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Senate

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

PRAYER

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

Almighty God, we begin this day with the words of the psalmist when he prayed,

I cried out, You answered me and made me bold with strength in my soul.—(Psalm 138:3).

We, too, cry out, asking You to make us bold because of Your strength surging in our souls. We yield our souls to be ports of entry and dwelling places for Your Spirit in us. You form Your character in us and give us convictions we cannot deny. Your strength makes us resolute in living the truth. We feel boldness to speak Your truth and to follow Your guidance. Exorcize any fear, timidity, or equivocation.

Father, as the Nation looks to our Senators for moral integrity and inspiration, give them a special measure of Your power, so that, from the depth of their souls, they will have Your supernatural strength to lead with courage. We have a great need for You; and You are a great God to meet our needs. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 10, 2002.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized, the Senator from Nevada.

SCHEDULE

Mr. REID. We will begin a period of time until 10:30 to debate the Daschle amendment. We have people who wish to speak. The time is evenly divided between the two leaders. We will vote on this matter at approximately 10:30.

Today, because it is Tuesday, we will be in our weekly party conferences from 12:30 to 2:15. At 2:15 we will begin consideration of the homeland defense bill. This morning we will work on the Interior bill. Hopefully, we will have a couple of votes—not just this one vote—on this matter that will be voted on at 10:30.

Tomorrow there are a number of activities here and at the Pentagon regarding September 11. Tomorrow there will not be much legislative business. There will be an opportunity for people to give speeches. Around noon there will be a moment of silence. Following that, we will have some time set aside for people to give speeches, if they desire. We have so much to do and so little time to do it.

Thursday and Friday, we are working on this bifurcated schedule. Maybe if we get rid of these two amendments today we can see the end in sight for the Interior appropriations bill. Hopefully, we will be able to work with Senator THOMPSON, who has been easy to work with, and move this along. Some of the other Members, we know, are waiting. We hope we can accomplish a lot today. We could have a late night tonight.

RESERVATION OF LEADER TIME

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 5093, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5093) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

Pending:

Byrd amendment No. 4472, in the nature of a substitute.

Byrd amendment No. 4480 (to amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression.

Daschle modified amendment No. 4481 (to amendment No. 4480), to provide emergency disaster assistance to agricultural producers.

AMENDMENT NO. 4481

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 60 minutes remaining for debate on the Daschle amendment numbered 4481.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent I be allowed to follow Senator BURNS.

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

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

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Mr. BURNS. I thank my friend from Minnesota. Senator BYRD will be a little bit late this morning. If the Senator would like to give his statement now, that is perfectly OK with me. I think there will be more speakers on our side. I am supporting the amendment. We will make those points at a later time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague and I thank the Senator from Montana for all of his support, all of his leadership on this amendment that deals with disaster assistance for rural America.

Colleagues, the Presiding Officer comes from a State where agriculture is not the No. 1 industry. Thomas ''Tip'' O'Neill said all politics is local. I add, all politics is personal. For me, this is probably the biggest priority I have right now, to get help to people.

This amendment, which started with Senator BYRD providing assistance for firefighters working on fires in our country, and some Members said, let's do this all together.

I come from a State where we have had massive devastation, massive losses from flooding. Others come from States where there is drought. Others come from States where there are fires. And, of course, since I have been in the Senate it has been hurricanes, tornados, you name it. This provides much needed assistance to farmers, whether they be wheatgrowers, soybeans, or livestock producers.

In our State, the estimates of the amount of loss of dollars is $300 million plus. The people with the best of crop insurance have lost 30 percent that they do not have covered. The independent producers cannot make it.

This is what we have, a situation that is a perfect example of there but the grace of God go I, or we are our brother's keeper or sister's keeper. How true.

I have never, since I have been a Senator, voted against disaster assistance for any part of the country. I know that when people are hit by floods or drought or tornadoes or hurricanes or fire, it does not have a thing to do with whether they work hard or do not work hard, are good managers or not good managers. No one asks for this.

In the original farm bill, I think we had over $2 billion for disaster assistance for 2001. It was taken out in conference. It was opposed, I guess, by the administration and some of the leadership in the House. We tried to bring this disaster relief bill up, we tried to put it on the supplemental appropriations bill, without much luck.

I think the support has built for this legislation. We are going to have a really strong vote, and, frankly, I am not really interested in drawing the line, as in Democrats versus Republicans. I do not think this has much to do with that. I wish the administration would be more supportive, but I think the President will sign this bill. I know he will. I think if we get a strong vote on the Senate side, the House will support it. It is just impossible for any Senator or Representative—it doesn't really matter about party—you just cannot turn your back on people.

All these statistics, to me, translate in personal terms. The trips I have taken to northwestern Minnesota have been among the most emotional experiences I have had as a Senator. You can see the damage the floods have caused.

FEMA can help with temporary housing, and FEMA can help if there is damage of public infrastructure. FEMA helped us build a new school in Ada, MN. That was so important. But when it comes to farm country, really, if we do not provide the help, it is just not going to be there. FEMA cannot deal with these kinds of crop losses.

It is just the absolute sense of discouragement, of just being completely beaten down, of seeing your whole life's work disappear, of just believing there is no future. Then there has been the delay, and the delay, and I think a lot of farmers—and not just farmers, people in northwest Minnesota—have just lost all hope.

I make this appeal to all my colleagues to please support this legislation. The truth of the matter is, never in the 12 years I have been here have we hesitated to provide disaster assistance moneys to people. We never have hesitated—never—to take it out of general revenue. We know we are going to have to do it. As I say, if it is the farmers in northwest Minnesota now, it could be people on the coast in Florida who need help tomorrow. God knows, people in Colorado need it. Certainly in Colorado we have drought; South Dakota, North Dakota; Kansas is faced with these struggles—it is all over the country. And then it could be something else next year and the next year. We are talking about natural disasters. This is long overdue.

As a Senator from Minnesota, I view this as the most important vote we could have. I appeal to all my colleagues, regardless of the region of the country you are from, regardless of whether you are faced with any of these catastrophes. I again pledge, one more time—I see two more colleagues here in the Chamber, so I am not going to take more than another minute or two. Here is what I say to you, and it is an absolute promise I will keep. If you, as a Senator from New Jersey, or the Senator in the chair, any Senator ever comes to the floor and says, my God, this is what has happened, there is this devastation, there is no way people can build their economic lives without this disaster relief—I know it is not in the State of Minnesota—will you, as a Senator from Minnesota, support this? I will say yes, because we are a national community and we help people. That is what it is about: We help people. This is critically important.

I hope we will get a huge vote for this amendment. I make the plea to all my colleagues, regardless of the State they are from, to please support this amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BURNS. Mr. President, I yield 15 minutes to the Senator from Kansas.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. I thank my distinguished colleague for yielding.

Mr. President, before you saddle up to ride on a new trail, it is a good thing to take a look at where you have been. You can avoid a lot of trouble—a lot of ditches, a lot of box canyons—that way. The problem is that in terms of yet another expensive disaster bill for farmers and ranchers—sorely needed—we are indeed in a box canyon. It appears we are going to have to pay quite a price to backtrack, to get to a responsible and reasonable farm program policy to be of assistance to our farmers.

We didn't have to go down this trail. I would like to read a quote by the distinguished Senate majority leader. He is doing the best he can, as he sees it, with the disaster bill. But the majority leader said in regard to the new farm bill when it was passed in May, according to CQ Monitor News:

> What we are doing is putting certainty back in the bill. And I would argue, we're going to be doing it at less cost to the Federal Government during the course and life of this bill than we did under Freedom to Farm because you are not going to see these disastrous supplemental requests in the future. We'd still like to get one for 2001, but in the future you are not going to see them. It won't be necessary.

