. BRADLEY; Mr. BUMPERS; Mr. BYRD; Mr. CHAFEE; Mr. CRANSTON; Mr. DANFORTH; Mr. DeCONCINI; Mr. DIXON; Mr. DOLE; Mr. DURENBERGER; Mr. EXON; Mr. FORD; Mr. GLENN; Mr. GRASSLEY; Mr. HARKIN; Mr. HELMS; Mr. INOUE; Mr. KASTEN; Mr. KERRY; Mr. LEAHY; Mr. LEVIN; Mr. LUGAR; Mr. MATHIAS; Mr. MATSUNAGA; Mr. McCLURE; Mr. MELCHER; Mr. MURKOWSKI; Mr. NICKLES; Mr. PRESIDING OFFICER; Mr. PRYOR; Mr. RIEGLE; Mr. ROTH; Mr. RUDMAN; Mr. SARBANES; Mr. SIMON; Mr. SIMPSON; Mr. SYMMS; Mr. THURMOND; Mr. ZORINSKY

TEXT: The Senate continued with the consideration of the bill (S. 1714).

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Based on the action just taken, I ask unanimous consent that the Hawkins amendment which is pending be withdrawn.

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

Who seeks recognition?

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I am going to slightly modify this proposal on minimum tonnages for Public Law 480. I now send it to the desk.

Mr. President, is the pending business the amendment offered by the distinguished Senator from Minnesota, Senator Boschwitz?

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The PRESIDING OFFICER. That is correct.

Mr. MELCHER. I ask unanimous consent that it be set aside temporarily, and that I be allowed to offer an amendment.

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

AMENDMENT NO. 1150

Mr. MELCHER. Mr. President, I send an amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. Melcher] proposes an amendment numbered 1150.

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

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

Mr. MELCHER. Mr. President, we are discussing the costs of this amendment. I cited the 3-year cost which is approximately \$150 million. What was described by the distinguished Senator from Minnesota was \$240 million. That discrepancy was because it covered 4 years rather than 3 years. I was speaking of 3 years. The budget cycle, the distinguished Senator from Minnesota, was speaking of 4 years.

The modification that I have sent to the desk does not do much in reducing those costs -- probably about \$40 million, or maybe \$50 million for the 4-year figure.

But what it does retain is the very essential of keeping that 1.9 for the first year, going up 100,000 tons for the second year to 2 and in the third year to 2.1, and plateauing it for the fourth year. That is the savings -- in other words, 2.1.

This is not an amendment just to be taking up our time. It is an amendment that the private voluntary organizations and cooperatives say is very essential.

The distinguished Senator from Minnesota just a few moments ago said something about alleviating the conditions in the Sahel and Africa was getting better. For Africa alone last year we spent more than this amount for 1 year, just for Africa.

What we are talking about here is the regular amount that we authorize to be available so that the private voluntary organizations and the hundred countries they work in around the world will have some continuity of knowing what is available and be able to make their plans.

It is very essential that that figure remain at least the same or with a slight increase over the years of the bill because they have to have plans ahead of time on what they are going to do in their cooperative efforts in these countries.

So, as I stated earlier, we toiled in the committee a long time over this, but we ended up with a flaw. We reached this point of \$1.9, which was an increase, and then we held it there and let it taper off over the 4 years. That does hamper the planning and the activities of the private voluntary organizations and cooperatives.

You might say, "Well, maybe if they need more food later on, we will get it to them."

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I am sure we would, but the fact remains that planning requires some knowledge of what they are going to be doing over a 3- or 4-year period. They are rather small, individual operations in each of these countries, but, nevertheless, they are planned for several years. To taper off on that does hamper their activities.

I hope the Senate can accept this amendment. I assure the Senate it is most necessary.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. 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. DOLE. Mr. President, I noticed several Senators are still discussing the amendment offered by the distinguished Senator from Montana, but let me tell our colleagues if there are amendments to be offered -- not amendments to sweeten programs or to tie up what we do in conference -- we will be glad to entertain those amendments. If Members do have amendments, I suggest they notify either the distinguished Senator from Nebraska or the distinguished Senator from Minnesota. We would like to say we can see the light at the end of the rainbow, and I think if all the staff would go home and leave the Members alone, we could that.

I see the Senator from Illinois here. Has his staff been working on an amendment?

Mr. DIXON. No, Mr. President, this one has been cleared.

Mr. DOLE. As long as the staff stays here there will be more amendments. If they go away, we could all go home. Except the committee staff.

Mr. MELCHER. Mr. President, I wish to modify my amendment further. I understand it will be acceptable then. We would simply not have any decreases -- they would just remain steady at the line which is 1.7 million metric tons, which is better than what we now have in the bill. I would not want to be repetitive because I have already stated the case. We needed this correction, but we also needed modest increases. Nevertheless, if the majority is not willing to accept any more than this -- they have indicated they would at least accept this -- I shall take what I can get, I guess is the best way to phrase that.

Mr. President, I send the modification to the desk.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The amendment (No. 1150), as modified is as follows:

At the end of the pending amendment add the following. At the end of the bill, add a new section as follows:

MINIMUM QUANTITY OF AGRICULTURAL COMMODITIES DISTRIBUTED UNDER TITLE II

Sec. . Notwithstanding any other provision of law, including this Act, the minimum quantity of agricultural commodities distributed under Title II of the Agricultural Trade Development and Assistance Act of 1954 --

(1) for the fiscal year ending September 30, 1986, shall be 1,900,000 metric tons, of which not less than 1,425,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies, cooperatives, and the World Food Program;

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(2) for the fiscal year ending September 30, 1987, shall be 1,900,000 metric tons of which not less than 1,425,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies, cooperatives, and the World Food Program;

(3) for the fiscal year ending September 30, 1988, shall be 1,900,000 metric tons of which not less than 1,425,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies, cooperatives, and the World Food Program; and

(4) for the fiscal year ending September, 1989, shall be 1,900,000 metric tons of which not less than 1,425,000 metric tons for nonemergency programs shall be distributed through nonprofit voluntary agencies, cooperatives, and the World Food Program; unless the President determines and reports to the Congress, together with his reasons, that such quantity cannot be used effectively to carry out the purposes of this title: PROVIDED, That such minimum quantity shall not exceed the total quantity of commodities determined to be available for disposition under this Act pursuant to section 401, less the quantity of commodities required to meet famine or other urgent or extraordinary relief requirements. (7 U.S.C. 1721).

Mr. BOSCHWITZ. Mr. President, I thank the distinguished Senator from Montana. The amendment is acceptable on this side. I suggest we move to speedy adoption.

Mr. ZORINSKY. Mr. President, we have looked at the amendment on this side and concur with the modification. We recommend its approval.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1150), as modified, was agreed to.

Mr. BOSCHWITZ. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MELCHER. Mr. President, I have another similar amendment which applies to section 416. That is another one of the food development-trade enhancement parts of our law that operates in foreign countries. It is similar in many aspects to Public Law 480, title II. What we placed in the minimum tonnages for section 416 was 400,000 metric tons.

Again, the private voluntary organizations and cooperatives had indicated that that is slightly -- well, it is too low. So I have this amendment which would increase it to 650,000 metric tons. In order to shorten the process, I ask the distinguished Senator from Minnesota to listen while I say this: Before I send the amendment to the desk, I shall make the modification that I know the Senator is going to ask me to do or else the amendment will not be accepted. That is, cut that amount down to 575,000 tons so that we shall save ourselves too much delay and therefore will have the modest increase to satisfy part of the needs of the PVO's and the cooperatives. We will still be slightly below what the House has in for fiscal 1987 and considerably below what the House has in for fiscal 1986 for this same purpose.

That said, Mr. President, I sent the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Montana should be advised that there is a Boschwitz amendment pending.

Mr. MELCHER. I ask unanimous consent that we temporarily lay aside the Boschwitz amendment so my amendment may be considered.

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

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The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. Melcher] proposes an amendment numbered 1151.

At the end of the pending amendment add the following:

At the end of the bill, add a new section as follows:

"Sec.. Notwithstanding any other provisions of law, including any other provision of this Act, in carrying out subsection (b) of Section 416 of the Agriculture Act of 1949, during each fiscal year, the Secretary shall furnish to nonprofit voluntary agencies, cooperatives, and the World Food Program for distribution in developing countries not less than 575,000 metric tons of eligible commodities that are available for distribution under this subsection of which one-half of the amount of eligible commodities required to be furnished shall be grains and cereals.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DIXON. 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. DIXON. May I ask the distinguished manager of the bill if I may proceed with an amendment that has been agreed to on both sides by the distinguished majority member and the distinguished ranking member on this side?

Mr. DOLE. Yes, Mr. President.

Mr. DIXON. What is the pending business, Mr. President?

The PRESIDING OFFICER. The Melcher amendment is pending. It would require unanimous consent to temporarily lay that aside.

Mr. DIXON. Mr. President, I ask the Senator from Montana and others if I may proceed with my amendment.

Mr. MELCHER. That is all right, Mr. President.

Mr. DIXON. I make that request.

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

AMENDMENT NO. 1152

(Purpose: To modify the conditions for providing targeted export assistance and Commodity Credit Corporation commodities for export assistance)

Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Wilson). The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois [Mr. Dixon] proposes an amendment numbered 1152.

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At the end of the pending amendment, add the following:

On page 16, strike out lines 3 through 5 and insert in lieu thereof the following:

(A) to counter or offset --

(1) the adverse effect on the export of a United States agricultural commodity or the product thereof of a subsidy (as defined in paragraph (3)) or other unfair trade practice of a foreign country that directly or indirectly benefits producers, processors, or exporters of agricultural commodities in such foreign country;

On page 17, between lines 3 and 4, insert the following new paragraph:

(3) As used in paragraph (2)(A)(1), the term "subsidy" includes an export subsidy, tax rebate on exports, financial assistance on preferential terms, financial assistance for operating losses, assumption of costs or expenses of production, processing, or distribution, a differential export tax or duty exemption, a domestic consumption quota, or other method of finishing or ensuring the availability of raw materials at artificially low prices.

PROTECTING AGRICULTURAL EXPORTS

Mr. DIXON. Mr. President, this amendment would strengthen the Secretary of Agriculture's authority to counteract export subsidies and other unfair trade practices which have resulted in the loss of U.S. agricultural export markets.

Nations seeking to subsidize their exports have begun to develop new ways of achieving this result without violating the traditional definition of an "export subsidy." For example, Brazil and Argentina now employ a differential export tax system which has the same effect as an export subsidy. Spanish domestic consumption quotas on soybean oil and tax rebates on the export of soybean products have also hurt U.S. exports.

As a result of these practices, U.S. export revenues from soybeans and soybean products have declined significantly. The U.S. share of world soybean meal markets has decreased from 78 percent in 1973-74 to 30 percent in 1983-84. The U.S. share of soybean oil products decreased from 70 percent to 24 percent during this period. The U.S. balance of trade on soybean-related export earnings decreased from \$8 billion in 1980 to only \$5 billion in 1985.

This amendment defines subsidies to include a number of specific practices such as differential export taxes, differential export duty exemptions, tax rebates on exports, financial assistance on preferential terms, fund to cover operating losses, and other methods of making available raw materials, at artificially low prices which have undermined the competitiveness of U.S. exports.

International markets are critically important to our Nation's agricultural economy. For example, soybean processors purchase approximately 60 percent of America's soybean crop to produce soybean meal and soybean oil. The loss of these markets would jeopardize the jobs of 11,000 workers in the U.S. soybean processing industry.

This amendment was accepted on a bipartisan basis in the House farm bill.

I urge my colleagues to support this amendment to strengthen the Secretary of Agriculture's authority to protect U.S. agricultural producers from export subsidies and other unfair trade practices.

Mr. DOLE. Mr. President, we have examined the amendment carefully and it is acceptable on this side.

Mr. ZORINSKY. Mr. President, we have examined the amendment and support its approval and passage.

Mr. DIXON. I thank the distinguished majority leader and the managers of the bill on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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The amendment (No. 1152) was agreed to.

Mr. ZORINSKY. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1153

(Purpose: To impose a quota on fuel ethanol)

Mr. GRASSLEY. Mr. President, I sent an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the two pending amendments? Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. Grassley], for himself, Mr. Exon, Mr. Durenberger, Mr. Dole, Mr. Zorinsky, Mr. Boschwitz, and Mr. Dixon, proposes an amendment numbered 1153.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is as follows:

At the end of the pending amendment, insert the following:

On page 130, after line 22, add the following:

FUEL ETHANOL

Sec. . (a) In order to prevent material interference with the United States price support program for feed grains, the President shall, for each calendar quarter beginning after calendar year 1985, issue a proclamation which limits the aggregate quantity of fuel ethanol that may be entered during the calendar year of which such quarter is a part to an amount that does not exceed the applicable limitation for such calendar year.

(b) For purposes of this section --

(1) The term "fuel ethanol" means --

(A) any ethyl alcohol (provided for in item 427.88 of the Tariff Schedules of the United States),

(B) any mixture containing ethyl alcohol, and

(C) any other ethanol product designated by the President under this subparagraph,

that is imported for use as a fuel.

(2) The term "applicable limitation" means --

(A) for calendar year 1986, 100,000,000 gallons, and

(B) for each succeeding calendar year, an amount equal to the excess, if any, of --

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(i) the aggregate amount of fuel ethanol that the Secretary of Agriculture estimates will be consumed in the United States during such calendar year, over

(ii) the aggregate amount of fuel ethanol that the Secretary of Agriculture estimates will be produced in the United States during such calendar year.

(3) The term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

(c) The Secretary of Agriculture shall revise the estimates described in clauses (i) and (ii) of subsection (b)(2)(B) for each proclamation issued by the President under subsection (a).

(d) Any proclamation issued under subsection (a) shall be treated as a proclamation issued under section 22 of the Agricultural Adjustment Act (7 U.S.C. 624) that meets all the requirements of such section.

Mr. GRASSLEY. Mr. President, I also ask unanimous consent that Senator Exon, Senator Durenberger, Senator Dole, Senator Zorinsky, and Senator Boschwitz be added as cosponsors.

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

Mr. GRASSLEY. Mr. President, the amendment I am introducing will protect our farm programs from unfair international interference. This amendment would limit the amount of ethanol imported into this country to 100 million gallons in 1986. In each succeeding year after 1986 the amount of ethanol entering the United States will be determined quarterly and can not exceed the absolute difference between the aggregate domestic demand and the aggregate domestic supply. This amendment is completely GATT legal because it takes place under section 22 of the Agricultural Adjustment Act.

We have been discussing in this body since debate on the farm bill began that costs involved with this farm program are going up. This amendment is an opportunity for us to do something about these increased costs. In 1984 alone the increase in corn demand as a result of ethanol production was 200 million bushels. This saved our Federal Price Support Program \$500 million. By 1990 the anticipated domestic production of ethanol will be 1 billion gallons which will utilize 400 million bushels of corn and save the U.S. Government \$1 billion in farm programs. The ethanol industry is a refreshing breeze in an otherwise stormy agricultural picture.

But this picture is in the process of being shattered. Today our ethanol industry is being threatened by unfairly subsidized imports. Brazilian imports alone are capable of satisfying the total U.S. demand for ethanol by the year 1988. We may expect the Brazilians to capture a significant portion, if not all, our domestic market by the year 1990. This invasion would cost our farm programs tremendously as Brazilian ethanol is produced from Brazilian corn. It is completely unreasonable for us to expect our young domestic ethanol industry to compete against an established highly subsidize industry from Brazil.

Mr. President, our ethanol industry serves an important role in our economy and will serve an even larger role in the future. We have more than 145 fuel ethanol plants across this country representing an investment of over \$1 billion. Thousands of Americans depend on this industry for their livelihood and even more are employed in the related agricultural, construction, and transportation industries. The ripple effect from our domestic ethanol production is estimated to add more than \$2 billion to our gross national product.

In addition to the important economic gain from the use of domestically produced ethanol there are several social and national security reasons for this industry. Ethanol provides an environmentally safe fuel which is capable of replacing leaded gas as lead is phased out over the next few years. Ethanol is a fuel which uses a product we have in excess to produce energy domestically free from international interference. During times of international stress our ethanol industry will be able to supply us with much needed energy, if we don't let it be destroyed. Both Congress and

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the States have recognized the importance of the ethanol industry by enacting a variety of economic incentives. Such incentives include investment tax credits, loan guarantees, and sales and excise tax exemptions for fuel containing alcohol, in order to encourage the consumption of fuel ethanol.

Mr. President, our present policies make no sense. We provide incentives for the consumption of ethanol and then turn around and let foreign countries enjoy the benefits of that increased demand. We develop an industry to give us a reliable domestic supply of energy and then stand back and watch it get run over by illegally subsidized imports. We complain about the increased costs of farm programs and then watch an important potential market for our agricultural products disappear.

This amendment will help eliminate these misguided policies. We are not stopping all imports from coming into this country, imports would increase as demand increases. All we would be doing by passing this legislation, is save our domestic ethanol industry from unfair competition. In addition, we would be helping to lower the costs of our farm programs by protecting an important market for our agricultural products.

I encourage my colleagues to support this legislation and take this first step toward fiscal responsibility and trade sanity.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GRASSLEY. Yes.

Mr. DOLE. We are prepared to accept this amendment.

Mr. DIXON. Mr. President, will the distinguished Senator add me as a cosponsor?

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senator from Illinois [Mr. Dixon] be added as a cosponsor.

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

Mr. ZORINSKY. Mr. President, we have examined the amendment and support its passage.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 1153) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1154

Mr. DIXON. Mr. President, what is the order of business?

The PRESIDING OFFICER. The pending question is the Melcher amendment, No. 1151.

Mr. DIXON. Mr. President, I ask unanimous consent that the Melcher amendment be temporarily set aside so I may send an amendment to the desk.

The PRESIDING OFFICER. Is there objection to temporarily setting aside the two pending amendments? Without objection, it is so ordered.

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Mr. DIXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. Dixon] proposes an amendment numbered 1154.

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

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

The amendment is as follows:

At the end of the pending amendment, insert the following new subtitle:

On page 459, between lines 18 and 19, insert the following:

Subtitle -- Special Study and Pilot Projects on Futures Trading

FINDINGS AND DECLARATION OF POLICY

Sec. . (a) Congress finds that there is a need for investigation and development of alternative price support programs carried out by the Department of Agriculture; that agricultural producers and others have insufficient knowledge concerning the nature and extent of price stabilization available in the private sector; and that more information is needed to accurately assess the Federal budgetary impact of producer participation in such private sector risk avoidance services.

(b) It is declared to be the policy of the United States that the Department of Agriculture conduct economic research to develop more information concerning the manner in which producers might utilize agricultural commodity futures markets and options markets in connection with their marketing of the agricultural commodities of their own production; and to determine the nature and effect widespread utilization of such markets by producers would have on the prices they receive for their agricultural commodities, and to determine the feasibility of interfacing traditional federal price support programs with private sector risk avoidance services.

STUDY BY THE DEPARTMENT OF AGRICULTURE

Sec. The Secretary of Agriculture shall conduct a study utilizing the services of the various agencies of the United States, including, but not limited to, the United States Department of Agriculture and the Commodity Futures Trading Commission, to determine the manner in which agricultural commodity futures markets and agricultural commodity options markets might be used by producers of agricultural commodities traded on such markets to provide such producers with price stability and income protection; the extent of the price stability and income protection producers might reasonably expect to receive from such participation; and of the Federal budgetary impact of such participation compared with the cost of the applicable established price support programs for agricultural commodities. The Secretary shall report the results of such study to the Committee on Agriculture, Nutrition and Forestry of the Senate and the Committee on Agriculture of the House of Representatives on or before December 31, 1988.

PILOT PROGRAM

Sec. In connection with the study to be undertaken by the Secretary as required by Section of this subtitle, the Secretary shall conduct a pilot program with respect to the crops of wheat, feed grains, rice, soybean and cotton in at least 40 counties which actively produce reasonable quantities of such major agricultural commodities traded on the commodity futures markets and the commodity options markets. The Secretary shall, in cooperation with the futures

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and options industry, and the Chairman of the Commodity Futures Trading Commission, conduct an extensive educational program for producers in the counties selected for the pilot program. The program shall, among other things, provide that a reasonable number of producers, as determined by the Secretary, may at their election and in accordance with pilot program requirements developed by the Secretary, participate in the trading of designated agricultural commodities on a futures market or options market in a manner designed to protect and maximize the return on agricultural commodities of their own production marketed by them in accordance with program requirements. Participating producers shall be assured by the Secretary under the terms of the program, using funds of the Commodity Credit Corporation, that the net return received for the agricultural commodities that such producers allocate to the program in the manner specified by the Secretary is no less than the price support loan level for such agricultural commodity in the county where it is produced. In the formulation of the pilot program the Secretary shall utilize the services of an advisory panel selected by the Secretary consisting of producers, processors, exporters, and futures and options traders on organized futures exchanges.

Mr. DIXON. Mr. President, I rise to offer a noncontroversial pilot program and study amendment designed to study and test alternative means of supporting farm income. As we in this Chamber have debated farm policy, it is obvious that all of us are searching for new answers to the problem of maintaining farm income. I do not think any of us have an answer that we are sure will work. However, I think it is incumbent upon us to continue to test new ideas, while not endangering any programs that have been tried over the years.

It is for this reason that I offer this amendment to require the Secretary of Agriculture to study and test the possible utilization of agricultural commodity futures markets and agricultural commodity options markets as an alternative to price support loans. The pilot program would be conducted in 40 counties for the crops of wheat, feed grains, soybeans, and cotton. Of course, my amendment does not seek to spell out exactly how the pilot program would be structured. That would be left to the discretion of the Secretary of Agriculture, who would utilize the services of an advisory panel that would consist of producers, processors, exporters and futures and options traders. Since this program would be offered as an alternative to other Government price support assistance, it should have no additional cost to Treasury.

Mr. President, this amendment has been cleared on both sides. It is a study and a pilot program. I appreciate the understanding of the majority leader and the ranking member.

Mr. DOLE. Mr. President, the amendment has been cleared. It is a meritorious amendment, one which I wish I would have thought of.

The PRESIDING OFFICER. Is there further debate?

Mr. ZORINSKY. Mr. President, our side has looked at it and support its passage.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 1154) was agreed to.

Mr. ZORINSKY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I send an amendment -- --

Mr. DOLE. Mr. President, I might say to the distinguished Senator from Vermont we are in the process of looking at his amendment.

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Mr. LEAHY. I am sorry, Mr. President. I had understood it had already been cleared. I will withhold for the moment.

Mr. DOLE. Are there any other amendments? I know Senator Thurmond has an amendment we are working on, and I know Senator Grassley has an amendment, and Senator Melcher has an amendment pending. Senator Leahy has an amendment that is outstanding. I am not certain the amendment is outstanding.

Mr. LEAHY. The Senator certainly is.

Mr. DIXON. The Senator certainly is.

Mr. LEAHY. The Senator heard the old song about farmers outstanding in their field.

AMENDMENT NO. 1151, AS MODIFIED

Mr. MELCHER. Mr. President, I ask unanimous consent that the Boschwitz amendment be temporarily laid aside.

The PRESIDING OFFICER. Is there objection to the request?

Mr. MELCHER. Mr. President, may I ask what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Montana.

Mr. MELCHER. Mr. President, I send a modification of the amendment to the desk.

The PRESIDING OFFICER. The Senator has that right. He may modify his amendment.

The modification is as follows:

At the end of the bill, add a new section as follows:

"Sec. . Notwithstanding any other provision of law, including any other provision of this Act, in carrying out subsection (b) of Section 416 of the Agriculture Act of 1949, during each fiscal year, the Secretary shall furnish to nonprofit voluntary agencies, cooperatives, and the World Food Program and in the case of the Food for Progress Program provided for in this Act, foreign governments for distribution in developing countries not less than 650,000 metric tons of eligible commodities that are available for distribution under this subsection of which one-half of the amount of eligible commodities required to be furnished shall be grains and cereals and of which not less than 150,000 metric tons shall be distributed under the Food for Progress Program provided for in this Act."

Mr. MELCHER. Mr. President, I shall describe the modification. The modification would provide for 650,000 metric tons under section 416, minimum tonnage, and of that 650,000, 150,000 would be utilized in Food for Progress. Therefore, a minimum tonnage of 150,000 is for Food for Progress.

This proposal was made by the majority side. I find it a very commendable proposal -- in fact, one that I think we overlooked and intended at some point to include in the final bill. So I am glad this was suggested.

I understand the amendment is acceptable by the managers of the bill, and I hope it is acceptable to the Senate.

Mr. DOLE. Mr. President, I am advised by staff working with Senator Melcher that this amendment, as modified, is acceptable on this side of the aisle.

The PRESIDING OFFICER. Is there further debate?

Mr. ZORINSKY. Mr. President, we accept the modified amendment and recommend its passage.

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The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Montana, as modified.

The amendment (No. 1151), as modified, was agreed to.

Mr. ZORINSKY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1155

(Purpose: To improve the Farmland Protection Policy Act)

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily.

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

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Vermont [Mr. Leahy] proposes an amendment numbered 1155.

Mr. LEAHY Mr. 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:

At the appropriate place in the pending amendments, add the following:

At the end of title XIX, add a new section as follows:

Sec. . (a) Subsection (a) of section 1541 of the Farmland Protection Policy Act (7 U.S.C. 4202(a)) is amended to read as follows:

"(a) It shall be the policy of the United States that the expenditure or other commitment of funds to federal programs shall not contribute to the irreversible conversion of farmland to nonagricultural uses, unless it can be clearly demonstrated that there is no feasible alternative to achieve the program objective."

"(b) Section 1546 of the Farmland Protection Policy Act (7 U.S.C. 4207) is amended by striking out "Within one year after the enactment of this subtitle," and substituting therefore "On January 1, 1987, and at the beginning of each subsequent calendar year."

(c) Section 1548 of the Farmland Protection Policy Act (7 U.S.C. 4209) is amended by striking out "any State, local unit of government, or" and inserting before the period at the end of the sentence ": PROVIDED, That the Governor of an affected State where a State Policy or program exists to protect farmland may bring an action in the Federal district court of the district where a Federal program is proposed to enforce the requirements of section 1541 of this subtitle and regulations issued pursuant thereto".

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Mr. LEAHY. Mr. President, I am happy to have the opportunity to offer an amendment to the Farmland Protection Policy Act [FPPA], which I authored as part of the 1981 farm bill.

When the FPPA was passed by Congress in 1981 it was intended to provide precise guidelines for Federal agencies to consider the adverse impacts their various projects would have on prime agricultural land and on farm or ranch operations. USDA was given the lead role in developing the guidelines and in monitoring their implementation.

The FPPA was a logical and badly needed response to the problems identified in the 1981 National Agricultural Lands Study [NALS] and further articulated in the act's findings. The latter includes formal recognition by Congress that America's shrinking farmland is a "unique natural resource" essential for providing the country with a sustainable food and fiber supply. The FPPA's stated purpose is to minimize the significant contribution of over 90 Federal programs in 37 Federal agencies to the unnecessary and irreversible conversion of the best of the Nation's farmland to nonagricultural purpose.

Given its simplicity and its worthy objectives, it is not surprising that the act retains strong bipartisan support and that its critics are few in number. Nevertheless, some dissenters persist in attacking the statute with a number of arguments. For instance, it is claimed to be a restrictive measure designed to circumscribe the property rights of individuals. In light of this contention, it bears reiterating that while the FPPA pertains to Federal agency actions and to federally subsidized actions of other government or private entities, it does nothing to restrict any landowner who wishes to convert prime farmland to nonagricultural uses without Federal assistance.

Some opponents even dispute the existence of a national cropland conversion problem, challenging a fundamental premise of the FPPA. A few have charged, for example, that the NALS findings were based on faulty statistical information. This argument misses the point. While there is bound to be disagreement on precise numbers, it is inarguable that there is an overall trend of formerly rural areas yielding to industrial, suburban, and other development at a rapid pace, particularly around highways and metropolitan areas. In fact, the most cropland converted to nonagricultural uses is prime farmland. A recent data obtained from the Soil Conservation Service in USDA shows that the conversion of prime farmland to nonagricultural uses has actually increased by 9 percent in those agricultural counties adjacent to major metropolitan areas. The data also shows that 90 percent of the cropland converted to nonagricultural uses is prime farmland. A recent analysis by the American Farmland Trust further verifies this trend by stating that of 619 most agriculturally significant counties in the United States, more than 400 of them were either part of or adjacent to standard metropolitan regions.

Others have argued that the existence of commodity surpluses, price supports, and crop and acreage reduction programs indicate that the United States has a surplus, not a scarcity, of farmland. This argument, too, is unconvincing. First, the FPPA is concerned only with the loss of the most valuable of our agricultural lands, not all of them. The undersigned would be among the first to contend that much land currently being farmed could and in fact must be taken out of production, especially marginal cropland which presents environmental problems such as soil erosion and water pollution. This in no way, however, argues against the notion that the very best, most productive land for farming should remain available for that purpose.

Second, to fail to protect the best farmland on the basis of current surpluses is extremely shortsighted. Demand for agricultural products is steadily rising as the population grows. Moreover, the degree to which there is a surplus is dependent on factors such as weather and export policy, which are difficult to predict and can vary widely. Regardless of need, 21st century farmers and consumers will never be able to reclaim the prime farmland that was paved over with 20th century concrete. We believe that in this context it simply makes good sense for Federal agencies to consider carefully the impact of their programs on our most valuable cropland, and to consider alternatives and take steps which would minimize adverse effects.

However simple and as straightforward as the FPPA was designed USDA has not responded with an enthusiastic effort for implementation. The Agriculture Department took almost 3 years to issue the rules for other Federal agencies

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to follow in implementing the act. This is extremely unfortunate in light of the interest shown by State and local governments in protecting their farmland. When the NALS was completed in 1981 about one dozen State governments had farmland protection programs or polities and about 270 local governments had their own programs. Now over 20 States have developed farmland protection programs and over 600 local governments have instituted programs protecting almost 80 million acres of our Nation's best farmland.

I am pleased to say that my own State of Vermont has developed its own State policy and several townships throughout the State have implemented farmland protection programs.

The Federal Government should be mindful of these State policies and local programs as it undertakes projects throughout the country. FPPA is intended to make sure this happens.

Therefore the amendment Senator Specter and I are offering today is quite straight forward.

