I have made before, that I will continue to make.

Mr. PRESSLER. Some of the biggest corporations in America want a Justice Department review.

Mr. KERREY. I agree, some of the biggest corporations in America do not want the Justice Department review.

That merely makes the point that this is largely the kind of an argument driven by concerns of corporations who either want to do something or do not want somebody else to do something in this area.

The PRESIDING OFFICER. I notify all Senators that it is now 4:30. Based on the previous agreement, all discussion was to cease at 4:30.

Mr. EXON. I ask unanimous consent I be allowed to continue for 5 minutes as in morning business.

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

Mr. EXON. First, to be facetious, I would like to advise my colleague from Nebraska that unless he misspoke or unless I heard him wrong, he said something to the effect that he sees nothing wrong with the U.S. Senate. If somebody would take that out of context, it would be the end of his political career. It might be a good time to ask that be stricken from the record.

Seriously speaking, I had cited earlier the section on page 8. I would also like to cite an additional paragraph from page 89 of the same act which says ''before making any determination under this subparagraph, the commission shall consult with the Attorney General regarding the application.''

I would simply advise both of my colleagues that this Senator has had considerable experience over the years in dealing with the bureaucracy. We have dealt for a long time, and my colleague from Nebraska has been involved in many of the interstate commerce decisions.

In no case does the Justice Department have prior consideration with regard to the Interstate Commerce Commission. Therefore, I think the point the Senator from South Dakota is trying to make is that we are treating the various agencies of the Federal Government—either independent agencies or agencies under the direct control of the President—the same as we have treated them previously.

I think that my colleague from Nebraska makes a pretty good point. I think I understand his concern.

I just want to say, as one involved in S. 1822, the predecessor of this, and this piece of legislation, the original draft that came to the committee after our distinguished colleague from South Dakota became chairman, contained no information or statement whatever to help address the concerns that have been raised, and I think to some degree, legitimately raised by my colleague from Nebraska.

It had nothing in there at all. That proposal came that would have, for all practical purposes, ignored the Justice Department.

I have cited two instances where, during the cooperation, during the discussion, during the compromise that we worked very hard to maintain, we came up with something that I think would allow the Justice Department to play a key role.

One thing I would suggest might be wrong, to go back to the illustration used by my colleague from Nebraska, U.S. West, for example, wanted to go into some kind of a network they had not previously been allowed to do.

According to the feelings, unless they were spelled out in the law, they would have to act after the fact. Of course, that is the way they always do, act after the fact.

The problem that the company, in that particular situation, I am fearful, was that they would have two different agencies of the Federal Government to go to for clearance, the Justice Department on one hand and the Federal Communications Commission on the other.

I simply say that I happen to feel that the hard-driven compromise that was worked on this by members of the committee may not be perfect, but as both Senators know, I have never voted for a perfect law since I have been here.

I will study the matter over the weekend further. I appreciate the discussion I had with my good friend and colleague from Nebraska and my colleague from the State to the north, South Dakota, where I was born. Thank you both very much.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting treaties.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:48 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 349. An act to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program.

S. 441. An act to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–206. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Agriculture, Nutrition, and Forestry.

''SENATE CONCURRENT RESOLUTION NO. 28

''Whereas, Michigan's farmers represent an important element of our state's increasingly diversified economy. American consumers purchase ever higher amounts of high quality fresh produce, and Michigan farmers continue to meet that demand. Fresh produce, by its nature, is also highly perishable with a relatively short shelf life compared to manufactured products. This characteristic of fresh fruits and vegetables imposes a burden on farmers unique to them. Specifically, the need to sell produce quickly means that fruits and vegetables may actually be consumed before the farmer can even receive payment. If farmers sell their goods to customers who are slow to pay or who fail to pay at all, farmers have few means to recoup their losses. Consumed goods can hardly be reclaimed, and the costs associated with pursuing a claim through the courts make this avenue futile in many cases; and

''Whereas, fortunately, our nation's farmers have been protected from such problems for sixty-five years by the Perishable Agricultural Commodities Act (PACA). Enacted in 1930, the PACA enforces fair trading practices in the marketing of fresh and frozen fruits and vegetables. It is administered by the Fruit and Vegetable Division of the Agricultural Marketing Service and allows farmers to ship their produce across our country in a timely fashion with confidence that they will be paid for their labor and goods. Should a contract dispute emerge, the PACA provides a means to resolve the problem without further burdening our court system; and

''Whereas, consumers benefit in many ways from this act. Not only can consumers purchase high quality produce fresh from the field because farmers may rapidly ship their goods confident that they will be paid, but other protections exist as well. For example, our schools, hospitals, and restaurants cannot be over-charged for produce because the PACA prohibits a produce dealer from hiding the true wholesale cost received by farmers for the fruits and vegetables; and

''Whereas, defenders of the PACA recognize that the act can be improved and have been willing to compromise in order to address the concerns of retailers. Unfortunately, legislation has been introduced into the United States House of Representatives that undermines efforts to preserve the PACA while improving it to correct certain shortcomings. HR 669 has been introduced into the 104th Congress to repeal the Perishable Agricultural Commodities Act. Rather than being a bill to eliminate unneeded regulations, this bill would impose a severe hardship on our state's farmers, and ultimately all people who purchase and enjoy high quality fruits and vegetables. HR 669, or any other bill that would repeal the PACA, must not be passed for the sake of our farmers and consumers: Now, therefore, be it

''*Resolved by the Senate (the House of Representatives concurring)*, That we memorialize the United States Congress to reject any efforts to repeal the Perishable Agricultural Commodities Act; and be it further

''*Resolved*, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.''

POM–207. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Armed Services.