At the same time, we also had many say that the new farm bill was the greatest farm bill ever passed.

Here we are, only 4 months out from the passage of the farm bill, and farmers are lined up outside the Farm Service Agency offices in great numbers, with all of the complexities of the bill, and already these folks and a majority of the farm and commodity organizations are also lined up, pushing for a disaster assistance package, a bill the Congressional Budget Office now says will come close to $6 billion. It is a bill that faces an uphill, if not impossible, battle in the House and a possible Presidential veto.

How on Earth did we get here after passing the so-called greatest farm bill ever? Because in my view the new farm bill is flawed. Simply put, it provides no assistance to farmers when they need it the most. That so-called and much talked about countercyclical safety net we heard so much about—well, it was not a safety net. It is a hammock. It has holes, and it is lying on parched acres suffering from drought.

We are in, as has been said and has also been covered in the press, one of the worst droughts we have ever seen in many parts of the Plains. Pastures are gone. Cattle herds have been liquidated. Combines never left the shed

in parts of Kansas. Parts of our great State look like the desert areas of the southwestern United States. I have bankers telling me they cannot cash flow a single producer who does business at their bank.

In large part, these cash flow problems are the result of a farm bill that provides no assistance to producers this crop-year when they do not have a crop. When the farm bill was debated months ago, I said I would vote against the bill because it would not have provided the so-called countercyclical assistance to wheat producers in 9 of the last 20 years. Why would you support a farm bill that did not really provide any assistance in about half of the time in the past 20 years, with most of those years being in poor production years caused by droughts, flooding, freeze, insects—the years when we need the assistance the most, 9 out of 20? I did not think that was a very good deal.

For that I received some criticism on this floor. I was told it was OK that the bill would not have paid out in 9 of those 20 years because that meant that prices were high and producers would not need the assistance.

Let the record show that yesterday in Dodge City, KS, the closing price was $4.67 a bushel on wheat. That is a tremendous price as compared to where it has been, so prices have come up. It is about $2.91 a bushel for corn, $4.28 a bushel on sorghum, $5.61 a bushel on soybeans—great prices. But, with these prices, my producers are barely hanging on. Why? They have no crops to sell. Consequently, the few who did sold early to meet these emergency obligations.

This August, I just finished a 105-county listening tour. I wish those ''greatest farm bill ever'' proponents would have been there. My farm meeting in Stockton, KS, America, started out with a farmer telling me:

> Pat, thanks for voting against that farm bill. I don't think most of us can survive this first year under it. We were counting, under the old bill, on a supplemental payment called the AMTA payment, or at best the equivalent of that payment.

It was a common statement all throughout Kansas.

The difference is that under that payment, the checks would have been there now and it would have been 60 cents for wheat as opposed to a very small direct payment of 6 cents a bushel for wheat. And the other three components of the countercyclical payment don't work in times such as this.

It is true that prices are high. But it is because drought has reduced the supplies. In many instances, my producers had no crop to harvest. And that is true in Montana, it is true in Wyoming, it is true in Colorado, it is true in South Dakota, it is true in Nebraska, and it is true in Oklahoma. But due to these high prices, they are not going to receive any countercyclical payments. There is no loan deficiency payment, and they have no crop to put under loan.

One of the criticisms of the farm bill was that it was too complex. Farmers would get payments in maybe one in four mailboxes. If you looked in one mailbox, no payment. If you looked in a second mailbox, no payment. If you looked in a third mailbox, no payment. If you looked in a fourth mailbox, maybe 6 cents a bushel.

That is one of the major flaws of this farm bill. It is why I pushed an alternative farm bill approach. It is also why I proposed implementing this bill or any new bill in 2003—the next cropyear to give us enough time to work on it—and doing a budgeted $5.5 billion supplemental AMTA payment plus livestock feed assistance for this year—cash payments, income protection, not a countercyclical payment less than what we are going to spend in regard to this disaster bill.

Instead, here we are doing a disaster bill again. Every even numbered year there is disaster assistance proposed and disaster assistance to implement. As long as this farm bill is our current policy, we are probably going to be back here doing one each and every year.

This ride into a farm bill box canyon is expensive. It is full of regulatory potholes, all sorts of snakes that come back and bite the producer and truly counterproductive—not countercyclical. Two years ago, we made significant reforms to the Crop Insurance Program. That was the tool under the Kerrey-Roberts bill, or the Roberts-Kerrey bill depending on which one you want to give the credit. If you like it, it is the Roberts-Kerrey bill. If you do not like it, it is the Kerrey-Roberts bill.

There are significant reforms. Coverage levels are up. Insured acres are up. Indemnities paid to producers are substantial. We spent $1 billion to address the problems caused by multiple years of losses. Many producers are telling me they are just beginning to realize the benefits of this change.

You can insure up to the 85 percent coverage level. However, because of the farm bill that was passed earlier this year, which took money out of crop insurance, we are now doing a disaster assistance bill that works to undermine the very reforms we passed in the year 2000. Again, it didn't have to happen this way.

We proposed a farm bill that would have provided assistance in years of both low prices and crop losses. The other side said: No thank you.

We proposed a supplemental AMTA package and livestock assistance that would have been paid for in the budget. The checks would be out this month. The other said: No thank you.

It took USDA 8 months to provide disaster payments several years ago. They are hard hit today trying to work through all of the paperwork on the new farm bill. I am not sure that will happen in regard to immediate assistance. Here we are again, just like the farm bill. My minority party was shut out of any committee consideration of that bill. And due to the parliamentary situation in which this second-degree amendment was submitted, we have no opportunity to offer amendments to this package.

I had a proposal to allow producers to choose between 2001 and 2002 assistance. The other side didn't like that, though it was a better deal for taxpayers. It brought the price down. And, after all, farmers did receive the extra AMTA payment in 2001.

Was it perfect? No. But it was a halfway point between those wanting assistance and some in this body who want nothing at all. It worked to protect the Crop Insurance Program by requiring the purchase of crop insurance in order to receive disaster assistance.

Why buy crop insurance if you are going to get disaster assistance every year?

It tried to make proper use of taxpayer dollars by keeping this spending in check. And it was popular with my Kansas producers on my recent tour in the 105 counties of the great State of Kansas.

We will not have a chance to debate any alternative proposals today. This package will probably pass. I am going to reluctantly—heels dragging—support it. I have to support it. The situation is grim—absolutely grim. It has been hotter out in Kansas. It has been drier out in Kansas. But it has never been as hot and as dry at the same time—even back in dirty thirties—as is the case as of today.

But let's be honest with ourselves and the American public. These funds are coming straight from Social Security. It is the other side that has increased the bidding war right at the start of this appropriations process, and we are doing this plain and simple because we have a new farm bill that is flawed and that has created a cash flow vacuum in rural America.

There is no question that we need—that our farmers need—this disaster assistance. The situation in farm country hit by drought—the drought that caused increased market prices in other commodity regions, not the farm bill—is recordbreaking. It is severe. By passing—''force-feeding'' is the better term—this expensive emergency disaster package, without any chance for amendment, what do we achieve? I will tell you what we achieve. We achieve an issue. I hope the end result is that we achieve a bill. Right now we have an issue. This bill will not pass the House. It will not be signed by the President. It is going to be a little tough for the farmer, it seems to me, to cashflow with politics and an issue at the bank.

I hope when we pass this bill—this very expensive bill that is headed for an uphill battle in the House and with the administration—that we can reach some accommodation in conference.

Reluctantly, I will vote for the bill. I don't like the way it has been brought up. I have gone over all of the reasons

why I think we should have done it another way.