First, it requires USDA to report annually to Congress beginning in 1987 on the progress of implementing the FPPA. Second, it would give the Governor's of those State with farmland protection policies or programs the power to intervene in Federal district court in those instances where Federal actions are in direct conflict with State and local programs. And third, it clarifies the original act to ensure that the expenditure of Federal funds does not contribute to the irreversible conversion of farmland to nonagricultural uses unless there are no feasible alternatives.

In light of the fact that the conservation title of the Senate's 1985 farm bill will seek to remove up to 45 million acres of highly erodible land from our cropland base -- it clearly underscores the need to protect our most highly productive prime farmland for future generations.

Mr. President, I believe this amendment has been cleared on both sides.

Mr. HELMS. Mr. President, we find the amendment acceptable.

Mr. ZORINSKY. We have seen the amendment and suggest its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1155) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ZORINSKY. I move to leave that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. I thank the distinguished managers of the bill.

AMENDMENT NO. 1156

(Purpose: To express the policy of Congress not to impose any charge or assessment on dairy producers to reduce milk production)

Mr. HELMS. Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily.

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

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

The PRESIDING OFFICER. The amendment will be stated.

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The bill clerk read as follows:

The Senator from North Carolina [Mr. Helms] proposes an amendment numbered 1156:

At the appropriate place in the pending amendment, add the following:

On page 69, between lines 20 and 21, insert the following new section:

CHARGES OR ASSESSMENTS TO REDUCE MILK PRODUCTION

Sec. 207. It is the sense of the Senate that no charge or assessment that is intended primarily to encourage reductions by producers in total milk production should be imposed on, or collected from, producers of milk.

Mr. HELMS. Mr. President, this amendment would express that it is the policy of Congress that we not have another milk tax. Such a tax was included first in the Omnibus Reconciliation Act of 1982, and again in the Dairy and Tobacco Adjustment Act of 1983. A renewal of the tax is now part of the House farm bill, S. 2100.

A milk tax is bad policy. It hurts both farmer and consumer, and has proven unable to solve the basic problems facing the Dairy Price Support Program.

For the dairy farmer, a milk tax is unfair. It reduces his income much more than does a comparable drop in the support level, and unlike a price cut, it does nothing to increase the sale of his products.

Let me illustrate how a milk tax reduces a farmer's income more than does a comparable drop in the support level.

As my colleagues will recall, the 1983 act contained a 50-cent assessment -- or tax -- which meant that every dairy farmer in the country had a full 50 cents per hundredweight pulled out of his milk check.

Also as part of the 1983 act, we had a 50-cent price cut take effect on January 1, 1984. However, USDA figures indicate that in none of the Federal orders of this country did the farmer have his blend price drop the full 50 cents. In fact, it only dropped an average of 20 cents nationwide, with no region having an average blend price drop of more than 25 cents.

It is apparent, then, Mr. President, that when it comes to the dairy farmer's bottom line, price cuts are much better than milk taxes. As I have illustrated, this is because while taxes come directly out of a farmer's check, the effects of price cuts are buffered by market forces.

While dairy taxes have the maximum effect on reducing farm income, they deter increases in consumption, and I might point out, Mr. President, that the surest way to maintain the health of the dairy industry, and promote opportunity for dairy farmers everywhere is for the industry to sell more milk.

It is estimated that by the year 2000, cows will be 43 percent more productive than they are today. This means that if demand for milk fails to increase at the same rate as productivity, fewer cows -- and farmers -- would be needed to meet market needs for milk.

If instead of taxing dairy farmers, we were to allow a comparable reduction in the price support level, then we could sell more milk and keep more farmers in business. Specifically, according to a recent study done at Purdue, a drop in the price of milk of just 10 percent will result in an increase in consumption of 17 percent.

On the other hand, to the extent that milk taxes are used to artificially inflate the price of milk, consumption is discouraged forcing farmers to live with stagnation and shrinking markets.

With artificially high prices, users of milk and dairy products seek substitutes, consumers buy less in the store, and

the food industry is provided with a strong disincentive to finding new uses for milk and dairy products.

In addition, Mr. President, a milk tax is also a tax on consumers -- a tax which falls heaviest upon those in society who can least afford it.

A milk tax maintains artificial prices for milk and dairy products in the grocery store. By so doing, it operates as does any other food tax -- requiring consumers to pay more than they would otherwise.

As a food tax, it falls heaviest upon the low-income family -- which on the average spends two and a half times as much of their income on food as compared to average income families.

And a milk tax is possibly even more regressive than the average food tax as it is the young families of America -- the homes with infants, children, and adolescents -- who are the major consumers of milk and dairy products.

Mr. President, milk taxes are just plain wrong. They reduce farm income without increasing consumption, and they tax those in society least able to afford it.

Despite the inequities of milk taxes, the House bill contains a new milk tax estimated to exceed \$1.05 a hundredweight as part of a scheme to sharply increase consumer prices for milk and pay farmers not to produce.

It will not be easy for those of us who will sit on the conference committee to hold back those from the other body who would single out dairy farmers to pay a new tax.

This amendment will send a strong signal to the conferees that the Senate believes milk taxes to be inequitable and wrong, and thus help assure that such taxes are not included in the final version of the farm bill.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from New York [Mr. D'Amato] be added as a cosponsor of the amendment.

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

Mr. HELMS. I ask unanimous consent that the name of the distinguished Senator from California [Mr. Wilson], the present occupant of the Chair, be added as a cosponsor of the amendment.

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

Is there further debate?

Mr. KASTEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KASTEN. Would an amendment to the amendment be in order?

The PRESIDING OFFICER. It would not.

Mr. KASTEN. We are at the end of the amendment tree -- is that essentially where we are?

The PRESIDING OFFICER. The Senator is correct.

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

The PRESIDING OFFICER. The clerk will call the roll.

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The bill clerk proceeded to call the roll.

Mr. HELMS. 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. HELMS. Obviously the amendment is acceptable on this side.

Mr. ZORINSKY. Mr. President, this amendment is consistent with the language of the dairy title of S. 1714. We find it acceptable.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 1156) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ZORINSKY. I move to lay that motion on the table, Mr. President.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment.

Without objection, it is so ordered.

AMENDMENT NO. 1157

(Purpose: To express the sense of the Senate that any adjustment to the price received for class I milk produced under milk marketing orders be made only through regulations issued by the Secretary of Agriculture)

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. Kasten] proposes an amendment numbered 1157.

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

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

The amendment is as follows:

At the end of the amendment, add the following:

On page 69, between lines 20 and 21, insert the following new section:

ADJUSTMENT OF CLASS I MILK DIFFERENTIALS

Sec. . It is the sense of the Senate that any adjustment under section 8c(5)(A) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)(A)) to the price received for class I milk produced under milk marketing orders issued under section 8c of such Act be made only through regulations issued by the Secretary of Agriculture.

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Mr. KASTEN. Mr. President, this amendment expresses the sense of the Senate that class I differentials shall not be changed except through regulations issued by the Secretary of Agriculture.

Mr. President, the procedures for making adjustments in class I differentials for fluid milk were adopted in the 1930's and 1940's. They provide for thorough examination of all the evidence from all interested parties, and allow dairy farmers, processors, and consumers an opportunity to decide their own destiny.

Under this process, class I differentials are determined by the Secretary of Agriculture after public hearings. Most people in the dairy industry feel that this process has served both the industry and the public well.

Mr. President, we have not in the Senate held any hearings on the issue of whether to alter this system. I hope it may be possible next year for the Agriculture Committee to consider the entire milk marketing order system. I think it makes sense for Congress to take a long look at this issue, precisely since the marketing order system has been in operation for so long.

It makes sense, I think, to think about fundamental reform of milk marketing orders, to be accomplished after we in Congress have had opportunity to fully explore all the issues involved.

It does not make sense to make extensive changes in class I differentials without such careful consideration in this body. I was frankly disappointed to see that the other body chose to make such changes -- and made them in an arbitrary manner, as part of a purely political deal.

Mr. President, I believe the changes made in the other body are grossly inequitable to the upper Midwest, the region that has more dairy farmers than any other.

But I urge my colleagues to resist the other body's attempt to usurp the prerogatives of the Senate and the Senate Agriculture Committee, and to state the Senate's objection formally by adopting my amendment.

Mr. President, I have reviewed this amendment with the managers of the bill on both sides, and I am hopeful this sense-of-the-Senate amendment will be acceptable.

Mr. HELMS. Mr. President, I find the amendment acceptable on this side.

Mr. ZORINSKY. Mr. President, we have examined the amendment and find it acceptable also.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 1157) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ZORINSKY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there objection to the setting aside of the pending amendment? Without objection, it is so ordered.

AMENDMENT NO. 1158

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

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The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. Helms] proposes an amendment numbered 1158.

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

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

The amendment is as follows:

At the end of the pending amendment add the following:

At the appropriate place in the bill add the following new section:

SALES FOR FOREIGN CURRENCIES

Sec. . (a) Section 101 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701) is amended to read as follows:

Sec. 101. (a) In order to carry out the policies and accomplish the objectives set-forth in section 2, the President is authorized to negotiate and carry out agreements with friendly countries to provide for the sale of agricultural commodities --

"(1) for dollars on credit terms;

"(2) to the extent that sales for dollars under the terms applicable to such sales are not possible, for foreign currencies on credit terms and on terms that permit conversion to dollars at the exchange rate applicable to the sales agreement; or

"(3) for foreign currencies for use under section 108 on terms that permit conversion to dollars.

"(b)(1) Except as provided in paragraph (2), for the fiscal year ending September 30, 1986, and each fiscal year thereafter, sales for foreign currencies for use under section 108 under agreements entered into under this title shall be made at an annual level of --

"(A) not less than the higher of --

"(i) 25 percent of the aggregate value of all sales of agricultural commodities made under this title; or

"(ii) 500,000 metric tons; and

"(B) not more than 50 percent of the aggregate value of all such sales.

"(2)(A) For each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988, except as provided in subparagraph (B), the President may reduce the minimum levels of sales for foreign currencies prescribed under paragraph (1)(A) if --

"(i) there is an insufficient number of approved financial intermediaries that have entered into agreements to carry out the program provided for in section 108;

"(ii) there are insufficient requests made by such intermediaries for loan funds to utilize the foreign currencies generated by such sales; or

"(iii) the President requires additional time to implement such program.

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"(B) The President may not reduce the minimum level of sales for foreign currencies under subparagraph (A) below an annual level of less than --

"(i) for the fiscal year ending September 30, 1986, 5 percent of the aggregate value of all sales of agricultural commodities made under this title during such fiscal year;

"(ii) for the fiscal year ending September 30, 1987, 10 percent of the aggregate value of all sales of agricultural commodities made under this title during such fiscal year; and

"(iii) for the fiscal year ending September 30, 1988, 15 percent of the aggregate value of all sales of agricultural commodities made under this title during such fiscal year.

"(c) Agreements for sales for foreign currency in a developing country for use under section 108 may not be entered into to the extent that such agreements would generate currency in amounts that cannot be productively used and absorbed in the private sector of such country.

"(d) Sales for foreign currencies for use under section 108 under agreements entered into under this title shall be made on such terms and conditions as are specified in such agreements."

(b) Section 103 of such Act (7 U.S.C. 1703) is amended --

(1) by inserting ", in section 108," after "section 104" in subsection (b);

(2) by striking out "for dollars on credit terms" in the last sentence of subsection (d);

(3) in subsection (m) --

(A) by inserting "except as provided in section 108," after the subsection designation;

(B) by striking out the semicolon and inserting in lieu thereof a period; and

(C) by adding at the end thereof the following: "In carrying out this subsection, the President shall require that foreign currencies to be used under section 108 that are acquired under an agreement for the sale of commodities be convertible to dollars during the period beginning 10 years after the date of the last delivery of such commodities and ending 30 years after the date of such delivery. Such agreement for sale shall establish a schedule for such conversion but need not specify the exchange rate for such conversion;"

(4) by striking out "for dollars on credit terms" and "for cash dollars" in subsection (n);

(5) by striking out "Take" in subsection (o) and inserting in lieu thereof "take";

(6) by striking out "Assure convertibility" in subsection (p) and inserting in lieu thereof "except as provided in section 108, assure convertibility"; and

(7) by striking out "Assure convertibility" in subsection (q) and inserting in lieu thereof "except as provided in section 108, assure convertibility".

(c) The first sentence of section 105 of such Act (7 U.S.C. 1705) is amended by striking out "section 104" and inserting in lieu thereof "sections 104 and 108".

(d) Section 106(a) of such Act (7 U.S.C. 1706(a)) is amended by adding at the end thereof the following new paragraph:

"(3) Payment for sales made for foreign currencies that are to be used under section 108 under an agreement

entered into under this title shall be made on such terms as are specified in such agreement."

(e) Such Act is amended by inserting after section 107 (7 U.S.C. 1707) the following new section:

"Sec. 108. Notwithstanding any other provision of law:

"(a) As used in this section:

"(1) The term 'developing country' means a country that is eligible to participate in a sales agreement entered into under this title.

"(2) The term 'financial intermediary' means a bank, financial institution, cooperative, nonprofit voluntary agency, or other organization or entity, as determined by the President that has the capability of making and servicing a loan in accordance with this section.

"(b) In order to foster and encourage the development of private enterprise institutions and infrastructure as the base for the expansion, promotion, and improvement of the production of food and other related goods and services within a developing country and pursuant to an agreement for the sale of agricultural commodities entered into under this title, the President may enter into an agreement with a financial intermediary located or operating in such country under which the President shall lend to such financial intermediary foreign currency that accrues as a result of commodity sales to such country under a sales agreement entered into under this title after the date of enactment of the Agriculture, Food, Trade, and Conservation Act of 1985.

"(c) To be eligible to obtain foreign currency under this section, a financial intermediary must enter into an agreement with the President under which the intermediary agrees to use such currency to make loans to private individuals, cooperatives, corporations, or other entities within a developing country, at reasonable rates of interest for the purpose of financing --

"(1) productive, private enterprise investment within such country, including such investment in projects carried out by cooperatives, nonprofit voluntary organizations, and other entities found to be qualified by the President;

"(2) private enterprise facilities for aiding the utilization and distribution, and increasing the consumption of and markets for, United States agricultural commodities and the products thereof; or

"(3) private enterprise support of self-help measures and projects.

"(d) An agreement entered into under this section shall specify the terms and conditions under which the foreign currency shall be used and subsequently repaid including the following terms and conditions:

"(1) A financial intermediary shall, to the maximum extent feasible, give preference to the financing of agricultural related private enterprise with the funds provided under this section.

"(2)(A) A financial intermediary shall repay a loan made under this section, plus accrued interest, at such times and in such manner as will permit conversion of such foreign currency to dollars in accordance with the schedule for such conversion.

"(B) A financial intermediary may repay a loan made under this section prior to the repayment date specified in such agreement.

"(3) To be eligible to receive financing from a financial intermediary under this section, an entity or venture must --

"(A) be owned, directly or indirectly, by citizens of the developing country, except that up to 25 percent of such ownership interest may be held by citizens of the United States; and

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"(B) not be owned or controlled, in whole or in part, by the government or any governmental subdivision of the developing country.

"(4)(A) The rate of interest charged on funds loaned to a financial intermediary under this section shall be such rate as is determined by the President and the intermediary.

"(B) In the case of a cooperative or nonprofit voluntary agency that is acting as a financial intermediary, the President may charge a lower rate of interest on funds loaned to such intermediary under this section than is charged to other types of intermediaries or make a grant from currencies received from sales made under section 103(a)(3) of the Act to defray the startup costs of becoming a financial intermediary.

"(5) No currency made available under this section may be used to promote the production of agricultural commodities or the products thereof that will compete, as determined by the President, in world markets with similar agricultural commodities or the products thereof produced in the United States.

"(6) The President may not require a developing country to guarantee the repayment of a loan made to a financial intermediary under this section as a condition of receipt of such loan.

"(e)(1) All currencies repaid by financial intermediaries under agreements entered into under this section shall be deposited and accounted for in accordance with section 105.

"(2) Currencies repaid by financial intermediaries shall, as determined by the President --

"(A) be used to finance additional productive, private enterprise investment under agreements with financial intermediaries entered into under this section;

"(B) be used for the development of new markets for United States agricultural commodities;

"(C) be used for the payment of United States obligations (including obligations entered into pursuant to other laws of the United States); or

"(D) be converted to dollars.

"(3) Section 1306 of title 31, United States Code, shall apply to currencies used for the purpose specified in paragraph (2)(C).

"(f)(1) Any agreement entered into under this section shall be subject to periodic audit to determine whether the terms and conditions of the agreement are being fulfilled.

"(2) Not later than 180 days after the close of each fiscal year, the President shall report to the Committee on Agriculture and the Committee on Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Foreign Relations of the Senate on the activities carried out under this section during the preceding fiscal year, including an evaluation of the impact of investment under this section on the development of agricultural related private enterprise in each participating country.

"(g) The President may provide agricultural technical assistance to further the purposes of this section, including the funding of market development activities. To the maximum extent practicable, the President shall use at least 5 percent of the foreign currencies obtained for use under this section from sales of agricultural commodities made under agreements entered into under this title after the date of enactment of the Agriculture, Food, Trade, and Conservation Act of 1985 to carry out such assistance."

Mr. HELMS. Mr. President, I am proposing this amendment largely as a result of a very strong suggestion by the distinguished Senator from Indiana [Mr. Lugar].

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Senator Lugar and I discussed some needed changes in the Public Law 480 title I program contained in the committee bill. This amendment is largely technical. This new program aims to direct activities associated with title I sales more toward the development of private enterprise.

Although we spent literally 1 week in markup putting together this program, it has become apparent, since that time, that some refinements are necessary. Under the committee bill, the program would be implemented by the Department of Agriculture. However, the Department has recently informed me of their preference that field responsibilities for this program be referred to other agencies that may be better equipped to handle the responsibility.

In light of this, Senator Lugar and I believe that the amendment is in order, is needed, and should be approved to provide that the President would administer the program. In addition, the committee bill provides that cooperatives and private voluntary organizations would participate in this program as financial intermediaries and may be provided with preferential interest rates in order to defer some of their startup costs.

However, since the time of the committee markup of this bill, questions have been raised as to the efficiency of the use of this mechanism to support startup costs. In light of this, the amendment authorizes the President to grant cooperatives and private voluntary organizations local currencies received under this program to support startup costs.

This amendment, of course, would make some significant changes in the title I program, essential changes in the program provided for in the committee bill. I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

Mr. ZORINSKY. Mr. President, we have examined the amendment and recommend its approval.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from North Carolina [Mr. Helms].

The amendment (No. 1158) was agreed to.

Mr. ZORINSKY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. MELCHER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Minnesota, amendment No. 1133.

Mr. MELCHER. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

AMENDMENT NO. 1159

(Purpose: To provide for entry into the United States of sugar from the Philippines on at least as favorable terms as sugar from any other country)

Mr. MELCHER. Mr. President, we have had an amendment that would increase slightly the Philippine sugar quota printed in the Record and circulated for a number of weeks. We have discussed this amendment with the interested

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Members of the Senate and have attempted to meet some concerns. I believe we have met those concerns, or I hope we have, and I now call up the amendment at the desk on behalf of myself, Senator Inouye, Senator Symms, and Senator Hatch and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. Melcher], for himself, Mr. Inouye, Mr. Symms, and Mr. Hatch, proposes an amendment numbered 1159.

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

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

The amendment is as follows:

At the end of the pending amendment add the following:

At the end of the bill, add two new sections as follows:

Sec. . Congress finds that the Philippines --

(1) have been a reliable supplier of sugar to the United States since 1796 when the first shipment of their sugar arrived at Boston Harbor;

(2) have a special historical relationship with the United States and has been one of this Nation's most constant and dependable allies;

(3) rely on the exportation of sugar to generate needed capital;

(4) have not been afforded fair and adequate access to the United States sugar market since import quotas were imposed on sugar in 1982; and

(5) should be given access to the United States sugar market at least as favorable as the access provided to any other country.

Sec. . Notwithstanding any other provision of law --

(a) beginning with the first calendar quarter of 1986, the total base quota amount of sugars, sirups, and molasses permitted to be imported into the United States under headnote 3, subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States shall be allocated on such basis that the percentage of such quota base allocated to the Republic of the Philippines shall not be less than the percentage allocated to any other country;

(b) during any calendar year in which sugars, sirups, and molasses from any country are not subject to any rate of duty provided for in subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States and are permitted to enter the United States duty-free, sugar, sirups, and molasses from the Republic of the Philippines shall be permitted, to the same extent, to enter duty-free; and

(c) unless specifically authorized by statute, no agency or instrumentality of the United States shall provide, in any rule, regulation, shipping schedule, or otherwise, for the entry into the United States of sugars, sirups, and molasses from any country under terms or conditions more favorable than those applicable to the entry of sugars, sirups, and molasses from the Republic of the Philippines.

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(d) to the extent that this section shall require a reallocation of quotas, the President shall first reduce, and if necessary, eliminate, the quota base of any country which produces less sugar than the aggregate total of such country's domestic consumption of sugar plus the quota base provided for such country under headnote 3, subpart A of part 10 of Schedule 1 of the tariff schedules of the United States during the 12 months prior to such reallocation, as determined by the President.

(e) to the extent practicable, the Philippines Sugar Commission shall use the value of any increased quota required by this section to acquire United States commodities by barter for use in feeding programs available to the sugar workers and their families in the provinces of Negros and Tarlack of the Philippines.

Mr. MELCHER. Mr. President, very briefly, this amendment would increase the Philippine sugar quota by approximately 3 percent and would help to rectify some of the cuts that have been made in their sugar quota over the past several years. After we quit taking Cuban sugar, we indeed took a great amount from the Philippines. They became a large supplier of that sugar. And then, in 1982, we cut them back and added insult to injury by not giving them the best deal, as good a deal as we gave to other countries that we import sugar from, in terms of the duty that we charge on the sugar.

As I stated at the outset, while we had this amendment around, we discussed it with various Members of the Senate and have modified it to try to take in some of the questions that were raised. Let me briefly describe those questions.

First of all, the question was raised:

"Well, is that country not in unrest and is there not some question about this? Granted, there are unemployed sugar workers there by the hundreds of thousands, but how can you be sure if you increase the quota for them that that would help the workers themselves?"

Let me tell you now this part of the amendment is new to the amendment that is now before us. We added this language:

To the extent practicable, the Philippines Sugar Commission shall use the value of any increase quota required by this section to acquire United States commodities by barter for use of feeding programs available to the sugar workers and their families in the provinces of Negros and Tarlack of the Philippines.

Now, that allayed one of the fears, or I hope it does. The question was raised is this somehow political? Is this somehow political at this time in the Philippines? Let me read you a telegram received from Senator Salvador H. Laurel, who is thought to be the opposition candidate for the presidency in next year's election there.

He says:

Allow us to seek your support to restore Philippine sugar quota...

Restoration urgently needed to help extricate over 4.5 million dependents of field sugar industry from worsening subversion, insurgency, criminality, poverty, hunger, other forms of economic and social unrest in sugar areas.

As America's friend and ally, Philippines was stable sugar supplier of United States since 1796.

Mr. President, I want to point out that was 1796. That is not a misreading.

America's increasing demands for Philippine sugar shipments resulting from break of diplomatic relations with Cuba in 1959 brought about massive expansion of Philippine sugar industry with additional investments of over 12 billion pesos that resulted in construction of 18 new sugar mills, doubling areas for sugar cane cultivation and increased production capacity to three million tons yearly.

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Philippine sugar quotas in America reached 1.6 million tons in 1974. These were drastically reduced to 210,000 tons in 1985 resulting in massive unemployment and various economic and social disorders now widespread in sugar areas.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. MELCHER. I am delighted to yield to the majority leader.

Mr. DOLE. Mr. President, I understand the distinguished Senator from Minnesota, Senator Durenberger, is here and opposes the amendment. I would just indicate that this is strongly opposed by the State Department. There are a lot of rumors floating around that this amendment is designed to help a couple of powerful families in the Philippines. I am not certain that is correct. I hope someone here can address that rumor that is floating around the Capitol so that we can put it to rest or know what the facts are.

Mr. SYMMS. Mr. President, I am pleased to join in the cosponsorship of this amendment with our colleague from Montana. I believe that we all should take heed of the statement, which was true when it was said in the 1930's and is true today in the 1980's, by the late Douglas MacArthur, when he said: "The Philippines are the necklace around the throat of Asia." How important they are strategically to the peace and security of the free world and the West in the trading alliance with the Pacific rim and how important they are to the future of the Pacific region of the world.

This amendment is very simple. It just corrects an injustice in the way we treated the Philippines when the sugar quotas were reinstated in 1982. The Philippines had been our oldest and most dependable supplier of foreign sugar. From 1961 through 1975 the Philippines supplied us with an average of 27 percent of our imported sugar.

It was most unfair to drastically cut their quota by 13.5 percent in 1982. This amendment only partially restores, Mr. President -- I repeat, only partially restores -- the Philippine quotas to where it should be. But it is a step in the right direction. That is why my colleagues and I have joined together with Senator Melcher to offer this amendment here on the floor today.

Mr. President, I come from a sugar producing State. When we talk about sugar, my first interest is keeping a healthy domestic sugar industry. However, we cannot, and we never have been able to produce enough sugar in the United States to meet our needs. Every year we have to import sugar. The question is who do we import it from? I want to emphasize that a vote for this amendment in behalf of the Philippines will not cost our American sugar producers one single pound of their sugar market.

I repeat, Mr. President. It will not cost any American sugar producer one single pound of the production.

It is not going to deprive the American sugar producers of markets for their sugar. This amendment provides that in the future the Philippine quota will be at least as large as the quota of any other country that we purchase sugar from, and the duty will be at least as low as that of any other country we purchase sugar from, and in every respect, as far as shipping schedules, regulations, and other requirements regarding sugar imports, the Philippines will be treated equally and as favorably as we treat most favored nations in exporting sugar to the United States.

Mr. President, this amendment is needed. I want to go through a few points of why I urge my colleagues to support it. The Philippines is our oldest trading partner. Before 1960, when Castro came to power in Cuba, the Philippines supplied 97 percent of our sugar. After the embargo was placed on their goods, the Cuban portion of the sugar market was divided equally between 30 or so nations.

When the Sugar Act expired in 1975, the Philippines was left with a large productive capacity that had just been expanded to fulfill their commitment to the American quota. The distance from the United States compared to the Dominican Republic and other suppliers meant that the Philippines could not be competitive in the American market, and had to look for other outlets in this new free market environment.

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Another point, Mr. President, the Philippine quota is presently based on an average of their exports to the United States from the end of the last quota system in 1975 to the beginning of the new system in 1982. The system that expired in 1975 had evolved from the pre-Castro basis of sugar allocation with the Philippines retaining roughly the same share in 1975 that they had held in 1960.

The present quota is supposedly based on historical suppliers of sugar to the United States. The quota system in place before 1960 started with the assumption that Cuba and the Philippines should virtually be our sole sources of sugar. Historically, therefore, we decide to base our quota not on the basis of market forces, but on the basis of supporting a friend -- Cuba before Castro, and the Philippines.

Mr. President, let us talk about supporting a friend. The Philippines have been a constant ally. They have sent troops to help our cause in both the Korea and Vietnam conflicts. They continue to host our overseas troops at Subic Bay and Clark Field. This is a known fact. It is known that what happens in the Philippines is important.

This is an issue on which all Filipinos agree.

Senator Melcher pointed out that the opposition party supports this amendment, and they said it is one of the most important things to the security, to the freedom, and economic future of the Philippine Islands. They may disagree with the Marcos regime, but they believe their faithfulness to the United States is being rewarded with a stab in the back.

Mr. President, the current anti-American sentiment in the Philippines would not rise by increasing our purchases of one of their economic resources. This might go a long way of showing the Filipinos in the Philippines that we care about them.

We can show the average Filipino that we want the Filipinos to prosper economically. We can also demonstrate to President Marcos that while we might voice our concerns about some of his policies we have the long-range interests of the Philippines in mind.

I might say, Mr. President, the long-range best interests of the Philippines happen to coincide with the long-range best interests of the United States. It will be little good for us to do things that jeopardize the economic security of the Philippines, and end up with a government less friendly to the United States, less friendly to human rights, less friendly to the things and values we believe in -- to replace the current government and the current system that is there.

There are two major questions, Mr. President, that have been asked. Before I ask those, I would like to share a letter with my colleagues from a Member of this body.

Scott, Harrison & McLeod,
Washington, DC, October 31, 1985.

Hon. Steven D. Symms,
U.S. Senate,
Washington, DC.

Dear Steve: During World War II, I served as a Navy Lt. Commander in the Pacific. I spent considerable time in the Philippines and was in Manila Bay at the time of the Japanese surrender. This war experience was the beginning of a life-long friendship with the Philippines and the Filipino people.

I have been back to the Philippines on several trips as a Congressman and later as a Senator. I have found the deterioration in American/Philippine relations, as revealed in the press the last few years, and particularly in the last few weeks, to be disheartening and disappointing. The Republic of the Philippines is a loyal ally and a great friend. We all know the importance of the two military bases in the Philippines and our mutual defense pact with the Philippines.

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Many of my Filipino friends have expressed their disappointment that the U.S. replaced them as our leading supplier of foreign sugar in 1982, and I continue to hear reports from the Philippines that it is in the sugar areas that the communists are making their biggest gains.

One of the easiest ways that we can improve our relations with the Philippines is to do what we can to help their sugar industry. I understand that my friends Orrin Hatch and Steve Symms have joined Dan Inouye and John Melcher in sponsoring an amendment to assist the Philippines sugar industry. This amendment has support from all sides in the Philippines, including opposition leaders, and I think it would be sound policy if the Congress approved the amendment and let the Philippines know that their record of being a loyal ally to the U.S. is going to be reciprocated in their time of need.

This could well be the breakthrough that will lead to much needed help for the Philippines economy and a much better Philippine attitude toward the United States.

With best personal regards,

Sincerely,
Hugh Scott.

That letter was signed by the former minority leader, the distinguished Senator from Pennsylvania, Hugh Scott, who was a Member of this body.

I see my good friend and colleague on the floor, Mr. Durenberger. I know there ave been many allegations cast around the floor. I want to answer a couple of those before we go any further.

There have been charges made that the proceeds received from additional sugar sales from the Philippines would not go to the growers but would only line the pockets of Marcos and his cronies. I would like to answer that question before it is even brought up on the floor.

