This article seems to completely refute Alex's comments made to us at our meeting of last week. Although the lead paragraph is not easily readable because the fax machine ''ate'' it, what it says is that The Commission is increasing the amount of compulsory distillation for this coming year [1995–96] versus last year [1994–95] by 137,000 HL. Although small, it nonetheless is a definite increase, and shows that the total amount of alcohol to be distilled via compulsory distillation for the three primary countries of Italy, Spain and France for this coming year will be a total of 5,400,000 HL.

It must further noted that this year's total wine production for these three countries is estimated to be 131,900,000 HL versus last year's 130,927,000 HL. With compulsory distillation being 4% of the total, if you take the total EU wine production of 155,400,000, this means that a total of 6,216,000 HL will be available for EUstocks this coming year.

It is apparent that there will continue to be significant overproduction in the EU for years to come, in that the Commission's efforts to reduce production have failed.

On a related matter, I have reviewed your memo to the CBI group. Your suggestion on opening up future tenders to avoid the GATT limits are troubling unless we couple it with some type of end-use restriction. This is because, as you can also see from the second article, notwithstanding what Tuite said at the meeting, it appears that the Brazilians will be back into the market in a big way next year. Unless we place some type of restriction on end-use, they'll easily outbid us for the entire EU output.

What happened to our end-use language we discussed with Olsen last year?

I would appreciate your investigating these matters as soon as possible and giving me the benefit of your thoughts. Also, I want to report the results of my meeting with the SENPA folks.

DICK.

REGENT INTERNATIONAL,
Brea, CA, November 20, 1995.

To: Dick Bok, ADM Ingredients
From: Dick Vind

Finally received a phone call from Tuite at 3:30 PM PDT USA. Jeff stated he had at least been successful in talking to the Kriete's and they have agreed to split the tender with us.

Jeff's only reservation was that Kriete insisted that Man be the purchaser of the tender. In order to avoid; ''show down'' or bidding contest, I agreed to this request.

Therefore, Man will be bidding on the 75,000 hl out of France at a price of 5.02. I would suggest that ADM underbid at a price of 4.85. This will serve as a safety net in the event Man's bid is rejected for any reason. As a reminder, bids are due in this Thursday, November 23.

With regards to the sharing, I made it explicitly clear to Jeff that we (ADM & Western) would be purchasing the product FOB Port-la-Nouvelle from Man on a totally transparent basis. We would then assume responsibility for our own shipping which presumably we would be able to coordinate jointly in the future.

I would suggest you contact Tuite tomorrow at your convenience to confirm and request a signed agreement between both parties in order to assure compliance with this accord.

Best regards,

DICK.

Mrs. FEINSTEIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Senator from California for that useful addition and also for her great work on this issue.

I was concluding by saying: There will be a stampede to deny knowledge of this amendment, to deny knowledge of the consequences of this amendment, in a few short years. I wish we wouldn't have to do that. I urge my colleagues, if you want to subsidize ethanol—it is now subsidized already 53 cents a gallon; there is a tariff barrier so it can't be imported; no good in our society has gotten as much—do that. If you want to raise the subsidy a little more, do that, because then it is the General Treasury that is paying. But for God's sake, don't make the drivers of Massachusetts pay 9 cents more a gallon and the drivers of Rhode Island and Delaware pay 9 cents more a gallon and the drivers of Pennsylvania pay 6 cents more a gallon.

That is the most regressive tax we are going to pass this year. Somehow, because it is coated in ethanol, that tax seems to be OK. The very same people who would get up on the floor and oppose taxes on any basis or on a regressive basis are allowing this one to go through.

We will rue the day we support an ethanol mandate. I urge my colleagues to think twice before they vote and support our amendment which still allows the banning of MTBE, still keeps the clean air standard, gets rid of oxygenate, but lets each State decide the best route to clean the air and clean the water.

Mandates are no good for American families. Mandates are no good for our economy. This is an ethanol gas tax. I urge it to be defeated.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, how much time do I have?

The PRESIDING OFFICER. Three and a half minutes.

Mr. BINGAMAN. Whose time is that?

The PRESIDING OFFICER. The time is not allocated.

Mr. BINGAMAN. That is not time either for or in opposition?

The PRESIDING OFFICER. That is correct.

The Senator from Nevada.

Mr. REID. Madam President, that time was allocated to Senator WELLSTONE. He didn't use all that time. Senator WELLSTONE is not here. Unless the Senators from New York and California want to use the time, I will yield back his time and we will start the vote now.

I yield back the time of the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from New Mexico.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 3030. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

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

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—69

Baucus	DeWine	Lieberman
Bayh	Dodd	Lincoln
Bennett	Domenici	Lott
Biden	Dorgan	Lugar
Bingaman	Durbin	McConnell
Bond	Edwards	Mikulski
Breaux	Feingold	Miller
Brownback	Fitzgerald	Murkowski
Bunning	Frist	Murray
Burns	Graham	Nelson (FL)
Byrd	Grassley	Nelson (NE)
Campbell	Gregg	Reid
Cantwell	Hagel	Roberts
Carnahan	Harkin	Rockefeller
Carper	Hatch	Sarbanes
Chafee	Hutchinson	Smith (NH)
Cochran	Inhofe	Snowe
Collins	Jeffords	Stabenow
Conrad	Johnson	Stevens
Craig	Kerry	Thurmond
Crapo	Kohl	Torricelli
Daschle	Landrieu	Voinovich
Dayton	Levin	Wellstone

NAYS—30

Akaka	Gramm	Santorum
Allard	Hollings	Schumer
Allen	Hutchison	Sessions
Boxer	Inouye	Shelby
Cleland	Kennedy	Smith (OR)
Clinton	Kyl	Specter
Corzine	Leahy	Thomas
Ensign	McCain	Thompson
Enzi	Nickles	Warner
Feinstein	Reed	Wyden

NOT VOTING—1

Helms

The motion was agreed to.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. CHAFEE. Mr. President, on rollcall vote No. 78 I voted ''nay.'' It was my intention to vote ''yea.'' I ask unanimous consent to change my vote. This will not affect the outcome of the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

EXECUTIVE SESSION

NOMINATION OF JEFFREY R. HOWARD OF NEW HAMPSHIRE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to executive session to consider the following nomination: Calendar No. 773; that the Senate vote immediately on confirmation of the nomination; that upon the disposition of the nomination, the motion to reconsider be laid upon