I yield the floor.

Mr. BURNS. Mr. President, I would like to make another note about this process being hijacked for the last year and a half. When we started talking about drought and disaster relief and agriculture, the number was much smaller. In the meantime, we did pass a farm bill that I reluctantly supported. Of course, I was a party, with the Senator from Kansas, in offering a substitute amendment that I think would have been better for agriculture.

We have a circumstance at this time in this particular case where the money was taken out of agriculture and a drought where you have no crop for sale. We have a cashflow problem. In other words, we would like to see our agricultural producers go to the insurance program—we think it is much better than it was, say, 2 years ago—and to assume some responsibility in risk management. That is not the case now because of the drying up of funds over the last year and a half. The circumstances have changed. Thus, we have the amendment on the floor that is before us today.

I appreciate the work the Senator from Kansas has done in providing real help instead of getting into a position where we fall to the whims of politics. There are circumstances that arise that make this issue a very contentious issue. I thank him for his work.

Mr. ROBERTS. I thank the Senator.

Mr. BURNS. Mr. President, I yield to the Senator from Nebraska.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I thank my friend and colleague from Montana, Senator BURNS, for granting me some time this morning to speak regarding this very important legislation to assist our farmers and ranchers across our country with the disaster which they have been experiencing—not only this year but in many cases for 2 or as many as 5 years.

I thank Senators BAUCUS and BURNS for their tireless work to get drought relief to the floor. I thank Senator DASCHLE for moving so quickly to get this amendment to a vote.

I think going home over the August recess certainly gave many Senators—and all of us from the States that have been hit by drought even more reason to move on this bill. I am glad we are having this vote today.

This drought is a disaster. It has been a disaster for agriculture and a disaster for rural communities which depend so much on agriculture. If this had been a hurricane or an earthquake, we would have already responded. If we had found a way to call a drought by name, such as ''Drought Andrew,'' or drought this or drought that, we probably would have been able to have it crystallized so people could see that it is the same kind of experience as you have with any other natural disaster. It just takes a longer time in building. It doesn't have necessarily a beginning point or an ending point, but it expands over a broad period of time. We would have had an aid package within a few weeks, and assistance would already be on the way, and the communities that have felt the hurt and the pain would already be feeling the positive effects from this kind of support. Here we are responding to natural disasters, and I think it is important we do that. We can remedy that by passing this amendment today, not waiting any longer.

I also believe that my colleagues who are not from drought-stricken States may not have the entire picture about how bad this has been. I know I have been kept up to date on the devastation caused by the drought—getting reports, getting information, seeing pictures—but visiting the drought areas during the recess firsthand was certainly an eye-opening experience.

Going to farms that have had crops—some good, some bad—every year for 70 years and today, this year, to see there is no crop, for the first time ever, is an eye-opening experience. To walk across a cornfield and find only shriveled cobs that can barely be shucked and having no kernels is an eye-opening experience.

This is not the result of poor planning or some unfortunate weather; this is the result of a natural disaster that has crept upon the land, had no mercy; and it has turned upside down the hopes and the work that went into planting this spring.

Again, for much of my State, this is a no-yield year. I would like to give some specific examples that I heard back home. A family farmer near McCook, NE—my hometown—Dale Dueland, whom I have known from the days that he crawled across his family's floor, said he would have a zero yield on his 900 acres of dryland corn. That crop is a loss this year, despite preparation that assumes little moisture—as he always assumes little moisture—and despite crop insurance.

Al Davis from Hyannis told me: ''Each day places another nail in the coffin of many individual ranchers in Nebraska and on the Great Plains. Many ranchers have already thrown in the towel and are liquidating portions of their herds,'' which will have an impact not only today and tomorrow but for the next several years until those herds are rebuilt, if they are rebuilt.

Annette Dubas, who owns a ranch and farm in western Nance County, NE, told me after the third year in a row of drought conditions, some farmers in her area had already been forced out, while others work two jobs just to be able to keep their farms going. These are not big-time corporate farms; these are family farmers who are being driven out of businesses that, in some cases, have been in their families for generations—in many cases 100 or more years.

The relief package before us today is of the utmost importance to farmers and ranchers across Nebraska and all rural America. It will make the difference between keeping their farms or being forced out of agriculture—to the very great detriment of all of us who depend on the ''breadbasket of the world.''

We must pass this legislation and ensure that our rural communities are not allowed to wither under the worst conditions in over half a century.

This is not the result of a bad crop-year or bad market price; it is about a no-crop year. It is about a no-pasture year, a no-grassland year on top of 2 or more for 5 years. It has been where we have been experiencing no crops, no pasture, and no future—unless we are able to step forward today and adopt this legislation.

Mr. President, I would like to close my statement this morning by quoting from what Dale Dueland said at the Senate Agriculture Committee hearing in Grand Island, NE, last month. And I quote him:

> This drought is a disaster. It is as severe and as much a disaster as any flood, tornado, hurricane, or earthquake that you could imagine. It has been sneaky and sinister. It has tempted and teased us for two years with moderate dry spells, and this year just unleashed an unbelievable 90 days of extreme heat and dry to scorch the earth. This disaster deserves extreme measures to deal with the problems.

Mr. President, I could not have said it better than my friend Dale Dueland.

The PRESIDING OFFICER (Mr. CARPER). Who yields time?

Mr. BURNS. Mr. President, I yield 6 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 6 minutes.

Mr. BINGAMAN. Mr. President, I thank my colleague, Senator BURNS, for yielding time for me to come and speak on behalf of this amendment.

This is an amendment to provide emergency drought relief for ranchers and farmers. The amendment is based on Senator BAUCUS' bipartisan bill, S. 2800, of which I am very pleased to be a cosponsor, along with 16 other Senators.

The ranching tradition in our State—in New Mexico—goes back 400 years to the time that the Spanish settled the State. The cattle and calf industry in our State is the single most important agricultural product that we have, which represents close to $1 billion a year in direct cash receipts to people in our State.

Most of the cattle industry is concentrated in rural areas of the State, such as Union County, Chaves County, and Curry County. These are family-owned businesses. The families in New Mexico who own these businesses, in many cases, have ranched this same land for many generations.

New Mexico, like much of the rest of the West, is now in the throes of the worst drought in at least 50 years. In some parts of the State, the drought has persisted for the last 3 years.

According to the Natural Resources Conservation Service, this has been one of New Mexico's driest years in recent history. The lack of normal snow and rainfall has left ranchers in our State with little pasture for grazing livestock.

The Governor of New Mexico has declared a statewide drought emergency. He declared that in April. The Secretary of Agriculture has now declared every agricultural county in our State a disaster area.

Since March of this year, the USDA has rated range and pasture conditions in New Mexico at an average of 81 percent poor or very poor. These conditions have made it impossible for ranchers to maintain their herds. As a result of the continuing drought, water tanks and stock ponds in New Mexico's rangeland have dried up. Ranchers in my State are hauling water and are supplementing feed for their herds. As grazing conditions have continued to worsen, many ranchers have culled their herds because of the cost of water and feed being more than they could bear at this stage.

The drought will continue to impact producers in our State for years to come. Without emergency support such as contained in this amendment, the ongoing drought could very well put many of our ranching families out of business for good.

I would like to take this opportunity to thank the staff of the USDA's Farm Service Agency in New Mexico for their fine work so far this year in helping New Mexico farmers and ranchers deal with the drought. They have used the limited tools available to them. Paul Gutierrez, Scotty Abbott, and Rosalie Ramirez have worked effectively to provide some limited economic help to producers throughout New Mexico. As a result, many producers in our State have been able to take advantage of low-cost loans, emergency haying and grazing on CRP land, or assistance through the USDA's Emergency Conservation Program.