The Philippine Sugar Commission has been completely reorganized as part of an agreement with the IMF to qualify for IMF funds for Philippines. The commission is now composed of three commissioners elected by the growers, three commissioners elected by the millers, and six commissioners appointed by the Philippine Government.

Included in the reorganization of the commission are new requirements for accounting and handling of funds in accordance with the IMF requirements. the Philippine Government and the Philippine Sugar Commission have met and agreed with the IMF requirements and have, therefore, been eligible for and have received sugar crop and accounting modifications that are acceptable to the IMF for the crop financing. They should certainly be acceptable to the United States.

Congress has seen to it that the proceeds from the additional United States sugar purchases reach the producers of the Philippines.

That is the answer to the first one.

The other question that comes up -- and some of my colleagues have asked me about it -- is would this amendment make it difficult to allocate sugar quotas?

First off, Mr. President, that is simply not true. Dr. Martin Sorkin, a long-time economist with USDA, Chief Economist, and an expert in sugar policy said it would merely require minor adjustments that any junior accountant could make in reallocating an import quota.

One way would be to take the 4-percent difference between the Dominican Republic's 17.6 percent and the

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Philippines' 13.5 percent. The new total of 104.1 percent would then be reduced to 100 percent, with all other countries having a slightly smaller percentage than they presently have with the Philippines having slightly more.

Another way of adjusting the import quotas would be to add an adjustment reserve. The estimation of a needed import quota is not an exact science, and can often be off by as much as 200,000 tons annually.

If we are talking about a 1-million-ton quota, we could easily add 41,000 tons to the Philippine quota which would make it equal to the quota allocated to the Dominican Republic. The total quota instead of being 1 million tons would now be 1,041,000. Therefore, any adjustment downward would be taken into consideration with the following year's quota.

This would achieve the objective of allowing the Philippine quota to be at least equal to that of the Dominican Republic, and at the same time maintaining the quota percentages of any country that provides the United States with sugar.

Mr. President, I think this is a most important amendment. I hope my colleagues will look favorably upon this amendment. I think that the underlying fact that we should remember is that the Philippines are our very old ally and trading partner. They are a long-time friend and certainly an important ally, securitywise, strategicwise, of the United States of America in the Pacific area.

As General MacArthur stated in the 1930's, the Philippines are the necklace around the throat of Asia.

Should we turn our backs when the purpose of this entire program originally was to buy sugar from our friends, support our friends, not buy sugar from our enemies?

I would say I find it very difficult to understand why some people on that list have any quota at all when it is very obvious that they are buying sugar from Castro's Cuba and selling it back to the United States.

We have an ally who is in trouble.

These are difficult times in the Philippines. The letter from Senator Scott attests to the fact of the Communist expansionism that has been taking place in some of the sugar-growing areas. It is most important that we not turn our back or do anything to disrupt civility in that country at this point in time.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I wonder if I could interest Senators in a time agreement. I checked with the timekeeper and Senator Symms and Senator Melcher have used 17 minutes.

Mr. THURMOND. I would like to have 1 minute.

Mr. HELMS. How about 30 minutes on a side, and consider that the time already used be deducted? Is that all right?

Mr. MELCHER. Well, there are others who want to speak on this subject, such as Senator Inouye.

Mr. SYMMS. I will say also to the distinguished chairman that it might be that he would want to check with Senator Laxalt's office because he indicated he was supportive of this amendment. He may want to speak.

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I may say to the distinguished chairman I am happy to enter into a time agreement, but I do not know how long the distinguished Senator from Minnesota may need. We also need some minor amount of time for rebuttal.

Mr. DURENBERGER. I would not take too long.

Mr. ZORINSKY. We are looking at 10:30 or 11 o'clock for third reading of this bill. We would like to get some cooperation on time. If we do not want that, that is something else. I know a lot of our colleagues would like to finish this.

I do not want to put anybody in the position where we take away their right to speak as long as they want. But I am saying this is a good evening to remember your colleagues, also. As strongly as emotions run on some of these amendments being offered, again I would like to say that two things a Senator loves to hear is their name and their own voice.

Everybody would appreciate it if whatever needs to be said could be said briefly.

Mr. McCLURE. Will the Senator yield?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to associate myself with the splendid remarks of the able Senator from Idaho on this subject. I think this is a sound amendment.

I request the chief author of this amendment to add my name as a cosponsor. I ask unanimous consent that that be done.

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

Mr. McCLURE. Will the Senator yield for a suggestion?

Mr. HELMS. Certainly.

Mr. McCLURE. I wonder if this would be possible. As I understand it, the proponents have 17 or 18 minutes on their side. Would it be possible to get the opponents to agree to 10 additional minutes on their side and 20 additional minutes for the proponents?

Mr. SYMMS. That sounds fair to me.

Mr. DURENBERGER. Mr. President, I do not know who else wishes to speak.

Mr. McCLURE. That will give you 20 minutes.

Mr. DURENBERGER. We have several issues here. This is not an agriculture issue but it is a foreign policy issue. There is really a lot to be discussed. I cannot imagine that in opposition I can do it in less than 30 minutes. There may be others who may want to speak within that timeframe. I do not want to spend the evening on the matter.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, I have not concluded my remarks. I yielded to the majority leader a few moments ago in the middle of my remarks. I want to complete them now.

Mr. DOLE. If you will yield to me one more time, I will appreciate it.

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Mr. MELCHER. I yield one more time.

Mr. DOLE. I do not want to be accused of shutting off debate on this bill, but the only way I know to terminate some of this debate is to start to table all amendments. I think the Members on both sides can determine, and they have been here long enough, if that is the procedure we should follow.

I do not know whether this belongs on a farm bill or not. Here it is almost 10 o'clock. We are almost heading for Saturday. We have had the Philippines, bankruptcy judges, and so on. But this is supposed to be a farm bill. As soon as I get a few indications from the other side that they are prepared, we are going to move to table all amendments.

Mr. MELCHER. I thank the majority leader.

I must say that certainly a sugar quota does belong on an agriculture bill. Ever since I have been here, that is where sugar quotas belonged. If there is not some Sugar Act, we would feel like we had lost part of our turf. But it is not just turf. It is sugar, indeed an important agriculture commodity, and this is a good place to be discussing something regarding sugar quotas.

Just to complete my remarks, the letter from Salvador Laurel very earnestly urging the adoption of this amendment reflects what the opposition party thinks on this issue. It is not two-sided out there. It is the Marcos party, the Government itself, and the opposition party all having endorsed increasing this sugar quota for the Philippines. They do so because of the suffering in the two provinces that produce sugar in the Philippines, Negros, and Tarlack. They are suffering there, the unemployed workers and their families, it being the worst provinces in the entire Philippines.

It does lead to insurgency and unsettled social conditions so it is extremely important from the standpoint of both the opposition and the Marcos government that something be done about it.

On the two times I have been in the Philippines during the last 2 years, the one constant uniform comment that was made by opposition leadership and by the Government was economic conditions could be improved if the United States would increase the sugar quota from the Philippines.

We should. It is worthy of doing on the merits. The needs are extremely crucial. As to what will happen with the proceeds, that is another section of the amendment I have not discussed to the extent practical.

We require that:

The Philippines Sugar Commission shall use the value of any increased quota required by this section to acquire United States commodities by barter for use in feeding programs available to the sugar workers and their families in the provinces of Negros and Tarlack of the Philippines.

Second, to the extent that this section shall require a reallocation of quotas, the President shall first reduce the quotas of any country that engages in transshipping.

That is done. We do not allow, in our basic importation of food commodities where we have quotas, transshipping.

What does that mean? It means that you buy sugar from one country, bring it into your own country, and then sell it to the United States; that should be forbidden. With the beef imports, it is absolutely forbidden and it is enforced. Canada cannot buy beef from Australia and then transship it to the United States as part of the quota. No other country can buy beef from somewhere else, take it to their country, then transship it to the United States as part of their quota. It should be the same on sugar.

This amendment carries that provision in it, to take the quota from those countries that are transshipping.

Mr. MATSUNAGA. Will the Senator yield for one question?

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Mr. MELCHER. Yes, Mr. President.

Mr. MATSUNAGA. As I understand the Senator's amendment, the total amount of imports of sugar will not in any way be increased by the Senator's amendment. Am I correct?

Mr. MELCHER. The Senator is absolutely correct. The increase in the quotas for the bill, which is a modest one, which, first of all, would come out of those countries that do transship to us, would not increase the overall quota. In no event would the foreign quota be increased. It must come out of the whole pie.

Mr. MATSUNAGA. I thank the Senator for his response. On that condition, I shall support the Senator's amendment.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, may I inquire at this time, are we under a time agreement for this amendment?

The PRESIDING OFFICER. We are not.

Mr. KERRY. Mr. President, I rise to oppose this amendment. I understand and am sympathetic to the desire of my colleagues to try to supplement and deal with some of the very real economic problems that currently exist in the Philippines. There is no question that those problems are serious and they are part of the overall dynamic of what is happening in that region, which is so important to us. But at this current moment, the Committee on Foreign Relations, in a bipartisan effort between the House and the Senate, is engaged in an effort to use whatever leverage we have -- and obviously, our leverage is not great -- in an effort to guarantee that this sudden change in the political scene in the Philippines, of a new "snap" election as it is called, is going to be a fair election and we are going to have the ability to leverage to whatever degree we can that election in whatever way necessary.

The quotas were reduced in recent years for a reason. That reason, for those who have been watching the Philippines and watching what has happened, has not disappeared. President Marcos is a master at the process of elusive change. He is a master at taking an existing committee which has drawn criticism and changing the form of that committee in one way or another but in no way altering the substance of that committee. While some so-called reforms may have been put in place with respect to the Commission on Sugar, the fact -- and it is an irrefutable fact, and anybody who is following closely what is happening in the Philippines knows it is a fact -- is that the money is still controlled by the so-called cronies. There is still a monopoly as there are in other areas of the economy.

If this quotas is raised, we shall be merely rewarding a no-reward-due situation. We shall be saying to the people in the Philippines, we shall be saying to the opposition at a critical moment in their election process, that all bets are off and it does not really matter, that we are willing to raise the quotas and allow them to go ahead with business as usual.

In the last few weeks, I have had frantic communications from the opposition in the Philippines because, as Mr. Marcos undertakes to set up the structure for this so-called snap election, he is already in the process of guaranteeing that the outcome of that election is a foregone conclusion. He is doing that in the same way, by setting up what are called the Baranguay captains as the key people in the electoral process, by making sure that the polling places will be in the homes of the Baranguay captains whom he controls, so he can intimidate. The entire process, Mr. President, is subject only to a minimal amount of influence by the Senate, the House, the Congress of the United States, and this country.

I would be surprised -- I have not heard any communication from the administration, but we have been working extremely closely with Assistant Secretary of Defense Richard Armitage, with Assistant Secretary of State Paul Wolfowitz, with Ambassador Stephen Bosworth, who was here and met with Senator Laxalt just the other day in the

Foreign Relations Committee.

I would be extremely surprised if this administration at this point in time would be willing to say this is a reward that the Marcos regime ought to receive.

There is a second critical reason why I think we should not adopt this amendment. There was a telegram read from Senator Laurel. Senator Laurel is a member of the opposition of one form or another in the selection process for the presidential candidacy. I have no doubt that telegram will be circulated in his efforts to shore up his candidacy and there is a very delicate process of negotiations going on right now in the Philippines as to whether or not there will be one candidate or two or what form that candidacy may take. If this amendment were to pass, the Senate would have unwittingly put itself in a partisan sort of way in the midst of that candidacy selection.

Mr. MELCHER. If the Senator will yield, perhaps he was not here when I earlier stated that I want to make it abundantly clear that, of course, Senator Laurel supports this as evidence by his telegram. I also want to make it abundantly clear that Cory Aquino supports this; that every opposition leader I have conferred with supports it. Cory Aquino is of the Aquino family in Ilocos, where sugar production is one of the principal chances, sometimes the only chance for the livelihood of those families. The Aquino family itself has been in the sugar plantation business for many years. But they well understand the urgency of this.

I can assure the Senator that all of the opposition leaders, all of the potential candidates, are very sincere in their request for the correction of this terrible injustice that has been done to the Philippines and has caused so much unemployment over the past 5 years, particularly during the last 3 years. They want some adjustment.

Mr. KERRY. Mr. President, I thank the distinguished Senator from Montana for his comment. I welcome it. I understand the need that exists over there. I reiterate the comment that I made, then I shall yield the floor.

I think the timing is wrong. I think in a month, 2 months, as we begin to see how the die is cast with respect to the election, we shall have a number of options and we shall face a number of very difficult choices in the Senate. But I think at this moment, given what I believe are the desires of this administration and the current efforts of our Ambassador -- who, I think, is doing an outstanding job and is very sensitive to what is happening over there -- in a meeting just a couple of days ago, there was no request from his or from the administration to move in this direction.

We met recently with one of the top businessmen in the Philippines, a graduate of the Harvard Law School and Business School and the president of one of the major corporations in that region. His feeling is that the cronyism is so pervasive, that the fundamental inability of a free capitalist society to exist under the current structure is so clear, that for the United States to take this kind of step would be a serious breach in the current posture we have taken with respect to our demand that there be a loosening up of that process and a genuine reform effort take place.

Mr. President, I yield the floor.

Mr. President, I yield the floor.

Mr. DURENBERGER. Mr. President, I rise in opposition to this amendment, and I intend to be brief. I intend to move to table the amendment as soon as any other opponents of the amendment have an opportunity to be heard. There is much to be said on the subject, but the hour is late and the amendment I think inappropriate.

Mr. President, I was watching the David Brinkley program on Sunday television a week or so ago, and I watched in amazement as the President of the Philippines on national television apparently allowed himself to be talked into having an election by Sam Donaldson. If David Brinkley had not cut off Sam Donaldson and gone to a commercial break, I imagine he would have set the date, set the terms, done the whole works right there on the David Brinkley show. I could not believe what I was seeing.

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To a degree, I have a little difficulty trying to figure out what it is we are doing here in the waning minutes of a bill we have fought so hard over for the last 3 or 4 weeks trying to change sugar policy for the United States, if in fact that is what we are trying to do.

Mr. President, let me just say that I do not know that the issue is quotas. If the issue is the quotas, I would be prepared to discuss that. The administration has taken a position in opposition to this amendment.

I could spend some time detailing the violations of GATT. I leave that to others. But, Mr. President, let me say my principal opposition, if you want the bottom line, may just be one of timing. The Philippines have been one of the oldest democracies in that part of the world. The Filipino people, as the Senator said from Hugh Scott's letter, have been our closest friend, but that democracy and those people are in substantial danger today. The question is simply how we are going to best perform in our role as their friends. If there is going to be a fair and open and free election in the Philippines, then let there be a fair and free and open election. But let us not in any way try to influence the outcome of that election by what we do on the floor of the Senate tonight.

The person I saw on television call an election at Sam Donaldson's request is equally capable of taking credit for everything that is proposed to be done here today. If you want the credit to go to the farmers in Negros or Central Luzon, if you want the credit to go to the poor people of that country who raise that sugar, then do not pass this amendment.

Wait until there has been a free election. Wait until the people of the Philippines have decided their own future. Then come to the floor of the Senate and ask us to accommodate that decision with regard to our trade policy. I would be glad to yield to the Senator from Missouri.

Mr. DANFORTH. Mr. President, before the Senator from Minnesota makes his tabling motion, I appeal to the Senator from Montana not to press this matter to a vote. Let it be said that this was one amendment that was not put on this bill. If this amendment does get on the bill, there is no doubt at all the position the House will take. We have tried putting trade matters on legislation before, on Senate bills before. The House position is very clear. It is a dead-end street. The House takes the position -- and we can quarrel with it but it is their position -- that trade legislation that goes on Senate bills gets blue slipped, and that is the end of it. The Ways and Means Committee is very jealous about protecting their jurisdictional turf. This is a dead-end street on this bill which has been on the floor now on and off since October 2. Here we are at 10:15 Friday night. The time has come to put an end to this torture. I hope that the Senator from Montana would agree that this is one amendment, because it is going no where with the House of Representatives, that we would just not press to a rollcall vote.

Mr. MELCHER. Will the Senator from Minnesota yield so I can respond?

Mr. DURENBERGER. For what purpose?

Mr. MELCHER. To respond to that point.

Mr. DURENBERGER. All right.

Mr. MELCHER. I respond to my friend from Missouri by stating that unless the House Agriculture Committee has changed since I left it, they do, indeed, feel very strongly about what we are doing with the sugar quotas. I do not think they would find it a place where they did not want this type of amendment. I think they would welcome it.

Mr. DURENBERGER. Mr. President, I am glad to yield to the chairman of the Foreign Relations Committee.

Mr. LUGAR. Mr. President, I join my colleague from Missouri with a gentle spirit and gentle words to the Senator from Montana. I ask that he not press the amendment. I appreciate that he has enthusiasm for it; many Members do. It is a legitimate question whether sugar is an agricultural subject. And it in many cases clearly is, but it has been

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demonstrated, if one takes a look at the minutes of the debate we have had thus far tonight, we have been discussing foreign policy, discussing the contestants in an election that is going to take place, and it is one on which this body spoke last week. We outlined in a unanimous resolution which came out of the Foreign Relations Committee to the floor that we are deeply concerned about the process in the Philippines.

We are not trying to pick the winners of the election, although we may have enthusiasm for some. But we are deeply concerned that our future in the Philippines depends upon there being a free and fair election; that the procedures are of the essence; that it is a delicate situation. Our colleague Paul Laxalt has visited frequently over the telephone with the President of the Philippines and those now involved in that electoral commission.

Now, clearly this enters into that picture. It is a very large departure from an allocation of sugar from the Caribbean Initiative situation, which this body also discussed as a foreign policy issue, to the Philippines right in the heart of the matter, at least of our looking at how a nation such as our own can move ahead with friends without interfering with their procedures and at the same time looking to our interests.

Now, I would simply say that it is arguable in terms of jurisdiction but in this particular context much less so. And I hope the Senator would not press the situation. But if he does, clearly I would have to oppose it, and I hope a large majority of Members would oppose it this evening on the basis that clearly this is a foreign policy. It will be discussed again and again in that context and does not belong on this bill at this time.

Mr. MURKOWSKI. Mr. President, I rise in opposition to the proposed amendment.

The timing of this amendment is, for a variety of reasons, politically inappropriate. The Congress last week voted unanimously for a concurrent resolution calling for free and fair elections in the Philippines. I was proud to cosponsor that resolution.

In the resolution, various references are made to the need for the reinvigoration of, and a restoration of public confidence in, that nation's democratic institutions. The implication is clear. There has been a deterioration in the political and economic situation in the Philippines in recent months, and we have a responsibility to help do something about it.

The cause of this unfortunate situation is the growing corruption and lack of credibility within the Philippine Government and its leading institutions, including the business community. As I noted in a statement last July, this corruption is of many types and has gone in many directions. This includes extensive capital flight by the wealthiest element of the Filipino population, who are sending a significant proportion of their capital abroad in search of safe havens.

I find it particularly disturbing that this activity is being practiced by those who have benefited the most from the Philippine economy. Further, it comes at a time when that nation is most in need of internal investment to help it overcome major economic problems.

Mr. President, in that regard I will later ask unanimous consent that an article which appeared in the New York Times of November 20 on this subject be included in the Record.

Mr. President, the concurrent resolution the Congress passed a few days ago concentrated on the political dimension within the Philippines. But the message was clearly directed to all elements of Philippine Government and society. The message was, quite simply, that the time has come: First, to stop the activities which have significantly eroded confidence both here and there in the Philippines, and, second, to begin to implement significant reform throughout Philippine society.

As that resolution implies, the elections next year for President and Vice President of the Philippines can be the key step in initiating that process -- if they are truly free, and fair, and reflect the will of the people. If that doesn't happen,

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many will conclude that our hopes are in vain and that the deterioration that is so obvious cannot be halted.

In short, we are at a major turning point in our relations with the Philippines. We have gone on record as informing the Philippines that we are engaged in watchful waiting to see in which direction the Government and people of the Philippines truly want to go.

For these reasons, it would be inappropriate for us now to take any step which could be interpreted, for whatever reason, as support for any relevant person, group, or policy inside or outside the Philippines.

Giving the Philippines a larger quota of sugar exports to the United States, as proposed in this amendment, would be just such a step, and that is mainly why I oppose it. If passed, it could be seen as a means of giving congressional approval to the current Philippines Government, thus bringing into question American neutrality in the upcoming election. Others will note that the Philippine sugar industry is in the hands of a private monopoly which has assured that the benefits of the sale of Philippine sugar goes not to the workers, but to themselves. Such observers might than conclude that helping this monopoly via this amendment would prove that the United States is hypocritical about its criticism of corruption in the Philippines and its desire to help a majority of the Filipino people.

In short, sending the Philippine establishment the message, through this amendment, that we will reward them no matter what reforms are made -- and even before any are made -- would be a tragic mistake. The damage we could do to our relations with -- and the economies of -- other friendly nations whose sugar quotas would have to be reduced is a related and very relevant point to consider as we vote on this measure.

Mr. President, I can understand the desire of the sponsors of this measure to help the Filipino sugar workers who have had a very difficult time recently. But, for the reasons I have mentioned, neither those workers nor the Philippine people as a whole are going to benefit under present circumstances.

Just as importantly, by passing this amendment we will be doing potentially great damage to our foreign policy and our ability to bring about truly meaningful reforms in the Philippines in the near future.

I call on my colleagues to vote against this amendment in proportions approaching that by which we supported our concurrent resolution the other day, that is unanimously.

This is not a time for mixed signals. It is time for a solid, straightforward, and unified signal of support -- not for a faction or group in the Philippines, but for free and fair elections which can benefit all Filipinos and their future as a democratic people with confidence in their Government and their economic institutions.

Mr. President, I now ask unanimous consent that the article from the New York Times be printed in the Record.

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

[From the New York Times, Nov. 20, 1985]

MARCOS FORTUNE: ITS SOURCES RAISE QUESTIONS

(By Jeff Gerth)

Washington, November 19. -- As has often happened in the history of the Philippines, official corruption is emerging as a central issue within the nation. Now, according to Congressional sources and Administration officials, it is becoming an increasingly important factor in relations between the United States and the Philippines.

The corruption issue figured in an unsuccessful effort to impeach President Ferdinand E. Marcos last summer. Opposition leaders have said they intend to bring it up in the elections scheduled for early next year and may refile impeachment charges with new documentation.

In the United States, Congressional investigators and a Federal grand jury in the Washington area are looking into corruption in the Philippines.

At the heart of the issue is President Marcos, his wife, Imelda, and their associates. Filipino opposition leaders and official American reports have charged that the Marcos family and their friends have drained the economy while enriching themselves and then transferred billions of dollars abroad.

A Senate Intelligence Committee staff report made public this month summarized the charge against the Marcos family this way: "Corruption has become a serious burden on the economy. The first family and their favored cronies use their position to amass great wealth, much of which is transferred abroad."

President and Mrs. Marcos have publicly denied the charges. Unlike in the United States, the first family in the Philippines does not have to make a public accounting of its finances. Mr. and Mrs. Marcos have not responded to a list of questions about their finances submitted to the Philippines Embassy by a New York Times reporter last summer.

Philippine opposition leaders have uncovered what they believe to be Marcos family holdings all over the world, but none of the assets are held in the Marcos name. Marcos supporters say the information is unsubstantiated and based on partisan politics.

A survey of public records in the United States and the Philippines, as well as interviews with Marcos business associates and American and Philippine officials, raises questions about the personal finances of the first family, the management and accountability of corporations controlled by the Marcos Government, the handling of American aid to the islands and the role of the Marcos family in questionable payments by American corporations.

WEALTH IN THE BILLIONS

Specifically, these sources have disclosed this information:

The Marcos family wealth totals a few billion dollars, made up of real estate, banks, stocks and jewels, but the assets are hidden behind layers of off-shore corporations, attorneys and nominees, according to Marcos business associates, court documents and American officials. Mrs. Marcos also collects antiques; in 1981 she paid more than \$4.5 million to the estate of a New York woman for a collection of furnishings and English antiques, according to four people familiar with the transaction.

Mrs. Marcos heads more than 30 Government corporations and Philippine auditors corporations and Philippine auditors have raised significant questions about 25 of them. For example, the 1984 audit of the National Food Authority found that \$125 million in inventory had not been reconciled with the accounting records.

Last summer, after the United States forced the food authority to give up its monopoly over grain distribution, Mr. Marcos tried to help set up a private monopoly for a close associate, according to American and Philippine officials. The effort was dropped after American officials held up \$19 million in aid and questioned the intervention, the officials said.

There are more than 300 Government corporations in the Philippines. Many of these were private companies that received favored treatment from the Marcos family and then were absorbed by the Government after they failed, according to State Department documents.

Although Government corporations are subject to audit under the Philippines Constitution, more than half could not be audited last year, according to Philippine documents. Of the corporations that were audited, the majority were found to have significant problems, documents further show.

Mrs. Marcos heads the Ministry of Human Settlements, a large social welfare agency. Official American reports

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have charged that United States aid to the ministry has been mishandled, but the reports did not charge that monies were misappropriated or diverted. However, a Federal grand jury is looking into what happened to tens of millions of dollars in military aid to the Philippines. Federal officials suspect that a relative and close friend of Mr. Marcos may have wound up with some of the money, according to American officials.

During the 1970's American corporations spent millions of dollars in questionable payments while doing business in the Philippines. Some of those transactions involved Mr. Marcos, according to former American officials.

IMPEACHMENT ATTEMPT FAILS

Corruption in the Philippines and the notion that public office can be used for private gain predates Mr. Marcos. Government salaries are hardly lavish; the President makes 100,000 pesos, or slightly more than \$5,000 a year. But a recent Senate report found that corruption under Mr. Marcos exceeded normal standards.

"Enriching oneself while in office has been a commonly accepted practice," the Senate Intelligence Committee report noted of the Philippines, but the intervention by President Marcos "on behalf of family and friends has well exceeded social norms."

Last summer, 56 of the 200 members of the Philippines National Assembly accused Mr. Marcos of "graft and corruption" and tried to remove him from office. Marcos supporters defeated the measure saying it was unsubstantiated and motivated by "petty partisan intentions."

Opposition leaders said that corruption was one of two main issues in the coming election -- the other is human rights -- and that they were going to refile impeachment charges based on new information.

The staff of the House Foreign Affairs Subcommittee on Asian and Pacific Affairs is taking a preliminary look at the opposition charges, but a subcommittee aide said it was difficult to trace personal holdings.

CORPORATIONS BALK AT AUDIT

It is also difficult to keep track of the hundreds of Filipino corporations owned or controlled by the Marcos Government.

No single Philippine Government office keeps an up-to-date list of Government corporations, even though they make up 30 percent of the Government's total debt, according to a 1984 report titled Government-Owned and Controlled Corporations. The report, recently made public in Manila by the Commission on Audit, identified 303 Government corporations at the time.

Most of these refused to be audited by the commission despite a provision in the Philippine Constitution calling for an audit, according to the report.

Of the 118 corporations that were audited, only 50 were given a clean bill of health. The 68 others were found to have "material exceptions" or other reservations.

The report listed Mrs. Marcos as being on the board of 31 corporations; in all but one case she was listed as chairman of the board. Of the 31 corporations only 6 received a clean bill of health.

The report said the audit of the National Food Authority found that \$125 million in inventory had not been reconciled with the accounting records, but offered no elaboration.

Last summer the United States held up some \$40 million in food aid until the authority relinquished its monopoly over the importation of wheat and flour. After the aid was released, President Marcos wrote a letter to the head of the Philippine Central Bank asking that foreign exchange, necessary to pay for imports, be granted to only one group,

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according to American and Philippine officials, including Reginald Velasco, the third secretary for economic affairs at the Philippines Embassy. This request would have created, in effect, a private monopoly for a close associate of Mr. Marcos.

U.S. PRESSURE SUCCEEDS

The request was rescinded, the officials said, after the United States held up an additional \$19 million in development aid and protested that the action would violate various agreements.

Many of the Government corporations have been recently organized or have absorbed assets of recently failed companies.

One often cited example of a questionable Government corporation involves the Construction and Development Corporation of the Philippines, one of the country's largest conglomerates, which was owned by Rodolfo Cuenca, a close associate of President Marcos.

First organized as a private corporation, it did most of its business with the Government. In the early 1980's it developed financial problems, accumulating more than \$1 billion in debts.

Linda K. Richter, an associate professor of political science at Kansas State University, told Congress earlier this year that in 1983 the Philippine Government secretly converted the debt into equity, in effect making the failing company a Government corporation. The cost of the takeover, Congress was told, equalled 20 percent of the entire money supply for the Philippines.

The takeover of the corporation "illustrates the way the Philippine national interest is subordinated to President Marcos' personal political ties," Professor Richter said in her testimony.

KENNEDY ASKS INQUIRY

A 1984 State Department planning document noted that the Philippine Government had taken over the assets of "over a hundred financially distressed establishments" and that "a good number of the firms seemed to enjoy special privileges from the Government of the Philippines."

"Access to leaders determines economic decisions," said Representative Stephen J. Solarz, Democrat of Brooklyn and chairman of the subcommittee that is examining the question of the Marcos family wealth. "The President issues decrees to protect his associates who may have made unwise investments."

This month Senator Edward M. Kennedy, Democrat of Massachusetts, asked the General Accounting Office, the investigating arm of Congress, to look into reports of corruption involving American aid to the Philippines.

"There have been an increasing number of reports of corruption at the highest levels of the Filipino Government leading to my concern that United States aid to the Philippines has been diverted by President and Mrs. Marcos or by individuals acting on their behalf," Mr. Kennedy wrote.

The G.A.O. and the inspector general of the Agency for International Development have previously investigated American aid to the Philippines and found irregularities but no evidence that aid had been diverted. Some of the irregularities involved the handling of money provided by the United States to Mrs. Marcos's welfare ministry.

GRAND JURY INVESTIGATING

A federal grand jury in Alexandria, Va., is investigating tens of millions of dollars in Philippine military contracts financed by the Pentagon, according to Administration officials. Some officials said they suspected that some of the money may have wound up with Gen. Fabian Ver, the former Chief of Staff of the Philippine armed forces. Both

General Ver and Mr. Marcos, who are related and close associates, were involved in approving the contracts.