However, even with this limited help from USDA, the farmers and ranchers of New Mexico are continuing to suffer the economic effects of the drought. In previous years, Congress has provided emergency support through the Crop Disaster Program, the Livestock Assistance Program, and the American Indian Livestock Feed Program. I believe the drought disaster in New Mexico is so severe that assistance again this year is justified.

I first voted to support drought relief in February during consideration of the farm bill. That amendment, which Senator BAUCUS offered, was adopted by a large vote of 69 to 30. Unfortunately, the House refused to include the emergency funding in the farm bill, and it was dropped in conference.

Since the Senate voted in February, the conditions in my State have continued to deteriorate because of the lack of moisture.

The emergency funding provided in this amendment will provide payments to ranchers for the losses they have suffered from the drought. The disaster funding is desperately needed. I hope all Senators will support the amendment.

Mr. President, I ask unanimous consent that a letter from Frank A. DuBois, who is the New Mexico Secretary of Agriculture, in support of emergency drought funding as provided for in this amendment, be printed in the RECORD.

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

DEPARTMENT OF AGRICULTURE,
STATE OF NEW MEXICO,
Las Cruces, NM, June 6, 2002.

Hon. JEFF BINGAMAN,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: As you know, our ranchers are facing a financial hardship due to the drought. I ask your support for funding the Livestock Assistance Program authorized in the recent farm bill.

Pasture conditions have declined severely over the past months. Currently, pasture and feed conditions are reported in very poor to poor condition. As a result, ranchers are providing supplemental feed and hauling water to their livestock. Ranchers in the state are also culling herds to reduce their feed costs.

Cattle and calves are New Mexico's largest agricultural industry. The overall economic impact from the ranching industry to the state is over $1 billion.

Please call me at (505) 646–5063 if you have any questions.

Sincerely,

FRANK A. DUBOIS.

Mr. BINGAMAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Three minutes, 15 seconds remain.

Mr. BURNS. I yield 3 minutes to my friend from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, Wyoming is experiencing a level of drought that has been devastating to the ranching industry of my State. In an effort to address a need that grows more and more desperate every day, I am cosponsoring the emergency agricultural disaster assistance amendment. This amendment funds the Livestock Assistance Program for both 2001 and 2002 and responds to a call for help that echoes through the ranching communities of Wyoming and throughout the west.

The need for drought assistance is great, but the need for responsible legislating is just as great. As a cosponsor, I am fully supportive of the amendment before us; however, I must serve the needs of my State without breaking the budget. For this reason, I plan to introduce an amendment, with the support of Senator GRASSLEY, to offset the emergency funding for the Livestock Assistance Program by reinstating payment limitations in the farm bill. I plan to pay my own way for the assistance I have advocated for over a year.

My proposed amendment does its best to work within the strictures of a poor economy. I am not unmindful of the fact that the United States will have a deficit this year after 4 years of surplus. Alan Greenspan said to me a few weeks ago that one of the things this country needs the most now is fiscal responsibility. As a fiscal conservative myself, I plan to use an offset for desperately needed livestock assistance funding.

Time has changed things since we voted for disaster assistance in the farm bill. The national economic picture isn't so rosy with the thunder clouds of the forecasted deficit on the horizon. In fact, the economic forecast is as stark as the weather forecast ranchers are reading in my State. This is a time for choices. The agricultural community can't have it all, but we can do our best to act responsibly and serve their needs. That is what my amendment would do. And it doesn't just serve the ranching community

My proposed amendment is not an attempt to decrease the assistance going to our agricultural communities or to thwart the emergency agricultural amendment before us now. I have spent the last month in Wyoming and the devastation there is imprinted in my brain. This is the third year Wyoming and the west have been battling the effects of the weather and suffering through a drought that has had a severe impact on families and communities throughout the west. As an example, when I was home in Gillette I noted that we had received just over half of our normal level of precipitation since January. Water is so precious right now Wyomingites treasure every drop that falls from the sky as a gift from the heavens. Unfortunately, those gifts have been few and far between and, at the printing of the last crop report, 80 percent of Wyoming's range and pasture feed was rated in poor or very poor condition. That 80 percent represents a huge increase over our 5-year average, which was 32 percent.

At the present time, only 13 percent of Wyoming has adequate topsoil moisture. That lack of soil moisture not only makes it impossible to grow crops, but it also has effects that ripple throughout our entire State.

In our Popo Agie Conservation district a fracture opened up this summer in the ground. Soil scientists called in to determine the cause of the fracture said that the 5-foot deep crack had opened up because there is not enough moisture in the soil for the land to maintain its current status and structure.

There is a good reason for that. The U.S. Drought Monitor indicates that significant parts of the west, including Wyoming, are experiencing an exceptional level of drought—level D4. That's the highest rating given for the status of a drought.

As I noted, the effects of drought at a D4 level ripple throughout our communities. For instance, the drought

has forced Wyoming's Governor Geringer to ban the use of fireworks or campfires on State lands. Many of Wyoming's towns and counties have followed the Governor's lead and banned similar activities on their town and county lands. These stipulations have ruined some businesses and forced others that rely on summer sales to go without their one chance to make a profit this year. It's a sacrifice, but everyone understands the reason for the ban. After all, in a region that has been plagued with fires, a single spark in an area surrounded by dry wood is a formula for disaster. Although everyone understands the need to take drastic steps to address the drought, everyone is also suffering from the devastating impact of a lack of water.

It may be difficult for some of us to comprehend the lack of water out west because for so many of the fortunate citizens of the United States a sufficient supply of water is no further away than the nearest tap or faucet. There are even States suffering from the effects of floods. Wyoming, however, as is much of the west, is in desperate need of every drop of water we can find.

The best example of what the drought has meant to our tourism and recreational industry is the Bighorn Canyon National Recreation Area, which stretches 60 miles from the beginning of Bighorn Lake to Yellowtail Dam in Montana.

Usually boaters have a choice of three ramps to use to launch their boats onto the lake. The lake has been dropping an average of 2 to 5 inches a day, so all the ramps have been closed. Since the drought began the water level has dropped at least 45 feet.

The reservoirs in the rest of Wyoming are in even worse condition. If the drought continues, the dam at Boysen reservoir will no longer be able to produce electricity because the dangerously low volume of water means that there will be insufficient water pressure to spin the turbines and produce the electricity that the towns and people of Wyoming depend on for the necessities of life.

As you can see, the drought has had an impact on just about every aspect of life in the west especially those activities and resources we have always taken for granted. With the drought, there will be no campfires, no fireworks, no boating, in short, the recreational activities of the spring, summer and fall are no longer permitted—or possible.

True, this is a terrible problem, but for those who have to forego a year of these activities, it has been an inconvenience. For the agricultural community, however, the drought threatens their way of life and their ability to provide for their families. For the ranchers and farmers, the drought threatens to destroy the land and turn once valuable topsoil into dry dust that will blow away and never be restored to use again. For them, and so many others, the drought has been nothing short of a disaster.

It's easy for me to tell you how my constituents are suffering because of the drought which has destroyed so much of the resources upon which they depend, but unless you hear with your own ears how bad things have become, you still might not believe it.

Let me tell you a story about what your life would be like if you were part of a typical family in Wyoming that is barely holding on from the effects of 3 years of drought.

It's July on the ranch and you have 1,000 cow/calf pairs. Normally, on a day like today, you would have paper and pencil in hand to calculate how much you expect to make in the fall when you sell your calves. Unfortunately, this is not a normal day or a typical year. For on this day you are using your pencil and paper to calculate just how bad the news will be in the coming months. Your bottom line this year will not reflect your margin of profit, but your margin for survival.

Last year you sold 1,000 calves at an average of 600 pounds for $1.07 a pound. Your total income from your hard work came to almost $640,000. That is before any expenses.

This year, the conditions brought about by the current drought have forced you to sell your calves earlier and at a lighter weight.

That's the bad news.

The worse news is that you have watched the bottom fall out of the cattle market this year. That means you'll be selling your cattle at a lower weight and at a lower price. It's a double whammy that is sure to destroy you this year and leave you muttering the old baseball adage to yourself, Wait till next year.

So, you continue your calculations and note that you'll probably be selling 1,000 calves this year at an average of 500 pounds for only 80 cents a pound. That will bring you about $400,000—before you pay your expenses. Thanks to the drought, your total income has already dropped from $640,000 to $400,000. Unfortunately, your expenses and your bills have not taken a similar drop. In fact, they have increased—which you discover when you start working on next year's budget.

After a terrible sale, you realize you have to start feeding your cows soon. Cows come from cows—so you have to keep some. Normally, this doesn't pose a problem because a rancher usually puts hay up all summer to start feeding the cattle in January.

The drought ended that. You see, the drought stole the irrigation water you would normally use to grow your crops of hay and corn on the 1,000 acres of farmland.

Adding up what that will cost you comes out like this—the cost of buying hay, the loss of corn production, the cost of feeding your cattle for four additional months, the cost of leasing additional grazing land and paying full price for irrigation water even though you only are getting ⅕ of the water you pay for that adds up to about $355,000, again added expenses due to the drought.

Remember, our total income came to $400,000. That means, after those expenses, you're left with about $45,000 to pay the normal operating expenses of the ranch, pay your mortgage, pay whatever help you have hired, make repairs on your ranch and the equipment you need—and, oh yes, feed and clothe your family.

Ranchers have added up those numbers in just about every way you can imagine and come up with the same answer—they can't afford to keep their cattle. That's why the sale rings in Wyoming are full and overflowing—which only serves to continue to drive prices downward.

As you can see, the double pressures of drought and the current depressed market have hit the ranchers in the West particularly hard.

Ranchers are usually an optimistic bunch, but this time nature offers them no reprieve and little reason to hope.

Farmers are having the same problem, but they have something our ranchers do not have—crop insurance.

Here on the Senate floor we crafted a farm bill that ensured there would be help for our Nation's farmers. We fully funded the programs farmers rely on and made sure they'd have a source of support when the market turned sour. Unfortunately, we didn't do the same for ranchers. The rancher doesn't have a safety net to keep him propped up nor does his crop, the cattle he raises, have a price safety net. This is an inequity that must be addressed.

As I listened to the heartfelt deliberations of the Senate on the farm bill, I heard a plea for the provision of $360,000 a year, which is the current payment limitation, in assistance to farmers. As the debate progressed I couldn't help but think of the ranchers who are struggling to make ends meet in Wyoming and throughout the west who are set to receive next to nothing to help them.

It seems clear to them, and to me, and to anyone who reviews our farm policy that farm bill payments were not intended to subsidize every acre of every farm—nor every bushel produced. They were meant to help those in need and to keep family farms in business. Shouldn't that same logic apply to family ranchers and ranches?

The American taxpayer should not be asked to keep large corporations or weekend hobby farmers in silk overalls and gold-plated pitchforks. Farm assistance was intended for and must continue to be directed at small and medium producers—family farmers who truly need help. Our rural communities depend on farms and the farms, in turn, depend on their communities.

Too many small farms are not receiving the assistance that is needed while large multi-million dollar corporations continue to receive Federal funds for

every acre they take over. Payments to large corporations have nothing to do with good farm policy but good farm policy has everything to do with family farms.

Even farmers have recognized the desperate circumstances that face our ranchers and the inequity of their situations. Recently, we heard from an Illinois farmer who had a ''heart for Wyoming.'' He wanted to donate hay to help Wyoming ranchers struggling to find feed for their herds. Don't get me wrong, we'll be glad to get it, but it will be a drop in a bucket compared to what we need—though it will be a much appreciated drop!

Just like the rancher with his pencil figuring out his budget, when you add it all up, there can be only one responsible conclusion and I have tried to present it in an amendment I plan on introducing later today.

Only by reinstating tougher payment limitations on farm bill payments and using the savings to offset emergency feed assistance to livestock producers for drought disaster can we hope to save them, while also making a stab at fiscal responsibility.

Current law has set payment limitations at $360,000, but that fails to count the gains farmers receive when they forfeit their crop to the CCC and keep the loan or when they use commodity certificates. These gains are not considered against the $360,000 payment limitation. Basically, payments are still unlimited.

If we have learned one thing this year, it should be to avoid tricky accounting. My amendment would put in place real payment limits by counting all gain. My amendment establishes that limit at $280,000 per year. This should be an easy choice as the Senate has already voted its support of farm bill payment limitations by 61–33 on February 7 of this year.

The reinstatement of payment limitations is directly in line with the proposal the administration made to the World Trade Organization to globally lower trade distorting subsidies. The proposal would limit trade distorting subsidies to five percent of agricultural production. Stricter payment limitations now would decrease the impact that this proposal would have on our farm bill programs. As world leaders we should set an example in word and deed for the rest of the world. We have spoken the word with the proposal. But as we all know, actions speak louder than words, so let us put our words into action today.

Under the terms of my legislation, a savings of at least $500 million from the strengthened payment limitations would be applied to the Livestock Assistance Program. The Livestock Assistance Program is available to livestock producers in counties that have been declared disaster areas by the President or the Secretary of Agriculture. It provides minimal financial relief to livestock producers that are experiencing livestock production loss due to drought and other disasters—but only if there is money in the fund. The emergency agricultural disaster assistance amendment before us now puts money in the fund and my proposed amendment would prevent that money from being another addition to our national debt.

Once the LAP is funded, producers apply for relief and a formula splits the available monies according to their needs. It assists all producers who qualify, but the extent of the assistance that is available is limited by the program funding and the number of applicants. The more applicants there are across the country, the smaller the individual payment.

Without the assistance and provisions in my proposed amendment, Congress is clearly picking the winners and losers of the current climate and economic conditions facing the West. This is not only unfair, it is unwise, too. We are continuing to slip outrageous benefits to corporate farms that don't need assistance while the West blows away in the wind. I'm only asking for what is fair and for what we should have done long ago.

I urge my colleagues to support the emergency agricultural disaster assistance amendment. If we pass this emergency amendment, the ranchers who are suffering will know that they have been heard. I also urge my colleagues to support my proposed amendment after this vote. If we go on to pass my amendment, we will have made the choice to act responsibly while providing desperately needed assistance. It will give ranchers and our economy a fighting chance to survive. We owe our ranchers and ourselves no less.

In conclusion, Mr. President, as I said, I am one of the cosponsors on this drought amendment. It is of critical importance to our State. We are in the third year of a critical drought. Each year has gotten worse. There has been less rain each year. Our ranchers are suffering terribly. I have tried on three different occasions to get some livestock assistance payments included in different bills. They have not made it through conference committee. At the same time we have taken care of farmers, we have provided them with payments of up to $360,000 each.

It is my intention, once this amendment is disposed of, to submit an amendment for the body to vote on that would provide for a slight reduction in those assistance payments where we are subsidizing every acre and every bushel produced on every farm so that something, anything can go to ranchers. We are talking about $360,000 to farmers, zero to ranchers. If my amendment for livestock assistance payments passes, they would get approximately $8,000. Does anybody see the disparity here? Ranchers need help, too. They are having to sell off their herds. When they sell off their herds, it drives the prices down. They were getting $1.07 a pound. How much are you paying for beef in the grocery store? It went down 80 cents a pound. It has been down to 60 cents a pound. Your prices went up. There is a monopoly in the beef, but that is another issue. We will cover that at another time.