During the 1970's a number of American corporations, including McDonnell Douglas Corporation, GTE and I.T.T. Corporation were charged with making illegal or questionable payments while doing business in the Philippines, according to public records.

According to a 1977 complaint by the Securities and Exchange Commission, GTE distributed about \$4.5 million to four Filipinos selected by "officials at the highest levels of the Government of the Philippines." According to one former S.E.C. official, GTE officials testified in private that President Marcos had directed the payments but his name was deleted from the public complaint because it was considered too sensitive.

The former official also said that the S.E.C. suspected that some of the \$4.5 million went to Mr. Marcos, but the commission could not trace the monies beyond a Bahamian corporation.

Mr. DURENBERGER. Mr. President, I would like to yield to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I rise in opposition to the pending amendment offered by the Senator from Montana. It makes no sense for the United States to be rewarding President Marcos and his friends with bigger sugar quotas unless and until they undertake fundamental economic and political reforms. The amendment before us is contrary to U.S. policy. It will thwart, not promote, the restoration of democracy and the reinvigoration of the Philippine economy. It will send a signal that America is not serious about reform. And it will embolden Mr. Marcos and his cronies to resist the sweeping changes that must take place if Communist insurgency in the Philippines is to be contained.

Mr. President, a fundamental restructuring of the Philippine economy is necessary to reduce popular support for the Communist-backed New People's Army. But President Marcos stubbornly resists such reforms because they would destroy the monopolies that fuel his political machine.

Nowhere is this more apparent than sugar. For more than a decade, the sugar monopoly has given Mr. Marcos and his deputies political and economic control over one of the Philippine's most important industries. Ending the monopoly means ending that control. That is why President Marcos opposes it.

To enlarge the sugar quota at this time will just provide an infusion of new funds for Marcos and his friends. Little if any of these funds will benefit Filipino sugar workers, many of whom are literally starving because of the monopoly's vast corruption.

Mr. President, as the Senate knows, I am strongly in favor of liberalizing sugar quotas. But the time to raise the quota for the Philippines is after essential electoral and economic reforms are in place, not before.

So I urge my colleagues to vote against this amendment, if the distinguished Senator from Montana insists on pushing it to a vote. It is my hope, however, that he will withdraw it.

Mr. ROTH. Mr. President, I arise in opposition to the amendment introduced by the senior Senator from Montana, Senator Melcher. The Melcher amendment provides that the quota of sugar which the United States allows the Philippines to export to this country shall be increased by some 70,000 tons. I do not feel that the increase in the Philippine quota should be made at the expense of other countries which also export sugar to the United States. Instead the increase in the Philippine quota should be provided for by an overall increase in the general quota of foreign sugar allowed into this country.

What is the rationale for my opposition believe that the answer to this question is clear. Mr. President, I fail to see the point of the sugar quota of one poor country, or group of countries, for the benefit of another poor country, in this case, the Philippines. If we are to increase the Philippines' sugar quota, are we to do so at the expense of the Dominican

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Republic, Honduras, Belize, Guatemala, or El Salvador? I would hope not, because we have a serious national security stake in the economic development of these nations. Granted, we have a major stake in the Philippines, but that should not blind us to our major interests in Central America.

In fact, Mr. President, this entire business of sugar quotas resembles nothing more than a complex but pointless process of robbing Peter to pay Paul. Let me read a partial list of major international sugar producers provided by the Foreign Agricultural Service: Barbados, Belize, Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Jamaica, the Philippines, Swaziland, Zimbabwe. What do these countries have in common besides that activity in the international sugar market? They are all recipients of U.S. foreign aid, many of them large recipients of foreign aid.

In other words, Mr. President, we are telling these countries that we have a major stake in the development of their economies and the consequent stabilization of their political environment but, at the same time, we are telling them that we will purchase only a limited amount of their sugar, which they produce at very low cost. We then compensate the countries for the economic damage done to them by our protectionist policies by providing them with generous portions of foreign aid.

Who wins and who loses in this process? The domestic sugar producer wins heavily through the maintenance of artificially high sugar prices. The foreign sugar producer neither wins nor loses, since his export losses are compensated by U.S. foreign aid. The one person who emerges as a truly massive loser is the U.S. citizen, who loses twice over, both as a consumer and as taxpayer.

As a consumer, the U.S. citizen suffers from the economic consequences of sugar quotas, being obliged to pay an artificially high price of 18.7 cents per pound, when the world market price is a mere 5.18 cents per pound. In other words, our consumers must pay 260 percent more for sugar than they should have to in order to maintain sugar quotas.

However, when this agony is over, the U.S. citizen must still continue paying because then, as a taxpayer, our citizen must dig deep into his pocket for foreign aid money and repair the economic damage done by our protectionist position.

Mr. President, I am not ashamed to say that I do not like foreign aid. No matter how nicely we work it, foreign aid is still nothing more than a handout and that is not the American way. If we are going to protect our security interests in Central America and the Caribbean, we would be far better advised to let those countries get down to their economic development rather than telling what they can and cannot grow and sell. I am similarly reluctant to tell U.S. consumers that the Congress had decided that they are going to have to pay twice over, through high prices and taxation in order to provide economic benefits for the few.

Mr. HELMS. Mr. President, under the current quota system, there are some countries with sugar quotas despite the fact that they produce less sugar than they consume, or none at all. This means such countries buy world sugar at 4 or 5 cents and then transship it to the United States.

Mr. President, there is good reason to believe that at least one of these countries is buying sugar produced in Cuba and transshipping to the United States.

Mr. President, I don't believe that American citizens want the sugar program to support Fidel Castro's sugar industry.

This amendment would effectively stop this transshipment of Cuban sugar and give the resulting excess quota to the Philippines.

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

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Mr. MELCHER. Mr. President, will the Senator withhold that until one of the sponsors of the amendment has spoken?

The PRESIDING OFFICER. Will the Senator suspend? There is a motion to table.

Mr. DURENBERGER. Mr. President, I withhold my motion to table.

Mr. PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. president, my distinguished colleagues in opposition to this amendment have suggested that its adoption would send a terrible message to the people of the Philippines. Let us review the history of messages we have sent to the Philippines.

In 1980, the Philipinos provided 27 percent of America's sugar quota. In 1981, while proclaiming our deep and abiding friendship for the Filipinos, we cut their quota in half -- not by 5 percent or 10 percent, but by 50 percent. And we wonder what happened to their economy.

There were other messages, Mr. President.

In World War II, the most devastated city was Manila -- not Dresden, not Berlin, not Tokyo, but Manila. Thousands upon thousands of Filipino men and women died for their land and died for our cause.

At the end of that terrible war, with much justification, they expected their big brothers and sisters of the United States to come forth with magnanimity and restore their land. But we had a foreign policy that said we must build up Europe and we must build up Japan to serve as bulwarks against communism.

So the Philippines were put on the back burner. We restored Japan, while we gave the Philippines independence and told them, "You rebuild your land." That was a strange message.

Then came the Korean war, and here we decided that, as part of the policy of containing communism, we would use Japan as a logistics center. Meanwhile, the Filipinos were still waiting for their turn. They sent troops to Korea; the Japanese did not send any. The Japanese flourished; the Filipinos waited.

Came the Vietnam war, and, as all of us know, Vietnam is just across the river from the Philippines. The Filipinos felt that maybe this time Manila would be the logistics center for the United States. No; it became Japan again. The Filipinos sent troops to Vietnam; the Japanese did not send any. The Japanese flourished; the Filipinos waited.

During the administration of President Carter, I was asked by the President to travel to Manila to confer with President Marcos, to urge the latter to send his negotiators back to the bargaining table. As all of us recall, at that moment the United States and the Philippines were in the midst of their first base negotiations.

We have had base negotiations with the British, with the Spaniards, with the Greeks, and with the Turks. This was the first time with the Filipinos. President Carter could not understand why suddenly Marcos withdrew his negotiators. So he asked me, "Why don't you go there and find out what's wrong, and urge the President to send his men back?"

I will tell you why President Marcos withdrew his negotiators. Our side adamantly refused the request on the part of the Filipinos to permit the Filipinos to fly the flag of the Philippines on Subic and Clark Air Fore Base. Keep in mind that these parcels belong to the Philippines.

In Britain, the British flag and the American flag fly together. In Germany, the German flag and the American flag fly together. In Greece, the Greek flag and the America flag fly together. In Turkey, the Turkish flag and the American flag fly together. But in the Philippines, the land of our brown brothers, we said: "No, your flag is not fit to fly next to

ours."

What sort of message would that send to our friends? Well, Mr. President, It is tempting to equate President Marcos with the Philippines, but Ferdinand Marcos is not the Philippines. He will not be there forever. The Filipinos have been extremely patient with us. We have imposed upon the Filipinos conditions that we have never imposed upon other friends of ours.

What this amendment does is not to restore the 13.5 percent to 27 percent. All we are saying is, let us give the Philippines as much as any other country gets.

When we cut the Filipino quota, who do you think got that 13.5 percent? Canada got some of it. The Canadians do not grow sugar. So what sugar do we buy from the Canadians? The sugar they buy from Cuba. That is glorious, is it not?

Then we decided that the Irish needed a quota. Well, I suppose it is very popular among Irish Americans, but they do not grow sugar there either.

But we told the Philippines, "We love you very much, you are a great democratic country, but we are going to cut your quota in half" and we wonder why the economy is in a shambles.

Certainly there is corruption there, terrible corruption. But if you want to help the cause of democracy, I would say the adoption of this amendment does more than just criticize the Philippines. I think it is about time we sent a message, a very positive one of friendship. It is not an expensive one. Instead of restoring 13 1/2 percent we will restore just 3 1/2 percent.

Mr. President, I hope that for at least one moment we can think of the Philippines without the specter of Marcos. I am voting for the Philippines, Mr. President, not for Marcos.

Thank you.

Mr. DURENBERGER. Mr. President, I have watched and worked with and admired my colleague from Hawaii for 7 years now and probably no more than I do tonight on one of the rare opportunities in which we are on different sides of the issue.

I cannot disagree with his history of the Second World War, the Korean war period, the Vietnam war period.

But let me, without too much detail, remind my colleagues the issue tonight is really not the Philippines. It is Marcos.

While all of those things were happening in the 1970's that our colleague talked about, the sugar industry in the Philippines was not controlled by Filipino farmers, growers of sugarcane. The sugar industry in its access to the U.S. market was controlled by a Government marketing monopoly called Nasutra.

Sugar was purchased from the growers by Nasutra at about half the free market price. The difference was then raked off into an account in the Republican Planters' Bank which was controlled by one of Marcos' oldest and dearest cronies, Benedicto.

Billions of dollars were obtained in this fashion. They were used to purchase shipping lines. They were used to purchase bus companies. They were used to purchase retail shops, industries of one kind or another, auto repair facilities and the list could go on and on for Mr. Benedicto, not for the grower, not for all of those Filipinos. For Mr. Benedicto.

The effect of that has been to virtually wipe out the commercial middle class in the sugar growing part of the Philippines.

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The sugar was then sold by Nasutra to Revere Inc. in Boston at below market prices, and the difference between the sale price and the world price was raked off again into personal accounts, this time in Singapore bank and Swiss bank accounts.

Nasutra also held long-term multiyear contracts with international traders in London for purchases at approximately 25 cents per pound.

We have had a lot of discussion on sugar today, and you know that the world market price at one point dropped precipitously. These contracts then, obviously, became quite valuable. What did Mr. Benedicto do? Benedicto sold the contracts back to the London traders and pocketed the profits.

This wholesale corruption finally bankrupted Nasutra, the Government marketing monopoly.

Responding to this and to IMF pressure to end the Government monopoly, the Government dismantled Nasutra and replaced it with a private monopoly under another Marcos crony by the name of Gustilo. Gustilo was given effective control of half of Negros as a warlord with his own private army, and that private army recently killed 20 peaceful Filipino demonstrators in what is now called the Escalante Massacre. But the export marketing monopoly remains intact, justified as necessary to allocate exports to the United States under the quota that our colleagues would have us expand.

The effect of all of this has been to divert billions of dollars into the private accounts of Marcos' friends. And the producers of sugar, all those Filipinos, the people we care so much about on the floor of this body, are starving.

Mr. President, I move to table the amendment.

Mr. DOLE. I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota to lay on the table the amendment of the Senator from Hawaii.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. Domenici], the Senator from North Carolina [Mr. East], the Senator from Arizona [Mr. Goldwater], the Senator from Alaska [Mr. Murkowski], and the Senator from Pennsylvania [Mr. Specter] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. Biden], the Senator from Massachusetts [Mr. Kennedy], and the Senator from Mississippi [Mr. Stennis] are necessarily absent.

The PRESIDING OFFICER (Mrs. Kassebaum). Are there any other Senators in the Chamber who desire to vote?

The result was announced -- yeas 69, nays 23, as follows:

(See Rollcall Vote No. 339 Leg. in the ROLL segment.)

So the motion to lay on the table amendment No. 1159 was agreed to.

Mr. DOLE. Madam President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1160

Mr. BENTSEN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The two pending amendments would have to be set aside by unanimous consent.

Mr. BENTSEN. Madam President, I ask unanimous consent that we set aside the two pending amendments.

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

The clerk will report the amendment of the Senator from Texas.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. Bentsen], for himself and Mr. Cochran and Mr. DeConcini, proposes an amendment numbered 1160.

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

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

The amendment is as follows:

At the appropriate place in the pending amendment, add the following:

On page 231, insert between lines 5 and 6 the following new section:

"COTTONSEED PROGRAM

"Sec. 1310. (a) If the price of the 1985 crop of cottonseed is adversely affected as a result of any amendment made by the Agriculture, Food, Trade, and Conservation Act of 1985 to the 1985 soybean program authorized by section 201(g) of the Agricultural Act of 1949, the Secretary of Agriculture shall implement a program providing for fair and equitable treatment for the cottonseed industry based upon oilseed product value which existed on November 1, 1985, prior to any adjustments in the 1985 soybean program.

"(b) Any program which is implemented by the Secretary for cottonseed under this section shall be carried out through the Commodity Credit Corporation."

Mr. BENTSEN. Madam President, this amendment simply directs the Secretary of Agriculture to provide fair and equitable treatment for the cottonseed industry in the event that the farm bill makes substantial changes, such as a direct payment program, in the treatment of other oilseeds, including soybeans and sunflowers. I am joined in offering this amendment by the distinguished Senator from Mississippi [Mr. Cochran] and the distinguished Senator from Arizona [Mr. DeConcini].

The amendment we agreed to, modifying the 1985 Soybean Program creates some very serious problems for the cottonseed industry, whose products were valued at more than \$330 million in my State alone in the latest census year.

Soybeans comprise such a huge proportion of the oilseed market that its product prices set the prices of other oilseed products like cottonseed, for which there is no Government program.

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The 1985 cottonseed harvest is almost complete, and the standard practice is for cottonseed oil mills to purchase and store the crop immediately upon harvest and ginning. There is no futures market in cottonseed products, and the only hedge possible against price changes is forward sales, which have been almost nonexistent this season due to the heavy worldwide surplus of oilseeds.

Cottonseed mills, therefore, bought cottonseed at the equivalent of the \$5.02 soybean loan in the belief that the program would not change. Now, with the change only discussed, but not yet enacted, soybean prices have already dropped substantially. Soybean product prices inevitably follow soybeans, dragging cottonseed product prices with them.

We have made soybean producers whole with the \$35 per acre payment. Soybean processors typically do not purchase very much ahead of their needs and have means of hedging their purchases, so they are also protected.

To prevent our action on soybeans from resulting in huge losses for cottonseed mills, some fair and equitable treatment is required. The amendment which we are offering would simply direct the Secretary of Agriculture to provide that equal protection by using existing programs and authorities. We anticipate that this will result in no cash outlays, since USDA can and probably will use surplus commodities.

Madam President, I have discussed this with the leadership on the majority side and the minority side. I understand it is acceptable to them.

I urge adoption of the amendment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, this amendment has been cleared on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 1160) was agreed to.

Mr. HELMS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BENTSEN. Madam President, I ask unanimous consent that the pending legislation be set aside temporarily.

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

AMENDMENT NO. 1161

Mr. BENTSEN. 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 Texas [Mr. Bentsen], for himself, Senator Cochran, Senator Dole, Senator Stennis, Senator Pryor, Senator Bumpers, Senator Boren, Senator Nickles, and Senator Gramm, proposes an amendment numbered 1161.

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

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

The amendment is as follows:

At the end of the pending amendment, add the following:

On page 231, insert between lines 5 and 6 the following new section:

ADVANCE ANNOUNCEMENT

"Sec. 1320. The Agricultural Act of 1949 is amended by redesignating section 406 as "406(a)" and adding a new subsection "(b)" to read as follows:

"(b)(1) Notwithstanding any other provision of this Act, the Secretary of Agriculture shall offer an option to producers of the 1987 through 1990 crops of wheat, feed grains, upland cotton and rice and respect to participation in commodity price support, production adjustment and payment programs as provided in this subsection.

"(2) With respect to the 1987 through 1990 crops of wheat, feed grains, upland cotton, and rice, in any county in the United States, if the Secretary has not made final announcement of the terms of the commodity price support production adjustment, and payment program for wheat, feed grains, upland cotton, or rice on or before the later of: (A) 60 days prior to the normal planting date of such commodity in such county, as determined by the Secretary, and (B) in the case of wheat, July 1 of the calendar year prior to the crop year for which such program is announced; in the case of feedgrains, November 15 of the calendar year prior to the crop year for which such program is announced; in the case of upland cotton, November 1 of the calendar year prior to the crop year for which such program is announced; in the case of rice, January 31 of the calendar year that is the same as the crop year for which such program is announced -- the Secretary shall permit producers of any such commodity in such county to elect to receive price support, payments and other program benefits as provided in (i) the program for such commodity for the current crop year or (ii) paragraph (3).

"(3)(A)(i) The Secretary shall permit producers eligible to make the election provided by the subsection to participate in the program described in this paragraph by complying with the terms of the program announced for the preceding crop of such commodity.

"(B)(i) Except as provided in clause (ii), the Secretary shall make available to producers of a commodity who exercise the election provided by this section and who comply fully with the terms and conditions of any acreage reduction program established for the preceding year's crop of the commodity --

"(I) loans and purchases at the level established for the program for which the crops with respect to which the election is made;

"(II) deficiency payments calculated on the same basis as the deficiency payments which were calculated for the crop immediately preceding the crop with respect to which the election is made;

"(III)(aa) Payments equal to the difference between the level of loans and purchases for the crop with respect to which the election is made and the level of loans and purchases for the crop immediately preceding the crop with respect to which the election is made.

"(bb) Payments authorized by subclause III (aa) shall be made in the form of cash or in-kind commodities.

"(ii) In the case of the 1990 crops, the Secretary shall make available to producers of a commodity who exercise the election provided by this section and who comply fully with the terms and conditions of any acreage reduction program

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established for the 1989 crops of the commodity --

"(I) loans and purchases at the level established for the 1990 crop under legislation enacted subsequent to the enactment of the Agriculture, Food, Trade, and Conservation Act of 1989, PROVIDED, That, if legislation is enacted subsequent to the enactment of Agriculture, Food, Trade, and Conservation Act of 1985 which provides that loans and purchases shall not be made with respect to the 1990 crop of a commodity, the Secretary shall make available to producer of such commodity eligible for the election provided by this subsection loans and purchases at the level determined for the 1989 crop. PROVIDED FURTHER, That, if legislation is not enacted subsequent to the enactment of the Agriculture, Food, Trade, and Conservation Act of 1985 which provides that loans and purchases shall be made with respect to the 1990 crop of a commodity, none of the provisions of this section shall apply to the 1990 crop. 1

"(II) Deficiency payments calculated on the basis of the established price for the commodity determined for the 1989 crop.

"(III)(aa) Payments equal to the difference between the level of loans and purchases that the producer is eligible to receive under clause (I) for such commodity for the 1990 crop and the level of loans and purchases determined for such commodity for the 1989 crop.

"(bb) Payments authorized by this clause (III) shall be made in cash or in the form of in-kind commodities.

"(C) The Secretary shall consider the acreage base and yield for any farm with respect to which a producer exercises the election provided by this section to be equal to the acreage base and yield that was established, or would have been established, for such farm for the year preceding the year for which the election is made."

Mr. BENTSEN. Madam President, I offer this on behalf of myself, Senator Cochran of Mississippi, Senator Stennis, Senator Pryor, Senator Bumpers, Senator Heflin, Senator Boren, Senator Dole, Senator Nickles, and Senator Gramm.

What we are trying to do here is pass legislation to provide the farmers some effective relief from the problems that have been caused by late announcements in farm programs.

Madam President, this amendment will protect farmers in future years from problems like those we are having this year due to the late announcement of the farm programs. It will extend through the 1990 crop, so for the first time in many years we will have a farm program for wheat farmers in the next farm bill year, 1989. South Texas farmers will also have effective protection from late program announcements.

My amendment will minimize the damage done to farmers by late program announcements. It says that whenever the farm program for cotton, wheat, feed grains, or rice is announced by the Secretary after the deadline set in the farm bill for that commodity and later than 60 days before the average planting date in a county, then farmers in that county will have the option of participating in either the farm program announced by the Secretary for the coming year or in the program that was announced for the past year.

This in effect tells a farmer automatically, 60 days before he must plant, that he is guaranteed at least last years' program. Sixty days is a very minimal advance notice. We normally put down herbicide for our cotton in the Rio Grande Valley of Texas around Thanksgiving and then plant in February. That requires the cotton farmer to know how many acres he can plant almost 90 days in advance of planting. So 60 days is not a generous figure; it is a minimum figure. And with the financial state of agriculture today, with many farmers right on the brink, they need every little bit of help they can get.

Today is November 22, and we still have not passed a farm bill into law. The bill was ordered reported from the Senate Agriculture Committee on September 19. Yet we still have no bill. More importantly, our farmers have no farm program.

Wheat farmers have had to plant without knowing what the wheat program would be. Farmers in Texas and other winter wheat States have planted 75 percent of our Nation's wheat crop without knowing what the program would be. They do not know how to qualify for price supports, or what those price supports will be. They do not know how much land they must set aside. They do not know whether they can graze cattle as they normally do on those acres. They are flying blind. They are being forced to guess at the farm program requirements that will eventually be announced, and they will be penalized if they guess wrong.

Cotton, rice, and feed grains do not have a program either. Cotton planting starts in February and feed grains start the last week of January. We start that annual planting process with milo in the Rio Grande Valley of Texas, and from there it sweeps north across our Nation. But many people do not realize that farming is a continuous process. Land must be prepared, herbicides bought and put down, seed purchased, financing arranged. All this must be done weeks and months before actual planting.

At today's prices, many farmers cannot get financing without being eligible for farm price supports. Bankers cannot make loans on speculation of what a farm program might be, so farmers are being forced to wait. They have been waiting for weeks now. And while they wait they must forego normal crop preparations, which increases their costs and decreases their efficiency.

Farmers must plan well in advance and cut all possible corners in order to survive. To do this they must get a farm program announced in time to make those plans.

It is totally unfair to hold innocent farmers hostage as pawns in the legislative process. It is totally unfair -- but we do it every 4 years when we consider the farm bill.

I have been told that hostages are necessary in order to pass a farm bill, that we need pressure to force a bill on through. However, what we are doing now is not holding hostages -- we are hanging them out to slowly twist in the wind. Under an optimistic scenario for the farm bill we could get a program announced by late December. It might be much later. This would devastate farmers who are squeezed between mother nature and the legislative process.

Mr. President, I do not take the time of the Senate lightly. I assure my colleagues that any inconvenience from dealing with this amendment now at this late hour is very slight compared to the problems suffered so far this year by wheat, cotton, feed grain, and rice farmers. This amendment will prevent those problems in future years. It will prevent southern farmers from being held hostage for future farm bills. It will provide for equal treatment for all farmers.

I have taken this up with the majority. I have taken it up with the minority. I believe they have no objection to the particular amendment.

Madam President, I urge the adoption of this amendment.

Mr. President, I ask unanimous consent to have printed in the Record a summary of the amendment.

There being no objection, the summary was ordered to be printed in the Record, as follows:

SUMMARY OF BENTSEN EARLY PROGRAM ANNOUNCEMENT AMENDMENT

Amendment provides that farmers impacted by late announcement of a farm program will be protected, and allowed to go forward with normal cultivation practices, by being given the option of participating in the farm program under the terms announced by the Secretary for the current crop year or under the terms announced by the Secretary for the previous crop year.

This amendment applies to the 1987-1990 crops of cotton, wheat, feed grains and rice. It does not apply to the 1990 crop if a farm bill is not passed in 1989.

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The provisions of this amendment apply only to producers of a commodity in counties for which the Secretary's announcement of the farm program for that commodity was after the later of either the program announcement deadline specified for that commodity by the farm bill or 60 days prior to the average planting date for that crop in that county.

Farmers meeting these conditions would be given the option of participating in the farm program for that commodity either under the terms announced by the Secretary for the current crop year or under the terms announced by the Secretary for the previous crop year, with the following exceptions:

(1) The loan rate for producers choosing to participate in the previous year's program would be the same as the loan rate announced by the Secretary for the current year's program.

(2) Marketing loan and other provisions tied to the loan rate would also be the same as those provisions announced by the Secretary for the current year's program.

Amendment is silent on the applicability to the TOPS program for wheat. These provisions will be dealt with in conference.

For administrative reasons and to minimize defaults to the C.C.C., all farmers must receive the same loan rate. Therefore, the loan rate and related provisions under both options will be those specified in the current year's program. In order to give the farmer choosing last year's program the effective benefit of that year's loan rate, the difference between the two loan rates will be paid to the farmer, either in cash or commodities, without being subject to any payment limitation.

Mr. HELMS. Madam President, this amendment has been cleared on this side.

Mr. MELCHER. Madam President, I commend the senior Senator from Texas for developing an innovative approach for helping our wheat, cotton, and rice producers overcome the problem of uncertainty whenever there is a substantial delay in announcing a farm program for a particular crop.

The amendment will allow farmers to make planting decisions with some knowledge of the program available to them.

This will be accomplished by giving producers -- in case of an announcement delay -- the option of participating in the farm program under the terms of the previous year's program, or under the terms of the current year's program. However, the loan rate for those participating in the previous year's crop would be the same as the current year's loan rate.

In case the previous year's loan rate is lower than the current year's loan rate, farmers who participate in the previous year's program would be paid an amount equal to the difference between the current year's loan rate and rate for the previous year.

In cases of a substantial delay of program announcement, this option should be very useful to our farmers and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1161) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Madam President, earlier today there was a discussion between the Senator from New Jersey, Senator Bradley, myself, and the chairman of the Energy Committee, Senator McClure, with regard to the serious problem which has developed in relation to order No. 436 of the Federal Energy Regulatory Commission.

The Senator from New Jersey and I have been contemplating the possibility of offering a legislative proposal dealing with that situation to be added to the pending farm bill.

The problem has developed because many pipelines that have been carrying gas in interstate markets from producers directly to end consumers have decided, in response to the issuance of this rule, to discontinue the carrying of that gas. That has caused a problem for consumers who are not threatened with the loss of a lower cost source of fuel.

It is also a very serious problem in the producing States.

In my home State of Oklahoma, it is estimated that 600 million cubic feet of natural gas is now shut in. The net result is over \$1 million per day in revenues is lost to producers. The reduced cash-flow is being felt through the financial community and disrupting the financial relationships between the producers and the financial institutions.

It is very clear that it is in the interest of both consumers and producers to have a system under which they can have nondiscriminatory access to pipelines for the transportation of their product.

As I said, the Senator from New Jersey and I have seriously considered offering legislation together on this particular piece of legislation which would join the interests of the independent producers so severely impacted now with the interests of the consumers, so that they can have natural gas at a fair price.

We talked about this with the distinguished chairman of the committee, who is now on the floor. It is my understanding from him that he feels perhaps we should defer for the present moment since his committee is looking into this matter very thoroughly and also since they are in communication with the Federal Regulatory Commission, which is also considering further action.

I would like to yield first to the Senator from Idaho to see if I have correctly stated his feeling and see if we can get assurances from him that this matter will be considered by his committee and also that he follow very carefully the activities of the Federal Energy Commission, and then I will yield to my colleague from New Jersey concerning the possibility of a legislative approach.

Mr. McCLURE. Will the Senator yield?

Mr. BOREN. I am happy to yield.

Mr. McCLURE. We have had discussions about a proposed legislative initiative with respect to the Federal Energy Regulatory Commission Order No. 436.

As the Senator will recall, and I hope others will, too, we have spent a long time trying to deal with this question of the natural gas industry deregulation or modification of the regulatory regime.

The Federal Energy Regulatory Commission, picking up on actions that were taken in our committee, largely under the leadership of the distinguished Senator from New Jersey [Mr. Bradley] dealing with the question of contract carriage, has attempted to further the deregulation of the industry by making it possible for producers and consumers to deal directly together without having to go through the intermediary step of selling to a pipeline and buying from a pipeline.

As the distinguished Senator from Oklahoma knows, that is a very complicated and complex subject. In spite of our efforts to legislate in that area, we have never been able to get all of the pieces necessary to present such a balance to all of the various kinds of producers, to the various kinds and types of pipeline companies, to the various kinds of local distribution companies, to the various kinds of consumers on the other end of the pipelines, so that they could feel a sufficient balance or tradeoff among all the other elements and accept the legislative package.

FERC has been trying to deal piecemeal with that which we have been trying to deal with in the composite. It is extremely difficult to do.

The result is that FERC Order 436, which was designed to produce one set of results which would hopefully bring consumers and producers together, has had an adverse effect on both.

It has resulted in shut-in supplies from some producers and deprived consumers from volumes of gas that might have moved to them at better rates.

I think the Senator is correct, that FERC recognizes that what they have done is not accomplishing what they set out to do.

Again under the leadership of the distinguished junior Senator from Oklahoma [Senator Nickles], we have been trying within the committee to look at the producer end of that as well as Senator Bradley's initiative with respect to the consumer end of the contract carriage issue to provide some constructive comment to the Federal Energy Regulatory Commission in hopes they would modify what they have already done. I think we are making some progress in those discussions.

I would appreciate it if indeed the Senator could find it possible to do so, to allow our committee to continue that effort and to allow FERC to continue their effort without attempting to legislate here this evening.