We need to do something for the producers so we can keep putting food on the table. It is a huge part of the economy. It cascades into the rest of the economy. When farmers and ranchers can't buy things, then the merchants from whom they buy can't buy things. The economy implodes on itself.

Transportation is important in this country, but food production is more important. If we can't eat, we can't travel. We need to do something for the ranchers. There is a way we can do it. We absolutely need to do something on drought assistance. I hope my amendment will be accepted to offset some of the livestock assistance payments with the other payments so that we are not busting the budget. The best way for us to improve the economy is to watch the spending. That would be a cross-payment.

I ask for Members to watch for the amendment and to support the drought amendment.

The PRESIDING OFFICER. Thirty seconds remains to the Senator from Montana.

Mr. BURNS. I ask the Chair if the time of those who support the amendment has been used?

The PRESIDING OFFICER. Twenty-three minutes remain on the other side.

Mr. BURNS. We used 23 of it?

The PRESIDING OFFICER. Twenty-three minutes remain on the other side. Nine seconds remain on the side of the Senator from Montana.

Mr. BURNS. Mr. President, I yield to my friend from Colorado. I want to protect the opposition's time, understanding that we are starting to run out of time totally before the vote comes.

The PRESIDING OFFICER. The Senator's time has expired. Twenty-two minutes, 45 seconds remain to Senator WELLSTONE. The time is in the control of Senator WELLSTONE.

Mr. WELLSTONE. I would be pleased to give 5 minutes out of our time to the opponents.

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

Mr. BURNS. Can I yield 2 minutes to my friend from Colorado and allow him to outline his statement?

The PRESIDING OFFICER. Yes. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Minnesota for being willing to yield some time to my side.

I want to follow up on some of the comments made by my colleagues from the intermountain area, particularly the Rocky Mountain region. Colorado is right in the center of this drought. With all the stories you have heard about the States around Colorado, we are much more affected than anybody else.

This is a very unique drought. It is a more severe drought than any of the

people in Colorado can ever remember. In fact, if you look at the tree rings up in some of the foothill areas, a study has been done which suggests that maybe this drought has been the most severe drought we have had since the 1700s. So we have a lot of individuals in rural communities, farmers and ranchers, suffering as a result of this drought.

I have been working closely with the Secretary of Agriculture, Ann Veneman, to try to provide as much relief as we can with the program moneys available. I thank the administration for being responsive, but we have to do more than that. That is why I am a cosponsor on this particular legislation. That is why I am pushing hard for its passage.

I grew up on a ranch in Walden, CO, spending my summers baling hay, and tending to cattle. But this year, hay is scarce and maintaining a cattle herd is a task of monumental proportions. I have seen the devastation caused by the drought as I have traveled across the state, and I have come to the very serious conclusion that farmers and ranchers, and the rural communities that depend on them, must receive emergency disaster assistance—before it is too late.

Those involved in agriculture have a strong tradition of lending their neighbor a hand when they are in need, and helping those who have suffered through a major loss. When a rancher's barn burns to the ground, you can count on farmers and ranchers throughout the county showing up to help rebuild. When a death or illness prevents the harvest of a crop, you can bet that a dozen combines will show up to bring the crop in, to salvage the season in the face of loss, and to lend a helping hand to those in need.

Yet this type of kindness is not isolated to the farm or ranch—we in the United States have always responded to natural disasters by providing the needed emergency assistance. And providing the needed assistance to those who produce our food, and sustain our democracy is no different. Following in the great fellowship that calls Americans together during the most challenging times, I urge my colleagues to immediately pass the emergency disaster amendment that is now before us.

The drought, which in some parts of my state has entered its fourth year, has transformed large expanses of prairie landscapes, and scarred mountain slopes and valleys to the point that all four corners of the state are parched beyond memory. In fact, the United States Department of Agriculture estimates that 93 percent of Colorado pasture is rated as either poor or very poor, and subsoil moisture supplies continue to be rated at extremely low at 86 percent very short.

Responding to the drought by developing new feed programs, working with Natural Resources Conservation Service field offices, funding the Emergency Conservation Program, and by responding quickly to the needs of farmers and ranchers of my state, Secretary of Agriculture Ann Veneman and President Bush, have provided farmers and ranchers with the tools to survive, and for that, I thank them both.

When I first urged the Secretary to release CRP ground for emergency grazing and haying in May, she responded by acting much more quickly than past practice dictated. In August, when I personally called the Secretary to urge the extension of the deadline, she responded the next day by extending the emergency haying and grazing deadline through November 30. Thank you, Madam Secretary, for your leadership in this difficult time.

While the administration has provided the tools to survive up to this point, the drought has now reached the point at which Congress must act swiftly to ensure survival beyond today.

I recognize that the arid climate of the west means dry weather, but I think that everyone would agree that this drought is anything but normal. In fact, I have been told dozens of times by farmers and ranchers—producers who have 70 plus years of experience—that this is the most severe drought they have ever witnessed. I recently had the opportunity to discuss the drought with scientists studying tree rings along Boulder Creek. They told me that only by tracing the rings back to the 1700's, could one find a period of comparable drought.

I have taken an active role in providing Coloradan's with access to programs that provide the necessary emergency resources. Over the past month, I have traveled across Colorado, meeting with 600 farmers and ranchers in Yuma, CO, coordinating meetings with dozens of producers in Las Animas, Alamosa, and Delta, and meeting with well over one hundred producers in Pueblo, to discuss the drought and drought relief. At the disaster forums, I brought together federal agencies that provide drought relief with the people who need their help the most. I listened as farmers and ranchers—some of whom had driven nearly 300 miles to attend—told of their need for assistance.

I listened as the Colorado Commissioner of Agriculture warned that state could lose as many as 50 percent of its farms because of the drought, and ranchers expressed their anguish at the fact that more than 1 million head of cattle—half the state's total—have already been liquidated. I listened as Larry Fillmore, a rancher north of Boone, CO, stood in a barren pasture that normally supports tall grass and cattle, and emotionally describe that the last moisture the pasture received was last October—in the form of a hail storm. Even the sage brush, with roots ten feet deep, had turned brown. I listened as ranchers told the story of mass cattle selloffs. In the proud community of La Junta, they are experiencing drought induced traffic jams, as a streaming line of trucks hauls cattle to the sale barn. Sale volume records are falling, and one sale—just one sale—can last nearly 24 hours straight, running from 9 am to 6:30 am the next morning.

According to an article in the Denver Post, over 700,000 acres of dryland winter wheat, worth an estimated $120 million, has been lost due to drought. Production was 38 million bushels this year, compared with a 10-year annual average of 83.4 million bushels. Sunflower production, worth almost $20 million last year, was down 71 percent this year, and 250,000 acres of dryland corn has completely withered away.

Perhaps the most telling story of all is that of Ed Hiza. Standing in the middle of his pasture, he said that 80 percent of the cattle in a 20 mile radius were gone, and that most of the remaining 20 percent would be shipped out within a month. Mr. Hiza made it clear about what the drought means for him, and many of his neighbors, ''We've endured a lot of hardship in this county, and this drought is just the nail in our coffin.'' This story is recounted in the Pueblo Chieftan.

For those who do not believe that the drought is indeed that severe, I hope that they will pay attention to the following statistics, and keep in mind that Colorado is the source of water for many downstream States. According to the Colorado Department of Natural Resources, the South Platte River flows now hover at 13% of average, and Arkansas River streamflows are at record lows. In the San Luis Valley, many domestic wells have stopped flowing. Citizens are seeking assistance from Federal and State agencies for redrilling wells. The San Luis Valley aquifer has been drawn down to the lowest level ever recorded. On the Rio Grande, the flow is 6% of normal. Without using the flows that are normally dedicated to a wildlife refuge, the Rio Grande would probably be dry at the stateline. Many streams are dry and many more may go dry. On the Gunnison River, streamflows are near record lows. Calls on the river are occurring that have not been placed since the construction of one million acre feet of storage—the Aspinall Unit reservoirs—upstream. In the Colorado River Basin, reservoir supplies are bleak. Active storage in Grandby Reservoir is less than 1/5 of capacity. Dillon will have 75,000 acre feet out of 252,000 acre feet. Williams Fork will be at its dead pool. Wolford Mountain Reservoir will have 19,000 acre feet and Reudi Reservoir will have 35,000 acre feet of its 120,000 acre feet capacity.

In the Yampa, White and North Platte basins, many reservoirs are empty save for their dead pool storage. Streamflows are well below normal. In the San Juan and Dolores Basins, all irrigation reservoirs are expected to be emptied. The San Juan is flowing at 3% of normal, and the Animas River is flowing at 14% of normal.

In short, the need for relief is real. Although there is no legislative cure

for a lack of moisture, we can help ease the economic hemorrhaging caused by the drought. As we search for new alternatives that will provide drought relief to communities and businesses, I urge my colleagues to vote in favor of this amendment, and support those who have suffered from natural disaster.

I ask unanimous consent to print the following information in the RECORD.

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

[From the Denver Post, Sept. 7, 2002]

SENATE SHOULD OK FARM BILL

A prediction that Colorado will lose 20 to 50 percent of its farms and ranches over the next year underscores the importance of a bill in the U.S. Senate that will give cash and low-interest loans to help keep farms from shutting down their operations.

The bill, a $5 billion drought emergency package, is co-sponsored by Sen. Wayne Allard, a Loveland Republican. It is expected to pass the Senate on Monday. We urge swift passage of this measure that provides money for farms in dire need.

Not only would the emergency package provide low-interest loans for Colorado farmers and ranchers severely affected by drought conditions, it also provides cash grants for those who are too deep in debt to qualify for other government-subsidized loans.

Colorado's agricultural income stands to drop by one-half due to the drought. Production is already so far down this year that large dairy farms are losing thousands of dollars a month, hundreds of thousands of acres of produce have died and the prices paid to farmers for their products are decreasing.

Because the state has received federal drought designation, farmers also may qualify for federal loans. But many Colorado farms and ranches can't qualify for federal funding. Therefore, state loans and grants are of paramount importance during this extremely dry year.

What is frightening is that if the state's snowfall doesn't increase significantly this winter, the situation is going to be even worse next year.

The whole disturbing situation also makes a strong case for enhanced water storage systems during wet years.

While the government passes a measure to pump more cash into agriculture, we also must look at being more aggressive in planning for the state's future water needs.

[From the Denver Post, Sept. 6, 2002]

SENATE BILL SEEKS CASH FOR FARMERS IN DROUGHT

OFFICIALS FEAR STATE WILL LOSE 20%–50% OF FARMS IN YEAR

(By Kit Miniclier)

Cash and loans would be available to farmers in Colorado and the rest of the country hit hard by drought under a $5 billion drought emergency package co-sponsored by U.S. Sen. Wayne Allard, R-Colo.

Low-interest loans aren't enough help for farmers whose worth shrank during the drought, agriculture officials say.

They predict Colorado will lose from 20 to 50 percent of its farms and ranches over the next year.

The measure, which Allard predicted would win Senate approval Monday, provides loans. It also offers cash grants for those who can't qualify for low-interest federal loans, he said.

''This is the worst drought in Colorado history,'' probably going back to the 1700s, said Allard, the only veterinarian in the Senate.

Agriculture, which consumes about 85 percent of Colorado's water, earns about $5 billion as the produce leaves the farm or ranch, ''and you can add another $12 billion at retail,'' said Don Ament, a veteran farmer, state lawmaker and Colorado's commissioner of agriculture.

Dead and dying crops are expected to cut Colorado farm income by at least half this year, Ament warned Gov. Bill Owens this week.

Although a statewide federal drought designation earlier this year cleared the way for low-interest federal loans, many farmers and ranchers aren't eligible because they are already deeply in debt.

''A catastrophic impact on agriculture and rural businesses can be expected'' this fall because of this loss of crops and income, according to a report compiled for Owens.

If Colorado doesn't get a substantial snowpack this winter, ''the situation will be tenfold worse by this time next year,'' Ament added.

That's because there was water in the reservoirs this year, but many are dry now.

The state could increase its water storage by 150,000 acre-feet by simply repairing existing dams, according to Greg Walcher, executive director of the Colorado Department of Natural Resources.

There is a consensus—for this first time in two generations—to store water for bad years, Walcher added.

Colorado's drought-related losses reportedly include:

More than 1 million cattle—half the state's total, including breeder stock for hundreds of farms—sold prematurely.

Big dairy farms losing $15,000 to $20,000 a month because of low milk prices and rising feed prices.

700,000 acres of dryland winter wheat worth an estimated $120 million died. Production was 38 million bushels, compared with a 10-year annual average of 83.4 million bushels.

Sunflower production worth almost $20 million last year, was down 71 percent this year.

This year's 250,000 acres of dryland corn dried up before it could be harvested. Last year's crop was worth $34 million.

Sorghum for grain, which grossed about $17 million last year, is down by at least 25 percent this year.

''You know you've got real trouble when you drive by a reservoir and dirt storms are blowing out of the lake bottom,'' said Ament, who had recently driven past Barr Lake State Park northeast of Denver.

[From the Pueblo Chieftain, Aug. 24, 2002]

RANCHER'S LAMENT: ''FEED AND WORRY''

(By Margie Wood)

With decent rain, the sandy soil on Larry Fillmore's ranch north of Boone would support waist-high grass and a cattle herd—and a way of life that has kept his family on the land for four generations.

This year, a portion that's in the Conservation Reserve Program is covered by a gray tangle of grass that saw its last moisture in the form of hail last October. And that was better than a 40-acre plot across the road, where two horses and a congregation of prairie dogs have eaten pretty much everything in sight.

''I'm ashamed of this part,'' Fillmore told visitors on a drought tour sponsored by the Colorado Association of Conservation Districts on Friday. ''I thought it would rain someday.''

But it didn't rain until a little bit of moisture fell Thursday night. By that time, Fillmore had sent most of his cattle to Oklahoma. He still has some stock in mountain meadows and is worrying about what to do with them in October when they have to be moved.

''I was still feeding (rather than having grass for the cattle to graze on) the 15th of July,'' he said. ''We did two things all spring and summer: feed and worry. And that took up all day and all night.''

His neighbor, J.D. Wright, has a stocker cattle operation nearby, meaning he buys calves in the fall, feeds them in through the winter and grazes them in the summer before taking them to sell. This year, there was so little grass he sold them early and figures he lost about $10 a head.

Now, after witnessing 11 lightning fires that burned thousands of acres in the area, Wright looks at a CRP field and sees a lot of fuel.

He agreed with Randy Loutzenhiser of Flagler, President of the state association of conservation districts, that the CRP land should be used periodically, maybe every third or fourth year, to keep it healthy and reduce the fuel load.