Mr. BOREN. I appreciate the comments of the distinguished chairman.

I know that my colleague, Senator Bradley, wants to present a comment also. We have been working to try to see if we could blend together the legitimate interests of the producers.

I will yield to him at this time.

Mr. BRADLEY. I thank my distinguished colleague from Oklahoma.

Our discussions today have been in the direction of general discussions as against the deregulation and what form that might have taken several years ago.

Very clearly, the 98th Congress voted in favor of contract carriage. It passed the Energy Committee by a vote of 18 to 1.

It is safe to say that is one aspect of the natural gas policy that does have a strong base of support, and many pipelines wish now they had supported it at that time. There is little doubt that contract carriage could deliver significant benefits to consumers.

In my State of New Jersey, there is a program, for example, that reduces the gas cost to consumers and would do so by allowing contract carriage which could only happen if there was access to the gas transportation systems.

Rule 436, which is the concern of our comments this evening, is a new rule and was created to increase competition in the natural gas industry. In fact, at the oversight hearings on rulemaking, FERC Chairman O'Connor was questioned closely on the impact of the proposed rule and he was quite reassuring when he said if implemented, "It would be equivalent, really, to carriage."

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I suggest that the rule went into effect on November 1. Unfortunately, as it turns out, there are two problems with the rule. First, the rule is voluntary. Second, most of the pipelines are not volunteering. So the effort of the distinguished Senator from Oklahoma and me is to say maybe we need a legislative remedy so that pipelines will, indeed, carry the gas; maybe we need FERC to take a stronger position; or perhaps Congress should require the pipelines to carry gas. I know the chairman of the committee is sensitive to this and will look at it very carefully.

Mr. NICKLES. Will the Senator from Oklahoma yield?

Mr. BOREN. Madam President, I shall yield and we shall bring this to a rapid conclusion. I know my junior colleague from Oklahoma, with whom I have had a discussion, wants to make a brief comment.

Mr. NICKLES. I thank my colleague.

Madam President, we have worked many hours on this issue. We had a meeting yesterday from 9:30 to 2:30. We do have a very, very serious problem with the FERC Order 436. It is our intention, our hope, our desire that the FERC will amend their rule and allow the system to change to where the pipelines will participate. There is not any participation, we are not moving gas; as a result, consumers are not getting lower priced natural gas, producers are not selling gas. It is a very chaotic situation.

We will do everything we can to get them to change the rules so it will work. If not, I will join the Senator from New Jersey, the Senator from Kansas, the Senator from Oklahoma, and others to move to a different system.

Mr. BOREN. Madam President, I thank my friends and my colleague. After hearing the comments from the distinguished chairman, the Senator from New Jersey and I shall hold off with that amendment tonight. We shall be watching this very closely and it is possible that before Congress adjourns for the year we may be led to take legislative action if we do not see steps taken to ease this crisis.

Mr. DOLE. Madam President, I thank my colleagues.

AMENDMENT NO. 1162

(Purpose: To require labeling of imported meat)

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I have an amendment I send to the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. HARKIN. I ask unanimous consent to set aside the pending amendment.

Mr. DOLE. Madam President, can we find out first -- I reserve the right to object -- what the amendment is?

Mr. HARKIN. It is the import labeling.

Mr. DOLE. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. Harkin] for himself, Mr. Exon, and Mr. Heflin, proposes an amendment numbered

1162:

At the end of the pending amendment, add the following: At the appropriate place in the bill, insert the following:

LABELING IMPORTED MEAT

Sec. . Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended --

(1) by striking out "or" at the end of paragraph (11);

(2) by striking out the period at the end of paragraph (12) and inserting in lieu thereof a semicolon and "or"; and

(3) by adding at the end the following new paragraph:

"(13) If it is or was imported and if its labeling fails to bear the words 'foreign', 'of foreign origin', 'this product contains foreign meat', 'this product may contain foreign meat', 'this container contains foreign meat', or 'this container may contain foreign meat', as the case may be, or words to indicate its country of origin."

(b) The amendments made by this section shall become effective one year after the date of enactment of this Act.

Mr. HARKIN. Madam President, I let the clerk read the entire amendment. It is very short, but I thought that by reading it it would alert Senators as to the intent of the amendment and what it says. Basically, my amendment is a meat labeling amendment. It would provide for the labeling of meat and meat products that come into this country either as to the country of origin or that, in fact, it provides some kind of label that says the meat was imported, is of foreign origin, or words to that effect.

The purpose of this amendment is to enable consumers in this country to determine whether the meat they buy is of domestic or foreign origin. The amendment says that all meat and meat food products made in whole or in part of imported meat must be so labeled, so that citizens may know when they are buying a product of foreign origin.

Madam President, legislation passed years ago by this Congress greatly expanded Federal monitoring and control of meat production, processing and marketing to the American people.

The purpose of this legislation was, of course, to protect the health and well-being of consumers and enable them to know what they are buying and eating. We have without a doubt the best meat inspection and labeling law in the world. American consumers know that when they buy meat regulated by our laws it has been rigorously examined for wholesomeness and purity and it is labeled according to requirements meant to tell people what they are buying and where it came from.

Mr. DOLE. Madam President, could we get a time agreement on this amendment?

Mr. HARKIN. Sure.

Mr. DOLE. Ten minutes on a side?

Mr. HARKIN. Fifteen.

Mr. DOLE. It is 11:25. Fifteen.

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

Mr. HARKIN. What this basically says is that in addition to regulating domestically produced meat and meat products, our existing Federal law also applies to canned, processed and prepared meats which come from foreign countries. Such products must be labeled as to country of origin. In other words, if a can of meat is imported it has to

have on it where it came from. If you buy a Polish sausage that is in a vacuum package, it has to tell you what country it came from. We import 1.9 billion pounds of processed and canned meat every year but, Madam President, processed meat that is already labeled only accounts for about a third of what comes in.

The rest of it comes in the form of frozen meat that is in packages; it is not labeled and the consumer has no way of knowing when he or she is buying or consuming this foreign meat. Typical of the products made from foreign meat, but not so labeled are hot dogs, soups, TV dinners, and hamburger. The meat in these kinds of products is often imported. But unlike the canned luncheon meat from Argentina or Canada, the hot dogs and hamburger and other products bear no label telling the buyer where the meat came from. The consumer who wishes to do so cannot restrict purchases to domestically produced and inspected beef and meat because there is no way to determine the origin of the meat in most products.

So our law in effect requires that foreign meat entering the United States that is canned or processed or prepared has to be labeled for the benefit of American consumers. And get this: Our law even requires that domestically produced meat intended for sale to foreign countries bear a label saying it is for export and disclosing information about any preservatives used. This is for the protection of foreign consumers of American meat. But the law does not require disclosure of the origin of more than 2 billion pounds of foreign beef and meat which enters the United States every year in fresh, chilled, and frozen form. This meat is sold to consumers in supermarkets throughout the country. It is made into hamburger, hot dogs, frozen dinners, soup, lunch meat, and dozens of other products.

Now, the labels on these products must by law tell consumers the name of the product, the ingredients, the name and place of business of the manufacturer, the packer, the quantity of the contents and whether the product was inspected. But the most important information, the origin of the meat, does not appear on products made from imported fresh, chilled, or frozen meat. That is a serious oversight and a loophole in the law which my amendment would correct.

We are not talking about a minor amount of meat, Madam President. We are talking about billions of pounds of imported meat made into products sold to millions of American citizens.

Last year we imported about 1.96 billion pounds of this meat which was not labeled as to origin when it reached the retail level.

Madam President, this amendment could actually be called the truth in labeling amendment. Right now, when you buy a shirt at your local department store, it has to tell you what country it was made in, whether it was imported or not. Most manufactured goods have to tell you whether it was imported or not. We all remember 1981 when the big scandal happened out on the west coast. We found out that consumers who thought they were buying hamburger were buying kangaroo meat and horse meat that they thought was hamburger. Well, I have to admit most of that has been taken care of, I would agree. But other countries still use pesticides and chemicals that are banded in this country, that find their way into the meat chain but still we let it come into this country. This is a loophole in the law. Right now the law covers canned meats, processed meats, and packaged meats but not the fresh, chilled, or frozen meats.

Madam President, just for the information of the Senators who are listening this same amendment was offered on March 21, 1978. On March 21, 1978, this amendment was offered by the distinguished Senator from Wyoming, Senator Hansen.

Senator Talmadge, at that time chairman of the Agriculture Committee, supported the amendment. I note for the record that the present distinguished majority leader, Senator Dole, said he supported the amendment. I just want to list the present Senators, for their attention, who supported it at that time.

Cosponsors of Senator Hansen's amendment were Senators Melcher, Dole, Domenici, McClure, Thurmond, Burdick, Bentsen, all of whom are still with us in this body.

I want them to know that this is basically the same amendment I am offering here that was offered by Senator

Hansen in 1978. It was accepted by this Chamber then, but it got kicked out in conference.

I think the time has come to close this loophole in the law, to let the American people know, when they buy a hamburger or a hot dog or a TV dinner, whether they are being beef that came from this country or from some other country.

In no way am I trying to restrict or unduly hamper the import of meat into this country. I just think it is time that the American people know where that meat is coming from. The American consumer should have no less. I think our beef producers in this country should have no less.

Those who raise the finest beef in this country -- in Iowa, Nebraska, and the plains of Texas and Kansas -- raise a good, wholesome product. It is inspected diligently. It is pure. It is clean. It is wholesome. The American people know when they buy that beef that they are getting a good product. Well, they should know about the beef that comes from foreign countries. This amendment would close that loophole and let people know where their meat is coming from.

I reserve the remainder of my time.

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

The PRESIDING OFFICER (Mr. Abdnor). The Senator has 8 minutes and 6 seconds.

Mr. HARKIN. Mr. President, I ask unanimous consent that the names of Senator Exon, Senator Melcher, Senator Heflin be added as cosponsors of the amendment.

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

Who yields time? If neither side yields time, the time is charged equally against both sides.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. 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. DOLE. Mr. President, I appreciate the Senator's offering this amendment, and it might be well if we had some time to fully explore it and how it might affect products we ship overseas. I will confess to having voted for this amendment earlier.

I point out that, as I understand it, we are adding \$18 million to \$30 million the first year in labeling changes for the industry and \$1 million thereafter, and about \$7 million thereafter for compliance and enforcement. The first year, it would be about \$35 million or \$40 million.

I guess the trade implications are not certain. I do not disagree with the Senator from Iowa when he talks about the treatment of our products. I know it makes people feel good in Iowa and Kansas to say we are going to put the stamp on foreign meat, on every hot dog and every hamburger. I am not certain whether this would bring counterrestrictions on goods that go to another country.

I guess you can pass the costs on to consumers. That is never an argument. Just pass the cost on to the consumers. Then you could substitute some other product, rather than meat, for your diet. If the cost got too high, you could eat

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something else and you would not have any meat. I point out that current regulations require the name of the country of origin to appear with a product name on the containers of all products distributed to U.S. consumers. That is a result, as I recall, of the efforts of many of us. I do not think we used the word "foreign." I think we used the word "imported," and that is why now we have the country of origin regulations.

I know that this has appeared in a number of House bills. I know it is opposed by the American Meat Institute, and I know that the National Cattlemen's Association has taken no position.

Mr. President, beyond all that, it is now 20 minutes to midnight, and I am not certain how many other amendments are around. I assume that a lot of Members are coming in with amendments in their pockets and they want to offer them. There is not much else going on.

So, at the appropriate time, I will move to table the amendment. I will yield back the time on this side. If the Senator from Iowa will yield back the time, maybe we can move on to something else.

Mr. LEVIN. Mr. President, I will vote against the Harkin amendment to require that the packages of meat sold at the retail level be labeled "foreign" if they contain imported meat. Presumably that includes hamburgers, hot dogs, and so forth, packaged for sale at fast food restaurants and ball games.

I am concerned that the use of the term "foreign" could create confusion when we are dealing in the context of food ingredients. I am also troubled by the administrative burdens which this labeling will impose on the processor and the retailer, and whether those burdens are justified by any potential benefits to consumers. If labeling a food item as "foreign" is designed to indicate that it has not undergone U.S. quality control testing and may be substandard, then labeling would be insufficient to protect the public safety -- the food item should not be sold at all. If the labeling process is not a question of public safety, but is merely designed to be informational about the origin of the ingredients, it is unlikely that it will significantly affect the consumers' choice at the same time that it significantly increases the burden on the processor and retailer. In the first case, the labeling required by this amendment would be inadequate. In the second, it would be unnecessary.

The confusion and cost isn't justified by the benefit in this instance, given the wording of this amendment.

Mr. HARKIN. Mr. President, I will take a few more minutes to respond.

While it is true that a container that comes into this country that has fresh chilled frozen meat in it has to bear the country of origin, once a box is opened and the meat is taken out that is the end of it. Right now many of the hot dogs you eat have some imported meat in it, but I bet you that not one person in 10,000 consumers in this country even knows it.

Again, I heard it said it is going to cost some money to print it on the labels that it contains foreign meat or the country of origin. It does not have to say "foreign meat." It can just put "imported from Australia," or "imported from Argentina."

I do not care if it says you can use the country of origin. I do not care.

But does it not seem odd that if you buy a can of meat that it has to say what country it comes from or if you buy a small container of Polish sausage or something in a vacuum pack it has to say where it is from. But if you bring in big bulk meat, break it down, and make it into hot dogs, wrap it in a package and sell it to the consumer in a store, it does not have to say where it comes from.

This loophole has been in the law too long.

Yes, it is going to cost a little money in the change of labeling, but this is a drop in the bucket. We are talking about

1.9 billion pounds of this meat coming in every year.

I just strongly feel that the American consumer has a right to know this and it is not just saying to my Iowa cattlemen or Kansas cattlemen we are going to label it. I think it is the fair and right thing to do for people to be able to know where this is coming from.

Did the Senator from Nebraska wish me to yield to him?

Mr. EXON. Mr. President, will the Senator yield to me a couple of minutes?

Mr. HARKIN. I yield.

Mr. EXON. I thank my friend from Iowa.

Mr. President, I rise in support of the amendment offered by the Senator from Iowa. I think he made an excellent case.

Every time we bring up something like this, there are thousands of reasons why we cannot do it.

I would guess that if you ask the housewife of America, "Would you like to know if it is true that half of the meat in that hot dog that you are ready to serve your youngster is from a foreign country," that housewife might like to know.

I suspect that there are thousands and thousands of hot dogs consumed where it is all American meat.

I do not know every record that any of us has seen that has been kept shows the steady decline in the consumption of red meat in the United States, and it is, therefore, our producers of red meat who are suffering.

It seems to me that the Senator has made an excellent case that if we insist on labeling on cans of meat, if we insist on a shirt being labeled made elsewhere, why is it not good business that we insist just for health and safety reasons if for no other that it be required to specify that there is foreign or imported, call it what you will, meat from another country.

I think it is clear that we have higher meat standards, higher quality of meat from a health standpoint than any other country in the world. I believe it is only playing fair with the consumer to require such an indication on the fresh meat that they purchase and consume.

Mr. HARKIN. I thank my friend from Nebraska for his words.

Again, this amendment, as I said, is long overdue to close this loophole in the law. I believe most Senators would like to express themselves on it.

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

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

The yeas and nays were ordered.

Mr. DOLE. Mr. President, have the yeas and nays been ordered on the amendment?

Mr. HARKIN. Yes; on the amendment.

Mr. DOLE. Does the Senator yield back his time?

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

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The PRESIDING OFFICER. Forty seconds.

Mr. HARKIN. Mr. President, I yield back the time.

Mr. DOLE. Mr. President, let me just make this perfectly clear, as we said on our side of the aisle here years ago.

Mr. HARKIN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DOLE. I do not yield it back yet.

The question is whether we want to continue this until 3 or 4 a.m. in the morning. It is all right with me.

Mr. DIXON. Let us get rid of it.

Mr. DOLE. If we are going to table this amendment, maybe we will stop the next amendment, and I am going to move to table this amendment. I do not care. I am not going anywhere. I had a lot of people tell me they want to go home. It is only quarter to 12 on a Friday night. They want to go home now. I am certain you will have more amendments, and if this is not tabled, that is all right with me.

But I want to find out, and maybe the best thing to do, if we cannot complete the bill tonight, is to stop here after this vote and come in tomorrow morning early.

Mr. FORD. I am for that.

Mr. DOLE. We will find out how goes and it is everyone's call.

I yield back the remainder of my time and move to table the amendment.

Mr. ZORINSKY. Mr. President, will the majority leader yield?

Mr. DOLE. I yield.

Mr. ZORINSKY. Mr. President, I wish to tell my colleagues that we were in 4 months about marking up this bill. This could have been offered in markup anytime.

Mr. DIXON. It was.

Mr. ZORINSKY. If it was offered, it did not pass, which is even worse yet.

Mr. HARKIN. Mr. President, will my friend yield?

Mr. DOLE. I am happy to yield to the Senator from Iowa.

Mr. HARKIN. I thank the majority leader for yielding.

Mr. President, I did offer this in committee. It was debated, and it was set aside, never to be brought up again. So it was never acted on in committee. I want to make that clear.

Mr. ZORINSKY. The Senator from Iowa is making a point of it at 11:45 at night. He could have made a point of it and not withdrawn it or had the vote in committee any day of those 4 months.

Mr. HARKIN. Mr. President, if the majority leader will yield one more second, I did not have that. It was set aside

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but the chairman of the Agriculture Committee asked me if I would mind setting it aside and taking it up some other time, and as a favor to him I complied.

Mr. ZORINSKY. If it is set aside now would the Senator set it aside? Why does he not set it aside then.

Mr. HARKIN. No. This is my last chance to offer it and have action on it.

Mr. DOLE. Mr. President, I do not have any stake in this except trying to finish the bill.

I yield back the remainder of my time and move to table the amendment and ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas to lay on the table the amendment of the Senator from Iowa.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from New Mexico, [Mr. Domenici], the Senator from North Carolina [Mr. East], the Senator from Arizona [Mr. Goldwater], the Senator from Alaska [Mr. Murkowski] and the Senator from Pennsylvania [Mr. Specter] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Louisiana [Mr. Johnston], the Senator from Massachusetts [Mr. Kennedy] and the Senator from Mississippi [Mr. Stennis] are necessarily absent.

The PRESIDING OFFICER (Mr. Pressler). Are there any other Senators in the Chamber who desire to vote?

The result was announced -- yeas 53, nays 39, as follows:

(See Rollcall Vote No. 340 Leg. in the ROLL segment.)

So the motion to lay on the table amendment No. 1162 was agreed to.

The following proceedings occurred after midnight.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. RUDMAN. Mr. President, I thank the Chair.

Mr. President, I just want to address a few comments to the majority leader, and anybody else who might care to listen.

Where I am from, if you run your head into a brick wall 10 times, after the 11th time you head in a different

direction.

I am not sure what is going on here tonight. Physically I expect the Senator from New Hampshire has got as much endurance as anybody in this Chamber. I know there are people here who are not feeling very well. We have some colleagues that are home who do not feel very well.

We are getting involved in a marathon around here, and in my opinion making fools of ourselves and this institution. If there are those who want to carry this on all night, I am going to say to the majority leader that this Senator believes it is time to call a halt to the foolishness.

Let us recess the U.S. Senate, let us come back tomorrow morning at 9 o'clock, and if people want to bat their heads against the wall until tomorrow night at 9 o'clock, then let us do it. And, Mr. President, let us come back on Monday. Let us come back on Tuesday, and if this farm bill is that important to the country, then let us pass it.

But quite frankly, to sit here until 3 or 4 o'clock in the morning involved in the same repetitious foolishness that we have seen for the last 4 hours is not fitting of this institution, its history, or its Members.

I do not think we should keep going on night after night until all hours of the morning in the hope that somebody is going to break because what may happen, Mr. President, is somebody's health may break. And it will not be mine.

Mr. DeCONCINI. Mr. President, will the majority leader yield?

Mr. DOLE. I am happy to yield.

Mr. DeCONCINI. Mr. President, I sympathize with the Senator from New Hampshire. I want to say in Arizona you only have to hit your head against the wall once to realize how foolish some of the things are that go on in this Chamber.

I happen to agree. I do not see any reason to stay up all night for whatever is going on here. We know, I think, the chemistry of this Chamber well enough, and what some of these concerns are. And they are legitimate.

Everybody can debate as long as they want to until cloture is imposed. I do not see any reason to stay here, and continue to do this.

I am prepared. I canceled my appointments for the whole day. I was supposed to be in Los Angeles. Other Members did the same. I think only 8 are missing, or now there are 10. And I think we ought to go home. There are better places to be than here at midnight tonight.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. DOLE. Mr. President, some of my friends are for it, and some of my friends are against it. I guess I will stick with my friends.

But I have had people say, well, let us go all night; let us go home; let us do whatever. My view is we ought to stop offering amendments.

We have had a great many amendments offered to this bill. The managers have taken amendment after amendment.

Now it seems to me that we ought to wind it up. I do not know how many amendments we have taken. But I know other Members still have amendments.

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They have a right to offer their amendments. It would seem to me that we have a choice to make. I do not have any desire to stay here all night either.

The last thing I want to do is stay here until 4 o'clock, and then not finish the bill. I think if we can finish the bill by 1 or 2 a.m., that is one thing. But to stay here until 2 or 3 o'clock, or 4 or 5 o'clock and not finish it, in my view would not be in the interest of any of us here. I am convinced we are going to finish this bill before we leave.

The adjournment resolution means that we cannot adjourn over until the 2d of December, if we stay here and recess over until Monday. I am prepared to do that. I am prepared to recess until Monday, if that is the will of the Senate. I would like to finish this farm bill. It is important to many of us who live in farm States.

I know it is frustrating to those people who do not come from farm States. I know they may feel that we are sometimes hard to get along with.

But how many amendments are left? Give me some indication.

Mr. SYMMS. Mr. President, will the majority leader yield? I would like to ask the majority leader, or maybe I should pose this parliamentary inquiry. Is it the parliamentary situation that we could vote on whether or not to go to third reading, and find out where all of the Senators stand? That is a suggestion that I am making to the majority leader.

I suggest that we move to go to third reading, and vote it up or down. We have 51 votes, and we can go to third reading. We can go ahead. We will know where we stand.

Mr. DOLE. Mr. President, under the present arrangement, it is not quite that easy.

We have considered 136 amendments, we have been on the bill 82 hours, we have had 39 rollcall votes, we have agreed to 96 amendments, we have rejected 7, we have tabled 20, we have withdrawn 6, 1 was out of order, 2 were not acted on, 1 was laid aside, 3 are pending, and 1 they cannot find. [Laughter.]

How many amendments are left? How many people have amendments? The Senator from Iowa.

Mr. HARKIN. Will the majority leader yield?

Mr. DOLE. Yes.

Mr. HARKIN. I thank the distinguished leader.

I hear rumors, and I have a copy of not a bill but an explanation, of an agricultural credit bill that I understand is going to be brought up when the farm bill is finished tonight.

I am as interested as anyone else to do something about the disastrous condition of farm credit. But I would hope that we would not be acting on a subject as important as that right after the farm bill is finished. I would hope we could get a copy of the bill so we could look at it over the Thanksgiving break and then act on it on the first day back. I wonder if the majority leader can tell us his intentions if he is going to bring up the farm credit bill after the farm bill is completed.

Mr. DOLE. I know there are some who would like to bring it up and some who would like to postpone it. It is a real crisis in some of the areas of this country -- in the Omaha district, the Wichita district, the Jackson, MS, district. What we would like to do is maybe set it for a day and time certain when we come back and try to finish it.

I am advised that there is a chance we may adjourn the Congress on the 12th of December. We are coming back on the 2d, which means we are not going to do a great deal on the 2d. We will not do anything until after the policy luncheons on the 3d. So we start with 1 1/2 days in the week gone. I assume some people will also want to go home

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Friday. We have the continuing resolution, the debt ceiling, the Gramm-Rudman-Hollings amendment. I hope we will have the farm bill conference the following week. We have the Interior appropriations and Labor-HHS appropriations conference report and things of that kind.

I assume the continuing resolution is going to take some time. There is also the farm credit bill which may not be important to all, but it is important to many others.

If we come back with 8 1/2 days with all of these issues piled up, I hope we can at least agree on a time certain, take it up and complete it. If we start down the path of offering amendments and getting into another farm bill debate, we will not have a farm credit bill this year. So there has been some discussion about doing that. I know there have been discussions by Senators on both sides of the aisle. I have not been participating in many of those discussions.

If we are in tomorrow; we might take it up tomorrow.

Mr. HARKIN. Will the majority leader yield for another question?

Mr. DOLE. I want to find out how many have amendments.

Several Senators. Third reading.

Mr. ZORINSKY. Will the majority leader yield for a suggestion?

Mr. DOLE. Yes.

Mr. ZORINSKY. Possibly if we could offer the farm credit amendment, just offer it, over the recess there would be ample opportunity for everyone to take a look at it. Then when we come back we could perhaps get a time certain on it in trade for possibly a cessation of amendments so we can get the farm bill out and then go home. Maybe that would be a better idea than trying to rush through a major piece of legislation this evening.

Mr. MELCHER. Will the majority leader yield?

Mr. DOLE. Yes.

Mr. MELCHER. I certainly commend him for the remarks he has made about farm credit. As we discussed earlier in the day, I discussed very seriously with the majority leader the need for action on farm credit soon. I personally would like to see it expedited in any way it is possible, even as an amendment on this bill. There is some objection to that. There would be some objection to even calling it up tomorrow, for instance, or whenever this bill is completed.

Comments have been made about amendments this evening. There are a lot of amendments. There is one in my hand which is not my amendment but it is from the other side. It would require additional time, including the resources of the staff people.

It is not easy to go through all these amendments. I think perhaps the amendments, most of them, that have been accepted either without a vote or with a vote, are the important amendments. I think it is a question, when we get to final passage, it would depend on how many amendments there are, and then, of course, working our way out of this tangled web we have, having all this attached to a motion to recommit. It is a difficult web to untangle without unanimous consent.

I have been working with the majority leader and the chairman of the committee since 4 o'clock on a proposal that I have which would remove some very important amendments on this side if we could get agreement. I am still working with them. I have not heard from them. I guess that means we are still working on that possibility.

I do want to assure all my colleagues that I would like to see this bill get out of here, but it is in a precarious

situation right now and will require a lot of cooperation. I think possibly if we can get that and get the necessary unanimous-consent agreements, it would allow it to move on. But the first process is to get the amendments that people have considered and acted upon, getting them out of the way.

Several Senators. Third reading.

Mr. BOSCHWITZ. I have an amendment pending and an additional amendment.

Mr. DOLE. What do you want to do about the pending amendment?

Mr. BOSCHWITZ. I believe it would require about 15 minutes or less time.

Mr. DOLE. Is that with reference to the pending amendment?

Mr. BOSCHWITZ. The pending amendment.

Mr. DOLE. With reference to the pending amendment, I thought it was a good idea. It freezes bases and yields. However, I am advised if that amendment passes, it may destroy a lot of support for this bill. I do not want to be a party to that. I would hope we might withdraw that amendment or if we want to pursue it, we can table it at the appropriate time. I think it would be very good for those of us who live in the wheat areas, but I am advised by a number of Senators who indicate support for this bill that they will not support it if that amendment is adopted.

Mr. FORD. Will the majority leader yield for a moment?

Mr. DOLE. Yes.

Mr. FORD. Your amendment which is a substitute is to go back to the committee and report back forthwith.

There are several items that need to be put together. I think the distinguished Senator from New Hampshire made a good recommendation. I believe if we could have the package put together and do it in a short period tomorrow, it would be better. If my antenna quivers the way I think it does when I get the right kind of message, there will have to be some unanimous-consent agreements. That will be very difficult to achieve, I think, unless certain things happen.

I think it is time to consider what the distinguished Senator from New Hampshire said and try to work between now and 9 o'clock in the morning, try to work this out and get it out.

Mr. BUMPERS. Will the majority leader yield?

Mr. DOLE. Yes.

Mr. BUMPERS. When the majority leader asked if there were any more amendments, the only thing I heard was the Senator from Minnesota saying he had one pending and another one.

I do not know if there is anything else. The majority leader has asked the question three times. That is all I have heard. Perhaps it would be in order to say let us have a 15-minute time agreement on his two amendments and go to passage or something. If that is the only thing. I have an amendment I am going to withdraw and not offer. I think a lot of Senators here who have amendments are not going to offer them now. Maybe we can pass this thing in the next hour.

Mr. LEAHY. Will the majority leader yield for a moment?

Mr. DOLE. Yes; let me first state that the distinguished Senator from Minnesota would like to withdraw the pending amendment, so that will take care of that amendment.

Mr. LEAHY. Mr. President, I think we should not lose sight of the discussion by the distinguished Senator from

New Hampshire and others when we talk about having things set aside and come back and putting things together. It is not just the 100 Members of the Senate who are weary. We have some very good staff on both sides of the aisle here who have been working virtually around the clock for the past week. There is only so much you can expect there. We should keep that in mind. If we could reach an agreement to wrap up this thing and go to passage, we should, but let us not put superhuman burdens on them.

Mr. DOLE. I appreciate that, Mr. President. In fact, I indicated earlier that as far as I am concerned, the staff could have gone home at 6 o'clock and we would have had a lot fewer amendments. But no one left.

I know they are tired and I know they have worked hard.

Let us see if we cannot dispose of the pending amendment. Where is the distinguished Senator from Minnesota?

Mr. HELMS. Mr. President, let me get one technical amendment taken care of.

AMENDMENT NO. 1163

(Purpose: To make technical and clarifying corrections)

Mr. HELMS. Mr. President, I ask unanimous consent to lay the two pending amendments aside.

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

Mr. HELMS. On behalf of Senator Zorinsky and myself, I send two purely technical amendments to the desk and ask that they be immediately considered.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. Helms] for himself and Mr. Zorinsky, proposes an amendment numbered 1163.

At the appropriate place in the pending amendment, add the following:

On page 51, line 1, strike out "(a)".

On page 318, line 12, strike out "(a)".

On page 365, line 15, insert "(a)" after the section designation.

On page 455, line 18, strike out "at least equal to" and insert in lieu thereof "the same as".

Mr. HELMS. Mr. President, this amendment makes several technical and clarifying changes in the bill by striking out an extra line. The amendment also changes the provision relating to inspection of imported poultry products to provide that imported poultry must have been processed in facilities and under conditions that are the same as those under which similar products are processed in the United States. This change clarifies the provision to reflect the original intent of the provision as adopted by the committee in markup.

The PRESIDING OFFICER. Is there further debate? The Chair hears none. The question is on agreeing to the amendment.

The amendment (No. 1163) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. I think one of the Senators from Iowa -- I think Senator Grassley -- has an amendment that he is trying to clear.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the two pending amendments be laid aside temporarily.

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

AMENDMENT NO. 1164

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. Grassley] proposes an amendment numbered 1164.

At the end of the pending amendment, add the following:

On page 334, between lines 13 and 14, insert the following new paragraph:

(3) In determining the acceptability of contract offers, the Secretary may give priority to offers made by owners and operators who are subject to the highest degree of economic stress, such as a general tightening of the agricultural credit or an unfavorable relationship between production costs and prices received for agricultural commodities.

Mr. GRASSLEY. Mr. President, the amendment I am introducing will authorize the Secretary of Agriculture to use financial stress as a criterion for evaluating bids for the conservation reserve.

In this bill, 40 million acres of land will be brought into the conservation reserve. It is very important that farmers in financial stress are given some special consideration in participating in this program.

Agriculture is in serious trouble. We need to use existing programs to help these farmers. I strongly encourage my colleagues to support this amendment and encourage the Secretary to use this provision to its fullest.

It is my understanding that this amendment has been accepted on both sides.

Mr. HELMS. Mr. President, I am pleased to accept the amendment offered by the distinguished Senator from Iowa.

The committee-approved bill presently contains two factors for acceptance into the conservation reserve:

First, the degree of erodibility of the land.

Second, the amount of the landowner's bid for annual contract payments.

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This amendment would authorize the Secretary to consider the degree of financial stress being experienced by the landowner. If the Secretary must choose between bids where the erodibility factor and the amount bid by the landowners are similar, he should choose the bid offered by the landowner experiencing the most financial stress.

I move adoption of the amendment and I commend the Senator's efforts.

Mr. President, we accept the amendment on this side.

Mr. ZORINSKY. Mr. President, we have looked at the amendment and we recommend its approval and passage.

Mr. CHAFEE. May I ask a question, Mr. President?

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. As I understand it, this authorizes the Secretary but does not require him. Is that correct?

Mr. GRASSLEY. That is right.

Mr. CHAFEE. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1164) was agreed to.

Mr. GRASSLEY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1065, AS MODIFIED

Mr. DOLE. Mr. President, I think it was yesterday -- I cannot recall -- or the day before that we attempted by unanimous consent to correct an inadvertent error on page 259(c) of the amendment that I sent to the desk. The amendment should have read in the last sentence: "at the end of the crop year for which the determination is being made will exceed 33 percent of the annual usage of such commodity."

It is not stated that way and we regret that. Of course, I need unanimous consent now to make that modification.

Mr. EXON. Reserving the right to object.

Mr. DOLE. I have not made the request yet.

If I cannot get that consent, I have no choice but to offer the amendment because it involves considerable savings. If we are going to get a farm bill, we have to have the savings. Of course, it is open to debate and people can debate it the rest of the evening.

First, let me ask unanimous consent that I may be permitted to modify the amendment to state it as it was intended to be stated at the time.

Mr. EXON. Reserving the right to object, and I am not certain I shall object to the request of the majority leader, with whom I have tried to cooperate, and I think he would agree, the reason I objected the other day is I want the Senate to understand what this is.

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This is an amendment that is going to allow the Secretary to use an additional 5-percent set-aside to qualify for programs. Now, does everyone understand that?

Mr. DOLE. It is discretionary.

Mr. EXON. It means the farmer is going to make that much less money but he is going to make so much less money with all the other things that have been done on the floor of the Senate that I am not going to object at this time. The reason that I objected the other day was that I thought maybe, just maybe, the amendment would be understood by enough people on the floor of the Senate that they would not think we should so penalize the farmer. But the package of amendments passed in any event, and therefore at this time I do not offer an objection, but I wanted the Senate to know what we are doing when we allow the majority leader to make his correction.

Mr. DOLE. I appreciate that. There may be others who may not be as charitable, but it is discretionary and is the same approach used by others when looking for savings. It amounts to about \$3.8 billion. That is the CBO estimate. Of course, if we are going to get a farm bill signed, we have got to have savings somewhere in the neighborhood of between \$11 billion or \$13 billion or \$14 billion to bring it in somewhere close to \$51 billion, \$52 billion instead of \$65 billion. So I make that request.

Mr. HARKIN. Reserving the right to object.

Mr. MELCHER. Reserving the right to object.

Mr. HARKIN. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, again I reserve the right to object, again to follow up on what the Senator from Nebraska said and to inform Senators what this amendment does. I probably will not object but I want the Record to show very clearly that I am opposed to it and that I did not just stand by while this was offered and say nothing. What this says is that next year, the beginning of the crop year 1986, that the Secretary can just add an additional 5-percent ARP or acreage reduction program for feed grain, cotton, rice producers, wheat producers if the carryover exceeds 33 percent of the estimated annual production, which is about one-third. But I am telling you right now that every crop will have that; they are going to have that much carryover next year. We already know that. What it does is it takes the Secretary off the hook of having any meaningful kind of supply management program.

Earlier this year, late last year we tried to get the Secretary to implement a modest paid diversion program which would have been cheaper, more efficient; they would have saved money, but they did not do it. And so now they are winding up paying for all the excess production that they had this year. If they just had a modest paid land diversion this year, they would not have had all of the target price payments.

What this amendment does is it is going to do next year exactly what it did this year. It is going to mean huge carryovers, huge payments, and then he is going to take it out of the hides of the farmer by saying, "OK, now you are going to have to take 5 percent more of your land out of use just to qualify for the program."

I thank the majority leader. I just wanted to make that point. I would not object, but I am opposed to it.

Mr. DOLE. Let me indicate that I do not quarrel with the Senator from Iowa, but there has to be a surplus or carryover or in excess of one-third of annual usage. I would also say if you look at the House bill, this is how they got most of their savings, and they are much more drastic than this. This is discretionary. In the House bill, for example, they got savings by saying you had to have a 30-percent set-aside on wheat. So we think this is a moderate position. I am not saying that what the Senator indicated was incorrect, but it is not just something the Secretary can do. First, he has to determine that there is a surplus.

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Mr. EXON. Will the majority leader yield. He was talking about the House bill. It should only be fair to point out, because there is give and take on these, the House the effect of a 5-year freeze on target prices. If we had something like a 5-year freeze on target prices; If we had something like that, then I would not be as much concerned as I am about the amendment that I am allowing to be corrected over my better judgment.

Mr. MELCHER. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. This, indeed, is scored by CBO as a \$3.8 billion savings over the next 3 years. We have in our proposal a \$2.3 billion savings on set-aside acres affecting these same commodities. Now, the majority leader is saying that this is discretionary with the Secretary of Agriculture. It is something he may do.

Well, if this is something the Secretary of Agriculture may not do, it would not be scored by the CBO as a \$3.8 billion saving.

The reason CBO gave it that savings is simply because they asked the Department of Agriculture, "If you had this language, what does it mean?" And the Department of Agriculture says it means a 5-percent, an additional 5-percent set-aside. And therefore it would save so much money.

The set-aside for wheat and corn -- that is the acres that must come out of production -- has already been established in the bill. This is another 5-percent. The saving that is described and accredited to it is because it is there. It is phrased in such a way that it is a certainty that both wheat and corn acres, wheat and corn farms will provide this additional 5-percent.

It is phrased that perhaps rice will be better off, it will not be affected as much, cotton might be better off. It will not be affected as much. So the \$3.8 billion in savings is coming out of the wheat and corn farmers for the most part by far. Now, that is where the savings are. We wonder why we have amendments. The Senator from New Hampshire wondered, I think, why there were so many amendments, why it was necessary to continue to proceed as we have proceeded with more amendments. Here is an example. Here is an example. There are many facets to this farm program and there are many reasons why amendments have to be offered. This happens to be a corrective amendment to the 25 amendments that were laid down en bloc in the motion to recommit by the majority leader. That is a 300-page amendment. There are probably other areas that need to be corrected just as it was determined this one needed to be corrected.

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

Mr. MELCHER. Yes.

Mr. EXON. Is the Senator from Montana telling the U.S. Senate and this Senator from Nebraska that wheat, corn, and feed grains are coming off less well in the reappropriation of the cuts than cotton and rice and tobacco and other crops of basically the South? Is that what the Senator from Montana is indicating to the U.S. Senate?

Mr. MELCHER. The facts of life are that that, indeed, is true.

The point is this. There are reasons that we are trying to work with the majority leader and the chairman of the committee, the manager of the bill to untangle this parliamentary monstrosity that must be untangled before we have final passage. Now, I am not sure what the majority leader and the distinguished chairman of the committee want to do about working further on such an agreement.

Nevertheless, I want to state that there are reasons to seek that agreement by those of us who represent wheat and corn States.

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Do not get me wrong: We are not in the corn program in Montana. We are just in the wheat program. Some of the other Senators have both wheat and corn.

So there is a reason why we have to continue to struggle here to get to the point to where we can welcome final passage of this bill. I do not think we are quite there. I will continue to work with the distinguished majority leader as long as he wants to, and the distinguished chairman of the committee, as long as they care to work out such an agreement.

As to this unanimous-consent request: We have had it fully discussed, and of course I do not object to the request to correct the majority leader's amendment.

The PRESIDING OFFICER. Is there objection to the modification? The Chair hears none, and it is so ordered.

Mr. DOLE. I thank my distinguished colleagues.

I regret that the error was made. I did not read page 259-C, and I might not have thought of it if I had read that far. We did compute the savings in our amendment, as we properly should have, because that was our understanding and our intent.

Now we are at the point where I cannot do much without unanimous consent. I have heard the distinguished Senator from Montana. I know what he is saying, and I do not know what kind of agreement we can make.

There is a 4-year freeze in this bill, notwithstanding the amendment of the distinguished Senator from Iowa which was defeated. There is still a 4-year freeze in the bill, and there is a 1-year freeze in the bill, and there is a 5-year freeze in the House bill.

There are going to be five Republicans and four Democrats representing the Senate in the conference, and I would assume that there is enough flexibility in that conference with the House with a 5-year freeze, and we have a 1-year freeze and a 4-year freeze. There should be the seeds of a pretty good agreement. But to say now that we should agree to a 3-year freeze, which is in essence what the distinguished Senator from Montana would like us to do, I cannot do that. I would not have the support on this side to do that.

I have been in conferences, and I believe I will be a conferee. I am a member of the committee.

I hope I could now propound a unanimous-consent request that would terminate all this in the next 30 seconds, and then we would have final passage.

Mr. MELCHER. Before the request is made, will the majority leader allow me to make some comments?

Mr. DOLE. Yes.

Mr. MELCHER. Mr. President, we have two items in this bill that are important. One of them happens to be with regard to cost. There are two things we have to take into consideration on cost. The first is, is the bill going to be within the budget?

CBO has scored the cost savings that we have made somewhere around \$10 billion to \$11 billion, which is pretty good. That certainly brings us within our budget resolution.

The other part of it is that the administration has said they want further reductions. How much, we are not quite certain. I am speaking very candidly. I think the majority leader would agree. We are getting close.

There are one or two items more that I am aware of that we have offered which could further reduce the cost. The majority leader may have some others if they are necessary.

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Some of these cost-saving amendments are very aggravating. The last one we talked about is pretty aggravating, that \$3.8 billion cut. Nevertheless, they are available; and if they stay in the bill in its final form, as it leaves the Senate, we can say that we are within shooting distance.

Now, as to the freeze, whether it is a 4-year freeze or a 1-year freeze or a 2-year freeze or a 3-year freeze, that has been paramount all along, especially with wheat and corn producers. With the addition of this extra 5 percent an acreage reserve program, it is particularly necessary to have some guarantee of stability in the bill regarding target prices. Therefore, we are talking about whether it is for 1 year or 4 years or 2 or 3.

As to the conference committee: The way the bill is before us now, if it is not changed, the position of the Senate when we get to conference on the freezes will be for either 1 year or 4 years -- the position of the Senate. That is what the bill says. But the facts of life are that it will be 1 year, unless we get some agreement. It will be 1 year. That will be the Senate position, unless we get some agreement. We have not had that agreement.

If we go to conference with a 1-year freeze and some doubt on what cost savings we have, we will present a conference where all the Senate position will be represented by the majority. We have only one vote -- whatever the majority is.

So we are talking about cost savings to get it down low enough for the administration to be agreeable with it, that it is enough cost savings. They are going to say it is not enough, by the way.

Second, the administration is going to say that they prefer the 1-year freeze. So we have the Senate majority as conferees, those five, voting the Senate position, and the administration saying they like the 1-year freeze and they want some more cuts anyway, and that is up against the House conferees.

What is going to be the outcome? There is no certainty as to what is going to be the outcome.

We are not just talking about what we would like to do. We are talking about what the wheat farmers and the corn farmers and the rest of these producers are going to be faced with for the next 4 years, the life of this bill. That is pretty important stuff where I come from, and I think it is pretty important stuff for other wheat and farm State Senators. Their home States are telling them, "This is a pretty significant thing you are doing, and you had better do it so we can survive."

I think there is some need for accommodation, for some understanding, between these two sides here. This bill is far from over unless we get that, I am afraid. I am afraid it is far from over.

I am trying to work with the majority leader and the chairman of the committee, working in good faith. I finally got my answer to the discussion we had at 4 o'clock. We get it now. The answer is no, that proposal does not seem to be any good.

That does not leave us much room, much room at all. And I do not know where we are going from here. But I will wait on the distinguished chairman and the distinguished majority leader, and I will wait and some of the rest of us over here will wait and see where we are going to come out.

I hope it is better news a little bit later on.

Mr. DOLE. Mr. President, I am going to make the unanimous consent request here in a moment and then we will find out where we are and if I cannot do that then there are, of course, other things I have to do.

It is not that I have any quarrel with the distinguished Senator from Montana personally, but you cannot lose and then say "I want what I lost." I have never been able to do that.

My view is we have had about 85 hours of debate on this bill. Everyone has offered amendments. They have been

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beated fairly and squarely. We have had the vote. We have victories and defeats, all of us, and it is 10 minutes of 1 on a Saturday morning and it would seem to me -- I do not know what else to do unless you say well, we won, but we want everyone to be happy so I cannot do that. I do not have the support on this side to do it if I wanted to do it.

So it is not just the chairman and the majority leader making an arrangement with someone on the other side or someone on this side.

I understand that before I make that request there has been an agreement worked out on the hog provision. If we can get rid of the hogs here.

Mr. HARKIN. Hogs?

Mr. DOLE. H-o-g, yes.

Mr. HELMS. Like in Redskins.

Mr. DOLE. Is that ready?

Mr. HARKIN addressed the Chair.

Mr. DOLE. Mr. President, I have the floor.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. HARKIN. Will the majority leader yield for comments?

Mr. DOLE. Let us take care of the amendment first and then I will yield.

The PRESIDING OFFICER. Without objection, the Boschwitz amendment is set aside.

AMENDMENT NO. 1165

(Purpose: To provide for funding of State associations)

Mr. THURMOND. Mr. President, I send to the desk an amendment and ask the clerk to state it.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. Thurmond], for himself, Mr. Heflin, and Mr. Dole, proposes an amendment numbered 1165.

Mr. THURMOND. Mr. President, the clerk might state the sponsors of this amendment, which includes Senator Dole, and this is concurred in by Senator Zorinsky.

The PRESIDING OFFICER. Is there objection to the amendment?

Mr. SARBANES. Mr. President, might we have an explanation of what the amendment does?

It is fine for two or three people to convene down in the well and work out an amendment while everyone else sits in their seat, but it seems to me as a minimum we should be told a little bit about what the amendment did and what it does and we want to make a judgment as to whether we want to be for it or against it.

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Mr. HARKIN. Mr. President, a parliamentary inquiry.

Mr. THURMOND. The amendment is not very long. I think it might be well to read it.

The PRESIDING OFFICER. The Clerk will read the amendment.

Mr. HARKIN. May we have a copy of it?

Mr. THURMOND. We had an amendment here and it turned out the fight was not between us and someone else. It turned out between ourselves and the national organization, but they have gotten together. They have been working here for several hours. Senator Zorinsky and Senator Grassley and all of them have worked together. They have been telephoning and they finally have gotten together on this.

So everyone now it seems is satisfied with it. I mention that, and ask that the clerk read the amendment.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

At the end of the pending amendment, add the following: At the appropriate place in title XVIII, subtitle A, section 1809, add the following new section:

MINIMUM FUNDING OF STATE ASSOCIATIONS

Sec. . (a) In no event shall the percentage determined pursuant to subsection (c)(1)(A)(ii) of section 1809 of this subtitle, in the case of a State in which there existed a State pork promotion program as of June 30, 1985, be less than that which is necessary to provide the State association of such State with an amount of funds equal to the amount that would have been collected from production in such State pursuant to such State pork promotion program which existed on June 30, 1985, less the amount of any refunds made to producers in such State pursuant to section 1813 of this subtitle, and less an amount equal to such sums as contributed by such State to national programs in the twelve-month period preceding June 30, 1985: PROVIDED, HOWEVER, no such State shall receive an amount which is less than sixteen and one-half per centum of the sum of the assessments collected from production of such State under the Act.

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

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

Mr. THURMOND. Mr. President, the purpose of the amendment is to make clear what the proponents of this national pork program have stated on the floor during debate on the issue. Specifically, no State that has an existing State pork promotion program shall receive from the national program less than they would have collected from their own producers had the State program not been preempted by this bill.

Mr. MELCHER. Mr. President, would it be piggish for us to ask for a copy of the amendment so we can have it and analyse it and see whether or not this fits in with the pork promotion section of this bill?

Mr. President, while we are waiting, while we have this good attendance, might I just say that the majority leader referred to what we have lost on this side. We think we have lost a good solid clear position on whether we had a 4-year freeze or not because now we have a 1- or a 4-year freeze.

It simply means that the Senate, if we pass it the way it is, is not in a clear position for conference, and that is why the great fear of about what would be the case if this bill would be passed as it is.

What we are facing right now, I will tell my colleagues, is this, because this is a motion to recommit all of the

amendments that are attached to this one motion to recommit, of course, or will be subject to individual votes after we dispose of the motion to recommit.

We could get to that stage pretty quickly, could even get beyond that, and then we have all these amendments all subject to consideration again, every one of them, to be read, to be voted upon. Well, first of all, after reading, to be amended, open for amendment, and then be voted upon.

I think he said there are about 100 and some. It is a very difficult position. It does require unanimous consent and it does require some cooperation, and I certainly urge cooperation and that urging started earlier in the day, some 9 hours ago now, and I hope we can get to that stage before we have to stay here too much longer.

Mr. HARKIN. Mr. President, will the Senator from Montana yield?

Mr. MELCHER. I do not want to take up the floor because now we have the amendment.

Just seek recognition on your own.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I wish to talk about something else. But is the amendment before us?

A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARKIN. What is the status of the amendment now before us? Has it been laid down?

The PRESIDING OFFICER. The amendment is pending.

Mr. THURMOND. Mr. President, did the clerk finish reading the amendment?

The PRESIDING OFFICER. The clerk read the amendment.

The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 1165) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, if I can avoid entertaining any further amendments, I am going to make my unanimous consent request now and determine what happens, and I will say one other time I cannot accommodate the Senator from Montana. I cannot capitulate to the Senator from Montana. We had the vote. It was 56 to 41, and then there was a motion on a 4-year freeze and that was defeated by the same vote.

Mr. HARKIN. Mr. President, will the majority leader yield on that point? Will the majority leader yield for an inquiry on that point?

Mr. DOLE. Yes.

Mr. HARKIN. The majority leader said there was no support on his side. However, on October 30 the amendment

offered by the Senator from Indiana providing for a 1-year freeze was defeated. It was defeated with a number of votes from that side of the aisle.

So there is support over there for something more than a 1-year freeze. Where it is I do not know.

Mr. DOLE. We can debate that. I think most Members have had enough debate.

There was a much greater vote against the 4-year freeze than there was against the 1-year freeze.

Mr. ZORINSKY. Will the majority leader yield?

Mr. DOLE. Yes.

Mr. ZORINSKY. Maybe we could look at it in this context: There are going to be four minority members on the conference. We do not have to sign the conference report. We can try to get a better deal in conference, it is true. When that conference report comes back unsigned by the four minority members, the conference report will still be debatable and filibusterable and there will be another day and another night like this available to us if, in effect, we cannot better the farm bill for the farmers and agriculture of America in that conference.

So my recommendation would be to send it forward to see if we can better it, that we can reach some accommodation, that we can influence a positive note to agriculture in the future of the farmers of this country, rather than this evening dash the hopes of many farmers throughout this country. We still have another day, another shot at this, and we can have a pretty long extended debate once again on this subject.

Mr. GLENN. Will the Senator yield?

Mr. DOLE. I believe the Senator from Nebraska was seeking recognition.

Mr. EXON. I thank the majority leader. I know that there are colleagues, good friends of mine, on both sides of the aisle who feel strongly about this matter. I had an unkind comment from my friend from South Carolina, one of my dearest friends here. Tempers are short. There are those of us who feel extremely strongly about this matter, the matter of what is going to happen to our wheat and corn farmers.

I cannot agree with my good friend and colleague from Nebraska. I think if we are going to argue this, this is the time to argue it. This is the time to use whatever leverage we have to present whatever we think is proper. And I, for one, am not satisfied with the position of saying, "Well, let's just shuffle it off into the committee and see what can be done."

My stern feeling is that we are not going to be as strong in the conference committee as we would be here on the floor of this body. And I say that with apologies in one sense, but in a larger sense no apologies at all. Because when people feel strongly about issues -- and there are few in this room tonight that have not felt as strongly as some of us do about this issue. So I apologize for our position, but in a larger sense I hope that you will understand that we are doing what we think is fundamentally necessary for our people.

Mr. DOLE. Mr. President, let me indicate that there will be a conference. Maybe there will not be a conference. Maybe there will not be a farm bill. But as long as the Record reflects why there will not be a farm bill, I guess we can all tolerate that.

But, as the distinguished manager of the bill on the Democratic side indicated, the conference report is going to come back, if there is a conference report before we adjourn this year.

I would say that if we cannot pass this bill tonight, the likelihood of a farm bill passing this year is probably less than 10 percent, because the only alternative would be to move to the House bill. If I cannot get consent to move to that

and ask that we strike all after the enacting clause and substitute the language of S. 1714 as it would read pursuant to the already agreed to amendments, then it is open to amendment.

I agree with the distinguished Senator from Montana. I assume the way we are pursuing it that you could probably have 60, 70, or 80 votes. So there is no easy course. But I feel the responsibility for the great majority in this body on both sides.

Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of H.R. 2100, the House companion bill; that all after the enacting clause be stricken and the language of S. 1714, as if it had been amended by those amendments already agreed to, except that no amendment shall be vitiated and inserted in lieu thereof, and that the House bill be considered as having been read a third time.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object.

Mr. MELCHER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, if you want to call it a filibuster when the clerk is asked to read, it is certainly an imposition on the clerk, it is an imposition on the staff, and I apologize. It is not much of a talking filibuster.

The amendments, I believe I understand this parliamentary procedure the majority leader got us into when he chose not to allow myself or others here -- I was certainly seeking recognition to present an amendment that would bring the cost down. I got recognition. My amendment was out of order, was not hung on the right way, as so many amendments were at first in this procedure. From then on, we lost the floor for weeks. We could not get back at it.

So that procedure was followed. A motion to recommit with instructions, filling the Christmas tree. It is a procedure available, but it is one that makes every amendment then subject to the same procedure we have already gone through.

I can tell you that the most time-consuming part of that whole procedure will not be votes. It will be the reading of the amendments. The votes can, for the most part, be continuously just a monotonous drone with a voice vote after every amendment from one or two present here. So if there is a filibuster, it is not a talking filibuster. It is simply continuing to say, every time a unanimous-consent request is made, "I object." So it is kind of an easy one.

I do not recommend that. I recommend that we do what we have done, to find the area of agreement. The freeze seems to be the one big stumbling block. Others may have different ideas, but that is the way I see it.

Are we quite there? I do not think everybody is through with amendments. We are not quite there. But it is a long, tedious procedure, and I hope we do not get into it. I hope we can avoid that.

Mr. EXON. Mr. President, reserving the right to object, and I do.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, I want the record to reflect, and it will reflect, where the objection came from. That is certainly a right the Senator has. The only recourse we have now is to stay here the next few days and try to complete this farm bill. If we are going to be frustrated by the will of one or two or three or four or five who cannot have their way and do not believe they can be effective in conference, then I do not know what other recourse the leadership has. That is their right to torpedo the farm bill. That may be what happens. I am not prepared to give up that easily. If I had done that, I would not be here now.

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I am going to try another way. I ask unanimous consent that we proceed to H.R. 2100, which is the House bill.

Mr. HARKIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I reserve the right to object and I will object.

Again, I would repeat for emphasis what my friend from Montana said. We are not responsible for this mess we are in.

Several Senators called for regular order.

The PRESIDING OFFICER. Regular order has been called for. Is there objection?

Mr. DOLE addressed the Chair.

Mr. HARKIN. Mr. President, I object.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, I move we proceed to immediate consideration of H.R. 2100.

The PRESIDING OFFICER. The question is on the motion.

Mr. BYRD. Mr. President, reserving the right to object, I wonder if the majority leader would withdraw that request for a moment.

Mr. DOLE. Withdraw the motion?

Mr. BYRD. Withdraw the request.

Mr. DOLE. Mr. President, I made a motion to proceed to H.R. 2100.

The PRESIDING OFFICER. The question is on the motion.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. BYRD. Mr. President, this is a debatable motion, is it not?

The PRESIDING OFFICER. The motion to proceed is debatable.

Yes.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

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Mr. HARKIN. Mr. President, as I began to say earlier, no one wants to prolong this. [Laughter.]

We are not responsible for this mess we are in.

As my friend from Montana said a couple weeks ago when we started this, we were ready to proceed on a clean bill which we could have amended, debated openly, but we were precluded from doing so.

Now I hear the words to the effect that the will of the majority of this body cannot be frustrated by one or two or three of the individuals. We have a legislative process here. It is supposed to work. Yet, we were precluded a few weeks ago -- a couple of weeks ago when this thing came down -- from engaging in the orderly legislative process of this body.

The Senator from Montana was frustrated for weeks because he could not even be recognized to offer his amendment. The parliamentary tree was filled up. Fine. I mean that is allowed under the rules. But this is also allowed under the rules, too.

I think we exercise this because we feel, as the Senator from Nebraska said, very strongly about this. So we are not responsible for this mess we are in. But what we are responsible for is trying to do the best we can for those constituents that we represent.

I ask you to come out to Iowa sometime and see what is happening out there; see how many farmers are going broke, the suicides that are increasing, and the John Deere plant in Waterloo that employed 16,000 people 4 years ago that employs 6,000 now. Come out and look at our closed schools, look at our families being torn apart, come out and visit the youth shelters in three or four cities in Iowa, and see the number of abused teenage kids, the battered wives, the increase in drunkenness and alcoholism in Iowa because of what is happening out there.

We are supposed to sit back and calmly let this bill go through that is even going to be more disastrous for the State of Iowa? Not on your life. We feel very strongly about this.

And I do not believe for a minute that there is not some room for accommodation on this. Reasonable people can get together -- --

Mr. DOLE. Reasonable people.

Mr. HARKIN. And can decide upon a midcourse. As I said, 3 weeks ago, there was a vote. The majority here decided that a 1-year freeze was not acceptable. Then later on after we had gone through this procedure here of filling up a tree, not allowing us to offer our amendments, and to follow the normal legislative process, then another vote was taken and provided for a 1-year and a 4-year freeze. Then I offered the amendment to see just exactly where people stood on that issue.

It became clear what was then afoot -- nothing more or less than to impose upon the conferees a mandate for a 1-year freeze.

I think that my constituents and the farmers in Iowa and around this country deserve better than that.

I feel very strongly -- as I know that the Senator from Nebraska does, too -- that we would be shirking our responsibilities. As I said before in this body, I was not sent here just to rubberstamp what any President wanted, whether it was a Democratic or Republican President. We hear threats of vetoes. Well, he will veto this. I heard so many threats of vetoes in the last 10 years I have been here that I am sick of them. They threaten it, send it down, and they sign it anyway.

I am sick and tired of having this threat of a veto hanging over our heads as though we cannot do anything but what the White House tells us to do. My responsibility lies in a different area; that is, to fight as hard and as long as I can

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under the rules of this body to ensure that we get the best possible farm bill for my farmers in Iowa and the farmers all over this country.

I do not think we have that in this bill. I have been forced by restrictions of budget considerations, and other things. We have made cuts. The Senator from Montana had an amendment that would have allowed us to have a 4-year target price freeze had he been allowed -- had he been allowed -- to offer his amendment 2 weeks ago. But no, that was not what one or two individuals wanted; one or two or three individuals wanted something else.

So they proceeded to fill up this parliamentary tree so that we could not proceed down the normal legislative processes in this body.

So now we are in a quagmire, not put there by us, not by this Senator, not by the Senator from Montana nor the Senator from Nebraska, but put there because one or two or three individuals did not want to follow what the majority vote would be here on the floor of the Senate.

So I do not think we can be faulted for now standing our ground, and holding fast for what we believe in.

That is the reason I object. That is the reason I will continue to object.

If the majority leader's intent is to bring up the House-passed bill H.R. 2100, and if he wants to pass it as the House passed it, I will vote for it if that is his intent. If we want to bring up H.R. 2100 just as it was passed by the House, it will have my support. But if it is being brought up as just another means of imposing on us a 1-year target price freeze, and the other cuts that are in the bill, then I would not support it.

So I do not object to just bringing up H.R. 2100. I object to using it as a vehicle again to limit our rights to fight for what we want. So if H.R. 2100 does come up, and we want to pass it in its form, that is fine. I do not know if that is the intent of the majority leader.

I would like to ask if he would answer that question. Is it the intent of the majority leader to bring up H.R. 2100, and to pass it as the House passed it?

Mr. DOLE. The Senator knows better than that. If he wants to talk, go ahead.

Mr. HARKIN. I wanted to ask. I wanted to make it clear that is not the intent.

Well, I think once again you see that the normal legislative process here has been thwarted again not by us. We are not responsible for this mess we are in, and we are going to fight for what we believe in.

The PRESIDING OFFICER. The question is on the motion.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The question is on the motion.

Mr. MELCHER addressed the Chair.

Mr. SARBANES. Mr. President, the Senator from Montana is seeking recognition.

Mr. BYRD. Mr. President, this Senator, whether we agree with him or not, is seeking recognition.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, the situation is one where I would like to see something happen that can resolve it. If everybody throws it in -- I am speaking of the distinguished majority leader, and the distinguished chairman of the

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committee -- we are going to have to map out hard, naturally.

As I have said earlier, I hope we are not frozen in. I hope there is some room for negotiation. I still have that hope.

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

Mr. DOLE addressed the Chair.

Mr. ZORINSKY. Mr. President, will the Senator withhold the suggestion of an absence of a quorum?

The PRESIDING OFFICER. Will the Senator withhold?

Mr. MELCHER. Certainly. I withhold. I ask unanimous consent that I may yield to my friend from Nebraska without losing my right to the floor.

The PRESIDING OFFICER. Without objection -- --

Mr. DOLE. Regular order, Mr. President.

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

Mr. DOLE. All right. Read it fast.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The majority leader is recognized.

Mr. DOLE. Mr. President, I move to table the motion to proceed to H.R. 2100 and I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to proceed to H.R. 2100. The yeas and nays were ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. Domenici], the Senator from North Carolina [Mr. East], the Senator from Arizona [Mr. Goldwater], the Senator from Alaska [Mr. Murkowski], and the Senator from Pennsylvania [Mr. Specter] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Louisiana [Mr. Johnston], the Senator from Massachusetts [Mr. Kennedy], and the Senator from Mississippi [Mr. Stennis] are necessarily absent.

The result was announced -- yeas 38, nays 54 -- as follows:

(See Rollcall Vote No. 341 Leg. in the ROLL segment.)

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So the motion to lay on the table was rejected.

Mr. DOLE. Mr. President, let me indicate to my colleagues that we hope to make a judgment in a few minutes on which way we are going to go. I know that many are exhausted, and I think we have to make a judgment.

I have cloture motions to file on the motion to proceed to H.R. 2100.

Mr. President, a parliamentary inquiry: If those are filed now, when would they ripen or mature.

The PRESIDING OFFICER. A cloture motion filed now would ripen in the next legislative day plus one -- the day of a session.

Mr. DOLE. This is Saturday. Right?

The PRESIDING OFFICER. The majority leader is correct.

[Laughter.]

Mr. DOLE. So if we had a pro forma session on Sunday, the cloture could come on Monday.

The PRESIDING OFFICER. The majority leader is correct

Mr. DOLE. I wonder if the distinguished Senators from Montana, Nebraska, and Iowa would do this: If they want to vote on a 3-year freeze and we have a 10-minute time agreement, if the test is whether or not they have the support on a 3-year freeze, and we agree to vote on a 3-year freeze after 10 minutes of debate, and abide by the vote, then proceed to final passage, it seems to me that would be a fair proposition.

Mr. DeCONCINI. I accept.

[Laughter.]

Mr. DOLE. Unless you just do not want a bill.

If that is, in essence, what the distinguished Senators desire, I must say that I am not suggesting that everybody over there vote for a 3-year freeze, because I am not certain what the outcome would be. I think we have to be very careful about the outcome, because there is a lot in this bill for a number of States on both sides of the aisle that I think are very important.

I want to get a bill signed. I know we can quarrel about costs and policy, and I am not going into that. But I have a very strong feeling that we will have to work very hard in conference to get that done. If that is the holdup or the hangup, let us give it a shot. Offer your amendment. Offer your 3-year freeze, with 10 minutes of debate, and we will have a vote. If not, let me move to proceed to H.R. 2100, and I will offer a substitute and you can start amending that. If you just want to kill the bill, say so, and we can take it from there.

Mr. EXON. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. EXON. I can only state for one Senator that I think we do not need to beat around the bush. We do not need to talk. We do not need to posture. We certainly want a farm bill. But it should be clear to all now that we are not sure at all that we like or want the farm bill that has been fashioned.

With respect to the kind offer by the majority leader to vote on a 3-year freeze, certainly the majority leader and all in this room know that we had ample opportunity for that kind of vote had we wanted one.

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There has been a great deal of talk around here about fairness, about butting one's head against a stone wall, about going along with the majority.

In the first place, let me say that the parliamentary situation we are in is of the making of the majority leader and no one else. When he started down that tree route, as has been indicated on several occasions by the Senator from Iowa and others, it prevented us from offering a whole series of amendments. I did not criticize the majority leader for doing that, and I do not criticize him for doing that now. He thought that the best way to pursue the position he was supporting was to take that route. As he took that route, of course, he got himself into the position that he finds himself in now; and certainly we are not going to destroy whatever position we now have by agreeing to a 3-year freeze vote.

It may well be that the majority leader is correct in assuming that he is not sure how that would come out.

I have a pretty good idea how it would come out and I have a pretty good idea how the votes were going to come out after we were successful by two or three votes in defeating the first 1-year freeze amendment offered by the Senator from Indiana, as I remember it.

So I simply say to the majority leader we have been mindful and we have been watching the structuring of the votes, the building of the trees, all primarily designed to carry forth the position as outlined by the Senator from Kansas, the distinguished majority leader and representing basically the position on a 1-year freeze, with other shortcomings, in our opinion, on the agricultural bill.

Then, when that first 1-year freeze failed, there were a whole series of meetings that many of the Senators on both sides of the aisle knew about. Then and only then did we lose the votes that we thought we had and were counting on to have a fair up or down vote on a 3- or a 4-year freeze.

We all know how some votes were taken away. We all know or can pretty well imagine the deals that were made with certain Senators to destroy a coalition that we thought on the merits of the case would support our position.

But once again those are tools that the majority leader uses and I do not fault him for using those tools.

Therefore, I hope that he will not fault us for using the very limited tools that we have now available to use and the proper use of one of those tools, in the opinion of this Senator, would not be to agree to a 10-minute debate and then followed by a vote on a 3-year freeze.

Mr. DOLE. Mr. President, it is obvious that it seems to me the Senator wants a free freeze. He does not want to vote on it. He wants someone to give it to him.

I do not know -- I never had that success in the legislative body that if I did not have the votes I got my way anyway.

I really think the underlying concern here is who is going to determine what happens in the U.S. Senate, whether we are going to have 3, 4, or 5, 6, 70, 80 or 90 and I understand it does not take many to hold up progress on the eve of an announced recess.

But I do not see any other -- I do not want to detain my colleagues any further. Again we could vote on the motion to proceed. I renew the vote on the motion to proceed.

The PRESIDING OFFICER. The question is on the motion to proceed.

Mr. EXON. I could not hear the majority leader or would he please restate it or the Chair advise the Senator from Nebraska?

The PRESIDING OFFICER. The majority leader has the floor.

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Mr. DOLE. I wanted to get a voice vote on the motion to proceed to H.R. 2100.

The PRESIDING OFFICER. The question is on the motion to proceed.

Mr. EXON. Mr. President, reserving the right to object.

The PRESIDING OFFICER. All in favor signify by saying, "aye."

Several Senators addressed the Chair.

Mr. SARBANES. I ask for the yeas and nays.

Mr. MELCHER addressed the Chair.

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

Mr. BYRD. Mr. President, I ask for the yeas and nays; the Senator suggests a quorum.

Mr. DOLE. I wonder if the Chair might then recognize the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, the parliamentary procedure. I believe we are in is we are on a debatable motion. Might I ask the Chair that?

The PRESIDING OFFICER. The motion to proceed is a debatable motion.

Mr. MELCHER. Mr. President, might I further inquire whether the Senator on his feet seeking recognition will be recognized to debate that motion?

Mr. DOLE. They have been recognized.

The PRESIDING OFFICER. The Senator has the right to ask for recognition.

Mr. MELCHER. I thank the Chair.

I was confused because it seemed as though we were all of a sudden voting when we were seeking recognition. But I think the request or the suggestion of the majority leader about where we were is the suggestion I made earlier.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. EXON. I yield.

Mr. BYRD. So that I might withdraw my request for the yeas and nays. That request is still before the body and the Chair has not put it. I withdraw it.

Mr. MELCHER. I thank the Senator.

I think that is a way out of here and, as I have described earlier, discuss that with the distinguished majority leader and the chairman of the committee, the manager of the bill on this side, and get on the thought perhaps we would find some accommodation that way. That did not seem to pan out.

Now, I think what is obvious is that we would like to see what further could be worked out.

Mr. DOLE. Will the Senator yield?

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Mr. MELCHER. I am delighted to yield without losing my right to the floor.

Mr. DOLE. We can vote on a 3-year freeze. That is what the Senator indicated earlier he wanted today. Now let us vote on it. If you do not have the votes why should someone hand it to you?

Mr. MELCHER. I was going to address that point.

Mr. DOLE. I know you can lock up the farm bill but there are a lot of people in this Chamber who have farmers who may like what we are doing. They are not certain but they would like to see what comes out of the conference.

Mr. MELCHER. Mr. President, have I yielded the floor?

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

Mr. MELCHER. I was going to discuss that point. We came to the floor with a bill with a 4-year freeze and we would like to retain it. We lost that in effect when we lost the vote on the majority leader's amendment containing both the 1- and the 4-year freeze.

I think it is bad procedure to have the two in the bill. I do not think it means much. What is the Senate's position? Is it 1 year or 4 years?

My suggestion to the distinguished majority leader and the manager of the bill, the distinguished chairman of the Agriculture Committee, earlier in the day was let us clarify this and let us get on with the business of something that we feel comfortable in and we can get away from a long protracted delay of this farm bill. That is what I suggested, a 3-year freeze and get the cost savings down, reduce the cost in the bill enough to arrive at the point where we were not just under the budget but where we are at the point where the administration would feel comfortable enough with the bill to indicate approval.

Obviously there are several advantages to that.

No. 1, to avoid doing what we are doing right now, delay here, stall, stymie. No. 2, to put us in a clear position to go to conference with the House, not have a 1- or a 4-year freeze in the same bill. Clarify that and allow that point to be sort of put to rest before we get into conference.

The House conferees tell me they are going to hold out long for their 4- or 5-year freeze. If they have a 5-year bill, it will be a 5-year freeze. If they have a 4-year bill, it will be a 4-year freeze. They are going to hold out long for that. That serves no particular purpose in expediting this legislation, either delay here or delay in the conference.

These suggestions were made in good faith and are, I think, very practical suggestions.

Third, the question is what will the administration accept? This talk about a veto, I believe, has been overdone, perhaps. But, nevertheless, we do have an executive branch that has to agree with whatever the Congress passes or it does not become law.

So what is the true position? Where is the bottom line of the President? We will find that out as quickly as possible on this point.

The cost? If the cost is right, whatever agreement we arrive at on the freeze position, whether it is 4 years or 3 years, is that all right with the administration? Now these are all very practical suggestions and I do not suppose I am reciting to you anything that you would not believe was in our discussion earlier this afternoon.

I do not think we ever get to too late a stage to where we cannot work out some accommodation rather easily. But if we are locked into that position forever, I hope that is not the case. I think that is a poor way of going, certainly the

protracted method.

Every step of this, by the way, here in the Senate tonight and in the conference and what the White House and the administration will truly accept, every one of those steps is very important to understand so that we can expedite this procedure. We have all these amendments that still have to be ironed out and dovetailed with whatever the House has. And this is a big procedure in itself.

But the underlying, I guess you can say the bottom line is, What is the final package going to be and can the administration accept it?

Mr. EXON. Will the Senator yield?

Mr. MELCHER. I ask unanimous consent that I may yield for a question and still retain my right to the floor.

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

Mr. EXON. Mr. President, I would like to ask my colleague from Montana if he did not think it would be a good idea -- and I would hope that the majority leader and the two managers of the bill could hear this question -- would it not be a good idea, since so many magical things have happened on the debate of this farm bill down in the majority leader's office, would it not be a good idea, in an attempt to compromise and to reach some possible understanding that maybe cannot be reached, would it not be a good idea for the majority leader and the distinguished chairman of the Agriculture Committee and my colleague, the ranking member of the Agriculture Committee, and Senator Melcher to possibly go to the majority leader's office to see if some accommodation at least cannot be listened to or possibly advanced?

I, for one, would be willing to be bound by whatever unanimous agreement could be worked out by those four people in whom I have a great deal of confidence. Does the Senator from Montana think something like that might begin to form an end to the impasse that we presently find ourselves?

Mr. MELCHER. Well, I thank my friend for the suggestion, and hope springs eternal. Of course, I would hope that something like that could be worked out. That is what we have been discussing.

Now I ask unanimous consent that I might yield to the distinguished Senator from Michigan for a question without losing my right to the floor.

The PRESIDING OFFICER. Without objection.

Mr. RIEGLE. I thank the Senator for yielding. I wanted to ask a question. Has there yet been an opportunity for the Senator from Montana and possibly Senator Exon and also Senator Harkin, who have strong feelings here, to have the chance to sit down in the kind of session off the floor that has just been described by the Senator from Nebraska? I ask the question because we do that all the time around here. I can think of dozens and hundreds of times where we have done that where we have had a snag. And I sense maybe there is a way to find an answer. I just say that to my colleagues on the other side of the aisle.

I am not sure we are that far from finding a way to resolve this issue if the desire is there to do it. I, for one, would like to see if we could not perhaps find that solution. We balanced this bill any number of times along the way to meet the needs and concerns of individual Senators. This has been a moving target as this adjustment process has gone on.

It seems to me that if the potential is there in a meeting this evening, or early this morning that might take place now or even tomorrow morning after people have had some rest, to try to see if that kind of formula cannot be found, it seems to me that that makes good sense.

I will just finish by making the observation that I have seen us do that a lot of times around here. That is not an

unusual procedure. In fact, more often than not when you have snags like this it is the normal procedure to do that.

If we want to fight it out here on the floor in terms of who is more determined than whom, it seems to me we can end up staying a long time and wasting a lot of time. And I am not sure that helps a lot of our farmers, or anybody else for that matter.

So I guess my question would be to the Senator from Montana: Has there been such a meeting as that? Has there been a meeting where he and the Senators from Nebraska and Iowa have had the chance to sit down with those on the other side of the aisle to see if we could not find a solution? And if not, I am wondering if he and the others would be willing to take part in a meeting like that to see if we cannot resolve this as we normally do when we get impasses of this kind.

Mr. MELCHER. I think the question of the distinguished Senator from Michigan is a very understandable question and he has outlined a very reasonable scenario by framing his question.

The answer to that is that I did have the opportunity -- I suppose others might have too -- extended so courteously and generously by the majority leader and distinguished chairman of the committee to do that. I was not sure what the answer was except, as the hours went by, I was afraid I did not think it was worthwhile. But it is still possible.

Mr. DOLE. Will the Senator yield at that point?

Mr. MELCHER. Yes.

Mr. DOLE. As I recall, we had a good visit. I do not want to downplay the visit. Sort of the nub of it was you would like to have a 3-year freeze and I would like to vote on it right now. We are ready.

Mr. MELCHER. I was getting to that point.

Mr. DOLE. I want to get to the vote. A lot of these people have plans. They have planes to catch. They have families. Let us offer the amendment.

I do not know what you gain. If you want a 3-year freeze -- I cannot deliver a 3-year freeze. I would be run out of town by this side of the aisle. But I am willing to put it up for a vote. I can offer it myself, you know. Why do you not offer it? You are the one that wants the 3-year freeze.

Mr. MELCHER. Are you asking me? I was just getting to that point.

The position we are in -- --

Mr. DOLE. You do not have the votes; that is the position you are in.

Mr. MELCHER. At 2:20 a.m. is not conducive to discussing this matter. As a matter of fact, on the motion to proceed, we could clear up a couple of deals and get to the point rather quickly.

But I believe, while the offer is made, it is obvious at this point that it is not what we are talking about. Getting to a quick vote, where, obviously, I believe the vote we just had we could look at and would indicate the result.

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

Mr. MELCHER. Yes; I yield for a question without losing my right to the floor.

Mr. DeCONCINI. I wonder if my good friend from Montana would answer this question.

Does he favor a 3-year freeze? Can he tell me that? Or has he changed his position from earlier in the day?

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Mr. MELCHER. No. I have not. I tell my friend I think that is a good solution. But it is meaningless if we are just going to have another rollcall, and we do not resolve a resolution of the problem.

Mr. DeCONCINI. If my friend will yield, will that not be a first step to go ahead and see what kind of problem we have after we vote for a 3-year freeze? I would like to vote for a 3-year freeze. I tell my good friend the sooner we can do it the more I am likely to vote for a 3-year freeze. [Laughter.]

My farmers really do not care. But I would like to help the good Senator from Montana and others who want a 3-year freeze. I would like to go ahead, do so, and urge my friend to do so.

Mr. MELCHER. I thank my friend from Arizona. He has been very considerate during this whole process while we have gone through the farm bill thus far. I hope his very generous considerations will continue as we proceed. I do not like the situation we are in right now at all. I would like to have it resolved.

I think the real point is, unless there is going to be some understanding that we can resolve it and vote right now at this time of night, it is not going to be very successful for us, I am afraid. I have not personally counted who is there, and who is not there. I shall do so. But we are in a position now to discuss this very thoroughly, why we do not have a freeze with this bill, and what that means to us that represent some producers that are really looking at what is ahead for the next 4 years.

Also, earlier there was mentioned that part of the discussion with the distinguished majority leader and the committee chairman which involved the credit situation which hopefully we can get close to resolving.

The remarks that were made by the distinguished majority leader earlier indicated that had a good possibility. I am delighted to hear that. If we can get rid of this problem, I think we would be taking the necessary step to get to the farm credit situation.

In many instances with many producers, the farm credit situation is more severe and more in need of some action quickly that can be addressed in this farm bill.

In other words, the farm credit bill may be even more important to a lot of producers than anything that is in this farm bill.

So we are getting somewhere, I think, in the area of trying to help agriculture that is distressed. I have to repeat what has been said by myself and others earlier. What is in here now for wheat farmers, and I am told corn farmers -- I can speak for the wheat farmers myself, but I am told also by Senators from corn States that the same is true with corn farmers -- is precious little, and not enough for us to feel like we have done the right kind of a job at all unless we can straighten out this freeze.

Mr. EXON. Will the Senator yield for a question without losing his right to the floor?

Mr. MELCHER. I yield the floor if the Senator desires.

Mr. EXON addressed the Chair.

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

Mr. EXON. Mr. President, I renew once again the suggestion that I made in the form of a question. It seems to me that if we are hearing here on the floor that those on the leadership on that side of the aisle will not even sit down and talk with the managers of the bill on this side because they do not even want to listen to what they have to say, that is a pretty high-handed position to take.

I renew my suggestion. What is wrong, what possibly could be hurt either now at the option of the majority leader

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or in the morning or sometime in the morning, I mean later on this morning, for the majority leader and the chairman of the Agriculture Committee, my colleague from Nebraska, and my associate and colleague from Montana to sit down for 15 minutes and have a talk?

I do not have to be there. I do not suspect anyone else on this side has to be there. Maybe we can even suggest that we take, if you want to do it now, a half-hour recess, have a 15-minute session where the Democrats could meet with our representatives, the senior Senator from Nebraska, and the Senator from Montana, and be in the Senator's office in 15 minutes to meet. Maybe there is just a chance, you know, that we could work something out, or if that is not possible, if the Senator does not want to even consider it, we will be forced to proceed under the circumstances that we now find ourselves in.

Mr. DOLE. Mr. President, I do not want to help you out on this filibuster. I want to indicate we have had some good visits. I am accustomed to visiting with my colleagues. I think I have visited nearly most of them in the past few days on the farm bill including a number of visits on and off the floor with the Senator from Montana.

But the bottom line is he wants a 3-year freeze. He does not want to vote on it. If I were making a judgment outside of this Chamber, and some had a 3-year freeze, but they did not want to vote on it, I would wonder. I do not understand that. The Senator cannot have it both ways, not here or anywhere else. The Senator can stand up here and talk and talk and get a lot of headlines somewhere, but I think when it is all said and done we are either going to get a farm bill or we are not.

Again I want to repeat what I think the call is for the rest of the year. We may not go out here until Wednesday or Thursday. I apologize to my colleagues right now. But I believe we are determined -- many of us who want a farm bill. There is no need to walk away from it. We will come back tomorrow morning. We will come back this morning at 9 or 10 o'clock. We will not do anything until noon or 1 or 2 o'clock, and everybody misses another day of their vacation with their families. I will have to accept the responsibility for that.

But when we come back on the 2d of December, if we leave, the 2d of December is going to be devoted to debate on a Boren amendment, on political action committees, and take off the low-level nuclear waste compacts, one that affects Oklahoma, and we are going to offer the PAC amendment to that particular issue.

We are going to debate that on Monday, and I just indicated to the distinguished minority leader earlier we would vote on it after 2 o'clock on Tuesday. Following that I have indicated to the Senator from Idaho, Senator McClure, chairman of the Energy Committee, that we might spend a couple of hours or the balance of that day on Interior appropriations. That is the end of the 3d of December.

Then you have the 4th, 5th, and 6th. There are a number of items that Members have asked me to bring up. We are going to try to accommodate Members. One of them we have taken care of today, the child nutrition legislation, which was not on the must list. That is on the way to the House.

I do not say the 12th is that important. Maybe the 19th is just as satisfactory. But I do believe that we must have a farm bill. I think if you took a poll in this Senate on either side among farm State Senators it would be nearly unanimous. But what do we do? I do not say it critically of anyone.

When you have eight or nine to one who wants to do something, you cannot do it. You have two choices -- to capitulate, which I do not intend to do, or to tell the farmers, well, we cannot get a farm bill because we have a Senator from Nebraska, one from Montana, and one from Iowa who will not let us vote even on the proposal they wish -- a 3-year freeze. If I were a farmer saying, let us see now, I wonder why we did not vote on a 3-year freeze with all of this talk about could not amending. There have been more amendments on both sides -- 130-some amendments offered to this bill. Nobody was denied a right to offer amendments. No one was shut out. We did get some time agreements.

But I do not see what could be accomplished if we cannot vote. Let us vote, and then have the meeting.

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Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. DOLE. I am happy to yield the floor.

Mr. BYRD. Mr. President, the distinguished majority leader -- --

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. BYRD. I thank the Chair.

I say to the distinguished majority leader that he and I have been up now without rest for 20 1/2 hours. We have here a very strong clash of wills. I know that the burdens of the majority leader are heavy. I know that he has the responsibility to schedule the program, and get legislation passed, and it is hard to do at times.

My suggestion would be -- and I offer it in good faith, and in the spirit of trying to reach some accommodation at some point -- to the distinguished majority leader that we go home, and let tempers cool. When he comes back in later today, if he does, he still might not get a bill passed. But if I read this situation correctly -- maybe I am wrong -- I do not think this bill will be passed tonight.

We can stay here until 4:30 in the morning or we can be here at 9:30 in the morning. The Senate will still not have passed this bill. So what should we do? Should we go until 9, 10 or 12 o'clock tomorrow and still not have a bill passed? Senators will have missed their airplanes. Or should we go home and let things cool off. Maybe something can be worked out tomorrow morning. If they cannot be, we are still no worse off than we are now. In the meantime, we will have gotten a little sleep. Some of us have wives who are also awake at this hour and will not sleep until some time tomorrow if we do not get home by then.

I hope the majority leader would do this and start off fresh in the morning.

I realize this is a gratuitous suggestion, but it seems to me that this is the best way, at this hour in the morning, to proceed.

I have had the same situation in the past, but there comes a point in time when we have to recognize that some things are just not going to move. When we reach that point, it is no defeat to say, "Well we cannot finish tonight. Let us go home and try again tomorrow."

If the majority leader suggests we come in on Monday, he can call us in.

I would offer that and hope that the majority leader will hear it in the spirit in which it is offered.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I discussed earlier this evening with the minority leader that we had to make a judgment one way or the other. But I am importuned by Members on both sides who would like to do other things for the remainder of the week. Some want to sleep who are asleep. In the cloakroom are cots. Five of ours have gone home. That ought to tempt you. Five.

Mr. MELCHER. It might become very tempting. We are not saying that the majority leader is not generous in his offer. We are just saying that we are going to need some time to see where we are. At someplace we might like the generous offer of the distinguished majority leader but we do have that opportunity at another point when we get to it to offer that amendment on our own. At this time we just do not think it is a very good time.

Mr. DOLE. Why not end the agony of people who would like to do other things for the 3, 4 or 5 days before December 2? Why filibuster the motion to proceed to the House bill that you would like to have? I am trying to go to

the House bill that has all these things you want and you will not even let me go to the House bill, H.R. 2100.

Mr. MELCHER. I do not want the majority leader to misunderstand.

The PRESIDING OFFICER. Will the majority leader yield?

Mr. DOLE. I yield for a question.

Mr. MELCHER. If we adopted the House bill, would the next motion be something in the nature of substituting what we have done to the House bill or would we just start working on the House bill?

Mr. DOLE. No, no. We would have a little substitute.

Mr. MELCHER. I do not want to repeat all these amendments if we can help it on the House bill.

I am of the feeling that we probably have not talked enough about what we need to get this whole process moving smoothly. I do not want to go all through this amendment process again. I participated in a great part of it in terms of looking at the amendments that were being offered. I think there were possibly more from the other side than there were from our side. That process has been done. I hope we do not have to go through it all again. I do not believe anybody wants to. I certainly do not want to. I think the majority leader has made a kind offer. I just do not think the offer -- well, we have to think about it. I may want to discuss this with the majority leader and the distinguished chairman.

Mr. DOLE. What you are saying is that you are not willing to abide by the outcome of the vote of your colleagues. They voted down the 3-year freeze and you want to continue the filibuster. That is the way it works around here. If you offer an amendment, it seems to me if you have a vote on it, you abide by the results. If you win, I may be the one who would be filibustering. At least you would get away from that. But if you lose we would pass the bill and go to conference where the very able Senator is a conferee.

I have known the Senator from Montana for a long time and I do not think he will retreat in the conference, be a shrinking violet and not say anything, and not reflect the views of the people who share his feelings on that side of the aisle and our side of the aisle, because he has friends on both sides of the aisle.

I am just puzzled why the Senator would be filibustering a bill that he would like to embrace. I do not understand that. I have not been here that long.

Mr. SIMPSON. Mr. President -- --

Mr. DOLE. Mr. President, I yield to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I was just reflecting on what the minority leader has told us should be done, and I agree with him in that sense. I have been here 7 years.

He says we will be able to move the farm bill issue. In my 7 years here, we have never moved a farm bill issue. I can think of PIK. The reason we got stuck with PIK is because we could not do a statutory PIK on this floor because of the Senator from Montana. I remember that.

So we then ended up with an administrative PIK which is also referred to by some as administrative PIK-pocket, which generosity went to some of the biggest heavy hitters in the United States.

I am fascinated, absolutely fascinated. I come from an agricultural State. Lord, they do not even know what we are talking about. They cannot figure it out. They cannot figure out why our neighbor to the north, who is a remarkable Senator, whom I watched while practicing law in Cody, WY, does things that puzzle any guy who grows wheat, corn, or anything -- soybeans -- you name it the issue is we never ever get to a farm issue because of my neighbor to the

north.

If somebody can point that out differently for me I am sure my neighbor to the north will point it out to me. I can remember farm issue after farm issue after farm issue on this floor which, in some way or another, has been stalled by the Senator from Montana, my neighbor to the north.

He puts a cool breeze on everything that comes up with regard to farm issues. I do not know why that is. But what is more puzzling is when I go home, they say to me, "What is it? How come we cannot plant our wheat every year -- or no year -- without knowledge of the program?"

I say, "I don't know. Every time it comes up, there is a wheat State Senator who does not let us get that done."

They say, "Well, that is odd."

I say, "Yes, it is. It is quite odd to me, too."

To say that the majority leader is not accessible or cooperative, is not so, for all of us know he is. He is at least always one thing, he is patient, patient, patient beyond my every possible belief. If I were thrashing around in this, I would have egg all over my face by now because there are ways to do things so that we can do our business. They are not always good -- and would probably be impatient. But we do not ever do farm business in this place -- and every time I look at the poor on that trail, it leads to my neighbor from the north.

So we do not plant wheat. We cannot do that because we do not have any steadiness of policy. No wonder the farmers are confused. There is not any way they could help but be confused because there is no stability; we do not give them any. There is nothing there.

I do not know what the motives are I really do not. But somewhere along the line, there is always a reason for something and then there is always a real reason for something. I hear the reason for something given here but I do not know what the real reason is.

Just let me finish I have not said a thing in this debate.

Mr. DOLE. If the Senator would complete his question.

Mr. SIMPSON. It is a little long! I have not seen a thing in this debate that would show me what we are really doing for the little guy in the Oshkosh B'gosh overalls with the hoe in his hand. We play with the big ticket guys, the rice cats, the corn cats, the wheat cats, all of them heavy hitters. Then we get up and talk about that poor little guy. I do not see anything going out to him at all. I just see the heavy money streaming out the door and then we hear about the poor old little farmers of America. We gave them \$63 billion of the taxpayers money in 4 years -- and more. It went down the rat hole faster than at any other period in our history. It did not work. They are hurting bad. How fascinating.

I do not know what the real reasons are as we stall along here because I personally do not spend too much time trying to figure out how to roll bombs over to the other side of this aisle; how to blow up my friend Dave Pryor from Arkansas, or Dennis DeConcini of Arizona, or Alan Cranston of California, how to roll one over there and just see it go poof, just see how to rip them up.

There are guys on that side of the aisle who do not particularly like that art form, and on this side, too. But there are some guys, about 10 or 15 of us, who just love to trash the other guy. They do not give one whit what the issue is. Not one whit.

Maybe they want to get Bob Dole. He is an oddity you see. He may just run for President of the United States. It would be well for them to blow him up before he gets to that point; if we could just pick off Bob Dole in 1986.

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Mr. BIDEN. Could we vote on that?

Mr. SIMPSON. I hear my good friend and colleague from the Judiciary Committee airing a comment. Why if we could do that, that would be a noble purpose, no matter how long it takes. Of course, it may take until Thanksgiving Day.

So I shall now repair to my chambers. I have those just down here now. I have a cot in there and will rest lightly.

Mr. FORD. Is it long enough?

Mr. SIMPSON. I am sure some will remain here for the debate and require a colostomy bag for the next 4 days.

I think it would be a dandy idea to vote on a 3-year freeze. That is what my neighbor from the north has asked for. But I know assuredly that he will not -- because in 7 years of being here he has proven it to me absolutely, totally, and completely.

I thank the Chair.

Mr. DOLE. Mr. President, I withdraw my motion to proceed.

The PRESIDING OFFICER. The Senator has that right.

The motion to proceed was withdrawn.

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Minnesota [Mr. Boschwitz] is the pending business of the Senate.

Mr. DOLE. I ask unanimous consent that that amendment be set aside.

CLOTURE MOTION

Mr. BYRD. Mr. President, I send a cloture motion to the desk.

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

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Dole motion to recommit with instructions S. 1714, a bill to expand export markets for United States agricultural commodities, provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, continue food assistance to low-income households, and for other purposes.

J. James Exon, John Melcher, Alan J. Dixon, Robert C. Byrd, Tom Harkin, David Pryor, Alan Cranston, Quentin Burdick, Lawton Chiles, Ted Kennedy, Jim Sasser, Wendell Ford, John D. Rockefeller, John F. Kerry, Joe Biden, and John C. Stennis.

AMENDMENT NO. 1166

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

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The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas [Mr. Dole] proposes an amendment numbered 1166.

At the end of the amendment add the following:

Sec. . Notwithstanding any other provision of law, the established prices for each of the 1986 through 1988 crops: wheat, feed grains, upland cotton, and rice shall not be less than the established prices for the 1985 crop of such commodities.

Mr. DOLE. Mr. President, this is a 3-year freeze, that very thing that the distinguished Senator from Montana proclaimed he wants. I do not want a 3-year freeze, I want a farm bill. I do not know any way else to get this issue before our colleagues so they understand who is holding up the bill. It seems to me that one way to resolve this dispute before we add further discomfort to our colleagues is to have a vote on the 3-year freeze.

I hope that my colleagues, in the spirit that should prevail at this time of the year, would let us proceed.

Mr. MELCHER. Mr. President, may I inquire of the majority leader, does this strike out the 1 and 4, or would we have 1, 3, and 4, if it prevails, in the same bill -- a 1-year freeze, a 3-year freeze, and a 4-year freeze -- or is it just 3 years and strike out 1 and 4?

Mr. DOLE. It does not strike out 1 and 4.

Mr. MELCHER. And we have 1, 3, and 4 in the same bill?

Mr. CRANSTON. If the majority leader will yield, would not the fact that this comes in at the end of the bill and contains the language "notwithstanding any other provision" make the 3-year freeze the provision predominating in the bill?

Mr. DOLE. As I understand predominance, it would not work that way.

Mr. CRANSTON. But in the consideration of the Senate before it goes to the conference, that would be the predominant position taken by the Senate.

Mr. DOLE. I hope it is not the predominant position taken by the Senate. All I am trying to do is find out somehow if we can get a test vote of some kind and maybe satisfy the Senators from Iowa, Nebraska, and Montana, because I understand that is precisely what they want to have a meeting for. Maybe the Senator from Iowa has 9 or 10 other things.

Mr. HARKIN. If the majority leader will yield on that point.

Mr. DOLE. I yield for a question.

Mr. HARKIN. I do not know why the majority leader keeps talking about just the 3-year freeze. There are a lot of other options. I can only speak for myself. I was never invited into any of these meetings. I do not think my colleague was, either. I cannot speak for him; I know I was not. I think Iowa is the second leading State in the Nation in terms of agricultural products and what we sell. But there are other options. My colleague from Iowa came up with one that was going to be a 1-year freeze, then a 5-percent reduction when the years were out and those 5 percent were going to be made up with PIK type grains. That is another option that has not even been explored yet.

I do not know if the 3-year freeze is going to be it.

That may be one option, but there are other things that might be worked out that have not been discussed at all. I do not know why this 3-year freeze keeps coming up as the only thing that needs to be discussed. There are other options and other proposals.

Mr. DOLE. I would be glad to offer those, too. I will offer those for the Senator if he wants me to.

Why does the Senator not offer the amendment, with all these options he has? He has been offering amendments all day long, all day yesterday, with no constraints. Everybody had an opportunity to offer amendments.

Mr. HARKIN. If I could have some time to speak, 3 or 4 minutes, I would like to respond to that.

Mr. DOLE. I want to get a vote here. I have the floor.

Mr. HARKIN. I would like to respond to that.

Mr. EXON. Will the majority leader yield?

Mr. DOLE. I yield for a question.

Mr. EXON. The question is why is it that we have been holding meetings on everything under the Sun on this bill in the magical room down the hall, but we cannot hold a meeting on what has this place tied up in a knot right now? I associate myself with the remarks of the Senator from Iowa. I have not been called in. I did not want to be. The majority leader has not talked with me about the freeze proposal at all. As far as I know, he has not talked to my friend and colleague, the manager of the bill on this side, about a freeze. I think there have been no negotiations whatsoever on the freeze, with the possibility of one conversation that was held between I believe the majority leader and the chairman of the Agriculture Committee and my friend from Montana. I believe that the manager of the bill on this side was left out of that, as far as I know.

What I am saying is that there is some additional input that I would like to make, not for myself but through my colleague from Nebraska, who is the manager on this side, and Senator Melcher, that could possibly break this impasse. But I take it from the statements that have been made thus far by the majority leader he is going to try and roll his juggernaut over us. He may get the job done and probably will. But he better get rolling with it.

I would simply say once again, which is the question, why is the usually amiable majority leader, who seeks compromise, not in a position to even talk compromise at this moment?

Mr. DOLE. Let me indicate I did not know the Senator from Nebraska wanted to discuss it. He never approached me on it. The Senator from Montana did. And we have not only had one visit, but we are friends. We have known each other a long time. We visited all over the floor. We visited in my office. We visited with the Senator from Iowa about farm credit, the Senator from Nebraska about farm credit. He did not raise anything about a 3-year freeze or a 10-year freeze.

I cannot read minds. I do not know what is on everyone's mind as far as a solution to the farm bill. I am just trying to figure out how to get out of this mess. There may not be any way. Senator Byrd's suggestion is sounding better and better as I look at the clock. But I think we ought to have a vote before we do anything. Let us try to express ourselves on a 3-year freeze.

Now, a 3-year freeze would be vetoed, but I think that is really what the three Senators want, for the President to have to veto it. Then we could not get another bill passed this year, and somehow that would be blamed on the President or Republicans. That is a perfect right they have. But I am not certain how that is going to play in the farm belt.

I want the President to sign a bill. I think the President should sign a bill. We are going to lean on the President to sign legislation.

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Mr. SIMON. Will the majority leader yield?

Mr. DOLE. Yes.

Mr. SIMON. It seems to me that the minority leader made a suggestion that just is eminent good sense, that we recess, that tomorrow morning the majority leader and my three colleagues and whoever, the Senator from North Carolina, get together and see if there is, on this one vital issue, in an hour, an hour and a half, a compromise. We can vote on a 3-year freeze. We know what is going to happen. We will have accomplished nothing. Some kind of practical compromise is going to have to get worked out. We are not going to do it at 3 a.m. I urge that we recess until 11 o'clock tomorrow, or 9:30, the majority leader and Tom Harkin, John Melcher, and Jim Exon meet and see if something can be worked out. Does that make sense?

Mr. DOLE. I know it is seriously offered, and again I do not know how we can reach an agreement if what they want is a 3-year freeze, and a 3-year freeze is pending and we cannot vote on it.

Mr. SIMON. The Senator from Iowa has suggested that maybe there is some compromise.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SIMON. And the suggestion of the Senator from Iowa [Mr. Grassley]. I do not know. The majority leader has been in this process a long time. I have been in this process a long time.

I have to believe there are practical compromises that can be worked out by men and women of good will if we just sit down and try to work them out.

I thank the majority leader.

Mr. DOLE. Mr. President, I want to make certain I do not offend anybody, but I would like to have a vote on this amendment. Is that going to be objected to?

I yield for a question from the Senator from Iowa.

Mr. HARKIN. I do not have so much in the way of a question as I do a short statement in response to a couple things that have been said this evening. I suppose we are going to get a vote on this, but if the majority leader will yield without losing the floor for just a short statement, I would like to be able to at least say something.

Mr. DOLE. I am willing to yield for a couple minutes without losing the floor.

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

Mr. HARKIN. I thank the distinguished majority leader for yielding. I want to respond to the comments made by the distinguished Senator from Wyoming about the Senator from Montana.

We all have different perceptions of people as we see them. We see them from different angles at different times and different places.

I served with the distinguished Senator from Montana in the other body, on the House Agriculture Committee, for quite a few years.

Mr. RIEGLE. May we have order, Mr. President.

The PRESIDING OFFICER. The Senate is in order.

Mr. HARKIN. I served with him for quite a few years over there, and I always found him to be forthright, amiable,

always willing to try to do the best that he could for farmers.

Yes; he can be hardheaded. You darned right he could be. But I always found that his hardheadedness was in the right direction. That was a deep and abiding faith in our family farm structure, a deep and abiding conviction that we here have a role to play in preserving and protecting the system. I never found in the other body, and I have not found it this year, that he was ever trying to blow things up or blow anybody up. But I found in every instance during the debate, the long debate in the markup sessions in the Senate Agriculture Committee, the distinguished Senator from Montana was one of the few individuals who was always there on time, always paid attention, always knew what was going on, and always engaged in the markup sessions. Would it be that all other Senators were so diligent in carrying out their responsibilities. So I see the distinguished Senator from Montana perhaps in different light, one of an individual with very deep convictions and a willingness to fight long and hard for those convictions that he holds. I do not see anything wrong with that. I think that is a good trait.

Lastly, the distinguished majority leader keeps talking about wanting to have a farm bill that the President can sign. I would like to have a farm bill that the President can sign, but just what kind of farm bill? If it is going to be a farm bill that is going to rip the heart and soul out of the State of Iowa, that is going to cost our farmers \$1.1 billion by estimates I have seen from the bill that we have before us, do I want the President to sign that bill? Of course not. I do not want the President to sign that bill.

Now, I might view it differently if I came from Louisiana or Texas or Massachusetts or California. Things might look a lot different to this Senator, a lot different. But there are things that could be done. I know that disaster payments are now going to go to some farmers who are hard hit in parts of the South and Louisiana, soybean farmers. They deserve it and ought to get it. But I point out that 2 years ago when the farmers in my State had a disaster, they did not get any disaster payments, not one bit. We asked for them -- the Governor of Iowa, a member of the Republican Party.

The PRESIDING OFFICER (Mr. Nickles). The Senator's 2 minutes have expired.

Mr. DOLE. Mr. President, in order to find out what the will of the Senate is, and I am willing to abide by it, whether we stay longer or not I think if I move to table my amendment, in an effort to find out what the sentiment is -- and I hope it is tabled by a big margin. I hope it is an indication that we want to conclude this.

Mr. MELCHER. Mr. President, will the Senator withhold that for a moment?

Mr. DOLE. Yes.

Mr. MELCHER. I thank the majority leader.

It is regrettable that we cannot really get to a serious point. I am not faulting the majority leader for his proposal that dramatizes a point. It really puts us in a peculiar position, the entire Senate, of voting into or attempting to vote into the bill a 1-year, 3-year, or 4-year combination of target price freezes.

On the basis of trying to avoid even the disparity between 1 and 4, in my discussion -- and it was an amiable discussion, and the majority leader is very kind and generous with his time in having discussions of this nature -- my only regret is that we are still at the point of 1 and 4; and if this did carry -- and it will not -- it would be 1, 3, and 4.

Is the majority leader going to move to table it?

Mr. DOLE. Yes: I would, if it were all right. I want to yield first to the Senator from Arkansas.

Mr. PRYOR. I thank the majority leader for yielding.

I wonder if we might have a 10-minute rollcall vote rather than a 15-minute rollcall vote.

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Mr. DOLE. I think the problem is that many of our colleagues are off, and we will have to wake them up. It may even extend beyond the normal 15 plus 5, in fairness to many of our colleagues on both sides.

After this vote -- I hope the amendment is tabled -- I would suggest that we stand in recess until about 11 o'clock tomorrow.

Mr. DeCONCINI. Mr. President, if the Senator will yield for a question, is the only reason he is moving to table because he does not feel he could get an up-and-down vote on it?

Mr. DOLE. I could probably get an up-and-down vote.

Mr. DeCONCINI. I think that would help to clarify it. It is a suggestion.

Mr. RIEGLE. Mr. President, if the Senator will yield, going back to the colloquy with the Senator from California, is it the intent to take out the 1-year and the 4-year freezes and put in the 3, or is it to add it so that there would be all three?

Mr. DOLE. the way it is drafted, it would indicate that there would be the 1 and 4 plus 3.

I must say that I am not going to convince my colleague from Montana, but I do not see any reason for this. We have a 1-year freeze and a 4-year freeze. The House has a 5-year freeze. We are going to conference, and we have all been there before. The options are unlimited. The Senator from Montana will be a conferee.

Mr. President, I will ask for an up-and-down vote. I ask for the yeas and nays.

Mr. RIEGLE. Will the Senator yield for a moment, and I will join him in seeking the yeas and nays?

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

The yeas and nays were ordered.

Mr. RIEGLE. I am wondering if, in order to find out what the sentiment really is -- if that is going to be the last vote tonight, we will walk out with some knowledge of what to do tomorrow -- I suggest that the 3-year freeze be a replacement for the one and four so that we really get the sentiment as to whether 3 years applies or does not.

Mr. DOLE. I think we might address that later, but we need to find out.

I must say to my colleagues that I do not want this to be adopted, and do not misunderstand me. I think it would be walking into a bear trap if it were adopted. I urge my colleagues who supported us previously to give us their support.

Mr. HARKIN addressed the Chair.

Several Senators. Vote! Vote!

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, now it is going to be an up and down vote. As I understand it, we still have the option of debating this for a little bit.

Several Senators. Vote! Vote!

Mr. HARKIN. Mr. President, do I have the floor?

Mr. BYRD. Mr. President, may we have order?

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The PRESIDING OFFICER. The Senate will be in order. The Senator from Iowa has the floor.

Mr. HARKIN. Mr. President, I was cut a little bit short, and I want to finish my statement.

I keep hearing about the legislative process and letting it work. If we cannot get what we want in a 3-year freeze on this vote, then we continue on with this process. That is really not the point.

The point is really what got us here. What got us here was this kind of convoluted process we had a couple of weeks ago that prohibited us from engaging in the normal legislative process of this body. That was done, I am sure, to try to prevent an outcome that might be undesirable for one or two individuals or perhaps to the administration. But had we followed the normal legislative process at the time, then perhaps Senator Melcher could have offered his amendment. Perhaps it would have carried. Having carried, then perhaps other Senators might have felt more free to vote for a 4-year freeze, and the outcome would have been different. We would be at a different place right now. We would probably be home. But, no, the normal legislative process was not allowed to work.

So this convoluted tree was built up, which prevented us on this side from trying to shape the legislation according to the will of the majority.

Well, now we are being asked to vote and abide by the will of the majority. But that is sort of like being put through a kangaroo court, sent before a firing squad, and complaining because you have 10 rifles pointed at you. You would rather have 10 shotguns. The point is that it is the kangaroo court that got you there.

Mr. RIEGLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order. Senators will take their conversations to the rear of the Chamber.

The Senator from Iowa.

Mr. HARKIN. Thank you, Mr. President.

We spent months on this bill in the committee. I point out again that we were ready to vote it out. We sat there. All the individuals on our side sat there on July 15 ready to vote it out. No; we did not have the vote because the outcome of it would not be what a few people wanted it to be.

So we went on through July, and we went through August and September.

Finally, when we could not go any further, the vote itself came out just as it would have come out on July 15 with the 4-year target freeze.

That is exactly what happened on July 15, happened on September 19. Then we were held up a couple months here, for 60 days, before we really brought it out on the floor.

Then overnight we get this convoluted steam buildup. We could not vote. We could not even talk one day, and I made that point on the floor. We could not vote, and we could not talk.

So that went on for a while. Deals were made and cut. I have no problem with that. That is the way things work.

But then the next morning we get placed on our desks a 262-page, warm bill.

I just have to ask, "Is that any way to run a ship?" We have had our committee meetings, markup, we have the bill out, we have the report, and bang, we get a 262-page, brandnew bill overnight.

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Why even have an Agriculture Committee? Why have any committee? Let us just let all the things be written in the back room and come out here and be put on our desk miraculously overnight and then we can have a buildup in this tree. We cannot vote and cannot talk. Then come down to the same point we are tonight, not just on the Agriculture bill but every other authorization bill that will come before this body.

Regardless of the outcome of this, and I assume that some compromise, something will be done in the ensuing few hours or the remainder of what remains of Saturday, but regardless of what happens to the outcome of this, I think it should be a lesson.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will withhold. The Senate is not in order. The Senator is entitled to be heard. Other Senators are entitled to sleep.

The Senate will be in order.

The Senator will proceed.

Mr. HARKIN. Thank you, Mr. President.

I repeat that regardless of what happens and what the outcome is, it should stand as a lesson that from now I think it behooves the majority party on that side and the majority leader to let the normal legislative process work its way and its will through the floor of the Senate. That way you do not wind up with these kinds of situations where people find themselves in a box, unable to proceed unless there is a unanimous-consent request that can be agreed to.

That really should not be the way it works. It should be done on the vote of the majority and let the majority will work.

But a couple weeks ago the majority will was not allowed to work on this floor of this Senate. We were stifled, cut out of the process.

So I just hope that regardless of this outcome those who serve on other authorizing committees will be well warned to pay heed to what is happening right now. The same thing will happen on other authorization bills at other times. We will find ourselves in this position. I will not be here talking like this because I will not have an interest in it. Perhaps it will not affect the people in my State the way this does, but it may affect some of you and your constituents, and you will find yourselves in this same box because the normal legislative process was not allowed to work.

There are other options; there are other things that can be done.

I may even vote against tabling or vote to table the amendment on the 3-year price freeze.

I think to add another 3 year with the 1 year -- 4 years is silliness. One-year freeze, 3-year freeze, 4-year freeze.

I much prefer a cleaner and sharper way of doing it and have the votes up or down on whether it is going to be 1 year, 2 year, 3 year, and see what the majority will of the body is.

I wish to think we should not do it tonight when it is so late. We should have a break and come in fresh tomorrow or later today and go ahead and have clear votes on that. I would not be opposed to that if we could just have up-or-down votes, not whether 1, 2, or 4, but just what it is the majority would like to have in that bill. But beyond that, as I said before, that is not the only option.

There are other concepts and ideas that others have had. As I mentioned my colleague from Iowa had one which I thought and I still think is meritorious and I think may be a way out of the dilemma if we are going to have a target

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price freeze for 1 year or whatever it might be, and then you are going to have reductions in the outyears, which I am opposed to. That comes as no surprise to anyone. If you are going to have that, perhaps one thing we could do is use some surplus carryover we have in a PIK fashion to make up for those decreases.

I do not know if anyone looked at that. I thought that was a meritorious idea. That has not been talked about. I think it is one of the things that could be talked about.

I mentioned the fact that disaster payments were going out to some of the farmers hard hit in the South because of storms. That is fine. As I said, I do not begrudge them that. I think they deserve it and should have it.

Again I point out how those are used. Two years ago when we had a disaster in Iowa, we did not get one lick of it. We wrote letters to the Secretary of Agriculture. The Governor of Iowa wrote letters to the President. We beseeched and begged, and yet nothing came of it. We were told that the disasters in Texas got the payments. I guess if I remember right some disasters were too big and some too small. I think we were too small. Some were too big. You have to have the right size disaster to get a disaster payment. We were cut out of it.

You know, again, if disaster payments are going to go out, perhaps there should be some for other places in the country that are hard hit also that deserve them equally as well, equally as well as farmers in Louisiana or Texas.

Like I said, I do not begrudge them that. I do not want to take it away from them. I am saying what is fair is fair. Farmers should be treated equally around this country when they have a disaster hit him. A farmer in Iowa has a disaster just as one in Texas had one a couple of years ago. Texas got theirs and Iowa did not get theirs. I always find that rather odd. Farmers in different parts of the country are treated differently.

Well, we want a farm bill. We want a farm bill that has some meaning in it and something that does not just have a downward slide to the farmers in Iowa.

I tell you right now that any vote for this bill as far as the farmers in Iowa is just a vote to take money out of their pockets. It is simply a vote to throw them even farther into bankruptcy, despair, and gloom than they already are.

So the issue is really not how you are going to vote up or down on adding a 3-year target price freeze to this bill. I may vote against it myself because I think it is foolishness. The issue is the process that brought us to this point. The process that brought us to this point put us in this box with only the ability of having perhaps no objection to unanimous-consent requests to get us out of it.

Having used that convoluted process to in the beginning thwart the majority will of this floor, because I do believe that Senator Melcher's amendment would have carried had he been allowed to offer it -- --

Mr. BYRD. Mr. President, may we have order in the Senate? You may not disagree with what the Senator is saying, but let us have the courtesy of listening to him.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

Mr. DOLE. Mr. President, if the Senator will yield, if the Senator wants a vote to say yes or no that will be all right. I know he loves every moment of it.

Mr. HARKIN. I absolutely intend to yield the floor in just a moment.

As I said, the issue is not this 3-year freeze. As I said, it is that process. I do believe Senator Melcher's amendment would have carried a couple of weeks ago and people would have found they could have voted for a 4-year target price freeze at that point.

So I guess this is one Senator that does not like the implications that somehow it is just us who are thwarting the

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will of the majority. The legitimate rules of the Senate were used perhaps to an extent beyond what they should have been used, prior to this, to put us in this position. We are simply exercising our rights now to do whatever we can to get the best possible farm bill for the farmers that we represent. It is not whether it is a 3-year freeze in with the 1 and 4. That is not the issue.

I yield the floor.

Mr. DOLE. Mr. President, before I move to table, I believe it might save time, but first I ask unanimous consent that we might have final passage of H.R. 2100, as amended by S. 1714, at noon tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, Mr. President, I did not hear the unanimous consent request.

Mr. DOLE. Mr. President, I ask unanimous consent that we might vote at noon today -- noon tomorrow would not be correct -- noon today, Saturday, on H.R. 2100, the House companion bill, after striking out the enacting clause and inserting the language of S. 1714. In other words, the same request I made earlier; that we vote at noon today.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. I made the same request that we vote at 4 o'clock p.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object. Is the request for a vote on recommittal?

Mr. DOLE. Final passage.

Mr. HARKIN. Final passage of what?

Mr. DOLE. Of the House bill, as amended by S. 1714, the text as amended by those amendments already agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, I move we vote at 6 p.m. today.

Mr. EXON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Let us try 8 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. I object.

The PRESIDING OFFICER. Objection is heard.

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Mr. DOLE. Mr. President, I move to table the amendment. Let me advise my colleague that if the tabling motion prevails, then I will ask unanimous consent that the Senate stand in recess until 11:30 a.m. today.

I move to table the amendment and ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. BYRD. Mr. President, is the unanimous-consent request to recess until a certain hour later today in either event, regardless of the outcome?

Mr. DOLE. In either event, regardless of the outcome.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas to table the amendment.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. Domenici], the Senator from North Carolina [Mr. East], the Senator from Arizona [Mr. Goldwater], the Senator from Alaska [Mr. Murkowski], and the Senator from Pennsylvania [Mr. Specter], are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Louisiana [Mr. Johnston], the Senator from Massachusetts [Mr. Kennedy], the Senator from Louisiana [Mr. Long], and the Senator from Mississippi [Mr. Stennis], are necessarily absent.

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

The result was announced -- yeas 91, nays 0, as follows:

(See Rollcall Vote No. 342 Leg. in the ROLL segment.)

So the motion to lay on the table amendment No. 1166 was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MATSUNAGA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROLL:

[Rollcall Vote No. 339 Leg.]

YEAS -- 69

Abdnor	Andrews	Armstrong
Baucus	Bingaman	Boren
Boschwitz	Bradley	Bumpers

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Burdick	Byrd	Chafee
Chiles	Cochran	Cohen
Cranston	D'Amato	Danforth
DeConcini	Dixon	Dodd
Dole	Durenberger	Eagleton
Evans	Garn	Glenn
Gore	Gorton	Gramm
Grassley	Harkin	Hart
Hawkins	Heinz	Hollings
Kassebaum	Kerry	Lautenberg
Leahy	Levin	Long
Lugar	Mathias	Mattingly
McConnell	Metzenbaum	Mitchell
Moynihan	Nickles	Nunn
Packwood	Pell	Pressler
Proxmire	Pryor	Quayle
Riegle	Rockefeller	Roth
Sarbanes	Sasser	Simon
Stafford	Trible	Wallop
Warner	Weicker	Wilson

NAYS -- 23

Bentsen	Denton	Exon
Ford	Hatch	Hatfield
Hecht	Heflin	Helms
Humphrey	Inouye	Johnston
Kasten	Laxalt	Matsunaga
McClure	Melcher	Rudman
Simpson	Stevens	Symms
Thurmond	Zorinsky	

NOT VOTING -- 8

Biden	Domenici	East
Goldwater	Kennedy	Murkowski
Specter	Stennis	

[Rollcall Vote No. 340 Leg.]

YEAS -- 53

Abdnor	Andrews	Armstrong
Boschwitz	Bradley	Chafee
Cochran	Cohen	Cranston
D'Amato	Danforth	Dixon
Dole	Durenberger	Evans
Garn	Gorton	Gramm
Hatch	Hatfield	Hawkins
Hecht	Heflin	Heinz
Helms	Humphrey	Kassebaum
Kasten	Laxalt	Leahy
Levin	Long	Lugar
Mathias	Mattingly	McClure
McConnell	Moynihan	Packwood
Quayle	Roth	Rudman
Simpson	Stafford	Stevens
Symms	Thurmond	Trible
Wallop	Warner	Weicker
Wilson	Zorinsky	

NAYS -- 39

Baucus	Bentsen	Biden
Bingaman	Boren	Bumpers
Burdick	Byrd	Chiles
DeConcini	Denton	Dodd
Eagleton	Exon	Ford
Glenn	Gore	Grassley
Harkin	Hart	Hollings
Inouye	Kerry	Lautenberg
Matsunaga	Melcher	Metzenbaum
Mitchell	Nickles	Nunn
Pell	Pressler	Proxmire
Pryor	Riegle	Rockefeller
Sarbanes	Sasser	Simon

NOT VOTING -- 8

Domenici	East	Goldwater
Johnston	Kennedy	Murkowski
Specter	Stennis	

[Rollcall Vote No. 341 Leg.]

YEAS -- 38

Baucus	Bentsen	Biden
Boren	Bradley	Bumpers
Burdick	Byrd	Chiles
Cranston	DeConcini	Dixon
Dodd	Eagleton	Exon
Ford	Glenn	Gore
Harkin	Hart	Heflin
Inouye	Kerry	Lautenberg
Leahy	Levin	Matsunaga
Melcher	Metzenbaum	Mitchell
Moynihan	Nunn	Pryor
Riegle	Rockefeller	Sarbanes
Sasser	Simon	

NAYS -- 54

Abdnor	Andrews	Armstrong
Bingaman	Boschwitz	Chafee
Cochran	Cohen	D'Amato
Danforth	Denton	Dole
Durenberger	Evans	Garn
Gorton	Gramm	Grassley
Hatch	Hatfield	Hawkins
Hecht	Heinz	Helms
Hollings	Humphrey	Kassebaum
Kasten	Laxalt	Long
Lugar	Mathias	Mattingly
McClure	McConnell	Nickles
Packwood	Pell	Pressler

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Proxmire	Quayle	Roth
Rudman	Simpson	Stafford
Stevens	Symms	Thurmond
Trible	Wallop	Warner
Weicker	Wilson	Zorinsky

NOT VOTING -- 8

Domenici	East	Goldwater
Johnston	Kennedy	Murkowski
Specter	Stennis	

[Rollcall Vote No. 342 Leg.]

YEAS -- 91

Abdnor	Andrews	Armstrong
Baucus	Bentsen	Biden
Bingaman	Boren	Boschwitz
Bradley	Bumpers	Burdick
Byrd	Chafee	Chiles
Cochran	Cohen	Cranston
D'Amato	Danforth	DeConcini
Denton	Dixon	Dodd
Dole	Durenberger	Eagleton
Evans	Exon	Ford
Garn	Glenn	Gore
Gorton	Gramm	Grassley
Harkin	Hart	Hatch
Hatfield	Hawkins	Hecht
Heflin	Heinz	Helms
Hollings	Humphrey	Inouye
Kassebaum	Kasten	Kerry
Lautenberg	Laxalt	Leahy
Levin	Lugar	Mathias
Matsunaga	Mattingly	McClure
McConnell	Melcher	Metzenbaum
Mitchell	Moynihan	Nickles
Nunn	Packwood	Pell

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Pressler	Proxmire	Pryor
Quayle	Riegle	Rockefeller
Roth	Rudman	Sarbanes
Sasser	Simon	Simpson
Stafford	Stevens	Symms
Thurmond	Trible	Wallop
Warner	Weicker	Wilson
Zorinsky		

NOT VOTING -- 9

Domenici	East	Goldwater
Johnston	Kennedy	Long
Murkowski	Specter	Stennis

SUBJECT: LEGISLATIVE BODIES (79%); AGRICULTURAL MARKETING (79%); BIOFUELS (79%); COMMODITIES TRADING (79%); FUTURES (59%); RELIEF ORGANIZATIONS (59%); AGRICULTURAL INCOME (59%); EXPORT PRICES (59%); AGRICULTURAL SUBSIDIES (59%); AGRICULTURAL PRICES (59%); FOOD SAFETY REGULATION (59%); TARIFFS & DUTIES (59%); INTERNATIONAL ASSISTANCE (59%); TAX LAW (59%); GOVERNMENT GRANTS & SUBSIDIES (59%); ALCOHOLS (59%); TAX RELIEF (59%); EXPORT TRADE (59%); ETHYL ALCOHOL MFG (59%); SOYBEAN PROCESSING (59%); AGRICULTURE DEPARTMENTS (59%); ETHANOL (59%); FOOD CHARITIES (59%); TAXES & TAXATION (59%); EXPORT PROMOTION (59%);