The CRP program is run by the Natural Resources Conservation Services, and this year the U.S. Department of Agriculture did make some allowances for grazing and haying on CRP land because of the drought. But there was a penalty involved, and Fillmore opted not to pay the price to move cattle onto his CRP land.

As the tour moved farther north in the Olney-Boone Conservation District, district conservationist Dave Miller of the NRCS pointed out a green field that had 4 to 4½ inches of rain this year, with grass about 8 inches tall.

Another field had a fire followed by rain in the same lightning storm, so the grass recovered somewhat. Yet another had a lightning fire with no rain, and the soil already is beginning to blow, Miller noted. ''We're hoping somehow it will get some grass on it. The only other thing to keep it from blowing would be deep chiseling—and I mean 30 inches deep.''

In some areas, even sagebrush looked brown and dead. ''Those plants may have roots 10 feet deep,'' Miller said. ''Still, there's no water for them.''

But the worst sight on the tour was a field that has been farmed in a beans-milo rotation. The ground was tilled in the spring, exposing the roots.

''He planted a crop but there was no rain, no crop,'' Miller said—and all the silt with its nutrients has blown away, leaving a stretch of pale sand unbroken by one green shoot.

A few miles away, rancher Ed Hiza said 80 percent of the cattle in a 20-mile radius are gone. He expects to ship the rest of his cattle out within a month, saying ''I can't feed them for nine more months, and that's the earliest I can see growing anything to feed them.

''We've endured a lot of hardship in this county, and this drought is just the nail in our coffin,'' he said. ''Economically we find a lot of excuses about world markets and that, but the situation is that I could be forced off this ranch in the next few years.''

[From the Pueblo Chieftain, Aug. 24, 2002]

ALLARD: DROUGHT MORE SERIOUS IN SOUTHERN COLORADO

(By Margie Wood)

U.S. Sen. Wayne Allard talked about drought at a standing-room-only meeting at the Greater Pueblo Chamber of Commerce Friday afternoon, assembling representatives of various state and federal agencies that can help suffering farmers and communities.

''This is a very critical situation, and it's more serious in Southern Colorado than in the northern part of the state,'' he said. ''I've read that tree rings going back to the 1700s show no worse drought year than this one.''

Allard said he has introduced legislation to provide direct aid to farmers and ranchers who have lost crops or livestock, and he is working to reform the tax code to help ranchers who have to liquidate their herds.

He noted that Agriculture Secretary Ann Veneman has extended CRP grazing/haying permits through Nov. 30, and said, ''That won't solve all the problems, but it has helped some people stay in business.''

Allard's aide Cory Gardner said the Senator is working on a federal drought assistance bill that has now reached $3 billion.

Others who appeared with Allard were Gigi Dennis, former state senator from Pueblo West who now heads the regional Rural Development agency under the USDA; Lewis Frank of the Farm Service Agency; State Conservationist Allen Green; and representatives of the Federal Emergency Management Agency and the Small Business Administration.

State Agriculture Commissioner Don Ament noted, ''We can't seem to get out of these crises. I hate to be so negative, but we're here to help you survive.''

Their audience ranged from John Stencel of the Rocky Mountain Farmers Union to a sheep rancher from Montrose to several Las Animas County ranchers.

''We're about four years into this drought in Las Animas County,'' said Gary Hill. ''It is kinda funny that it didn't really get to be a drought until our city cousins couldn't water their lawns.''

Stencel also spoke of the ''quiet tragedy'' of drought, and said it will take the state agricultural producers years to dig out.

Allard's staff conducted a similar meeting in Alamosa on Thursday.

Farmer Ray Wright, who heads the Rio Grande Water Conservation District and is a member of the Colorado Water Conservation Board, said the area is in a water deficit and an overdraft on the water supply will continue.

Alamosa businessman Leroy Martinez said part of the problem is that the traditional farming area has been expanded to the point where it can't be supplied with water.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. I don't know how much time I have to yield.

Mr. WELLSTONE. Mr. President, are there other colleagues who want to speak on the Republican side who have not had a chance?

Mr. BURNS. In other words, those who oppose this amendment have not seen fit to come to the floor. That is the dilemma in which we find ourselves.

Mr. REID. Mr. President, is there a question before the Senate?

The PRESIDING OFFICER. At this time, the question is who yields time? Twenty minutes remain in the control of Senator WELLSTONE. Twenty minutes remain to the opposition.

Mr. REID. Mr. President, I ask unanimous consent that until someone shows up to oppose this, Senator BURNS be allowed to allocate time for those in support of the amendment.

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

Mr. REID. The reason I say Senator BURNS, Senator BYRD is not here, and he has the greatest confidence in Senator BURNS to handle this bill.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, will the Senator from Minnesota yield to the senior Senator from Wyoming for his statement?

Mr. WELLSTONE. I am pleased to yield.

Mr. BURNS. I yield 2 minutes to the senior Senator from Wyoming, Mr. THOMAS.

Mr. THOMAS. Mr. President, I spoke some about this yesterday on the floor in terms of it being part of the Interior bill. Certainly I support this amendment. This is the only way we have to relieve the kinds of economic disasters that have occurred in the West and over the country, as a matter of fact.

One of the issues is going to be how this is administered and how it is divided. Certainly, often you read about so much an acre for the crops and so on. I want to make the point again, this is also for livestock. This is for cattle, sheep, for the people who have not had grazing either on their own lands or on the lands that are leased. As we look at this, agriculture includes livestock. We need to make sure that is the case and that the distribution be made fairly throughout.

I appreciate very much the opportunity for us to actually do something. Hopefully, the expenditures, even though not a formal offset, will be offset actually by the reduction in costs in the farm bill, and this makes it a little more practical in terms of the finances.

I am supportive of the bill and hope we can move forward with the amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will just take 1 minute for an observation, if I may.

I say to the Senator from Wyoming, this does include livestock producers, and it is extremely important. In our State, we are talking about livestock producers, but we are also talking about wheatgrowers, soybeans, all of the damage to the crops.

I thank colleagues on both sides of the aisle for coming out here, Republicans and Democrats, West and Midwest, and also Senators from the east coast who have not sustained this kind of damage but are willing to lend their support, knowing full well that if they need help they will get help from the rest of us.

This is sort of a definition of community and helping people, and I am so pleased to see the strong bipartisan support. I really believe if we get a huge vote, we have an excellent chance of getting help to people.

As a Senator from Minnesota, I am so pleased with the way this discussion is going and I thank my colleagues from both sides of the aisle for their support.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. I yield 3 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 3 minutes.

Mrs. CARNAHAN. Mr. President, I strongly support this relief package for family farmers needing immediate disaster relief in order to stay on their land.

Let me cite a few numbers to underscore the extent of the problem in Missouri. Just yesterday, the USDA rated 58 percent of Missouri's pastureland in poor or very poor condition; 53 percent of Missouri's corn is in poor or very poor condition; 49 percent of Missouri's soybeans are in poor or very poor condition. Though any additional rainfall would be welcomed, it will only be of limited assistance.

Much of the damage I cited is on land that was hit last year by an army worm infestation of record proportion. Many farmers are facing 2 years of devastation because of these unprecedented natural disasters. This legislation would provide real relief for crop and livestock losses over the past 2 years. Much of the damage to the crops and pastureland is irreversible. Just as we help the victims of floods, wildfires, and other natural disasters, so we must come to the aid of farmers victimized by Mother Nature.

Several weeks ago, I expressed my disappointment to the administration for declaring that drought relief must be offset by cuts to programs funded in the new farm bill. Such cuts would undermine the farm bill's safety net that we put into place only a few months ago. This safety net is key to farmers, bankers, and others who must make long-term planning decisions.

Tampering with the safety net would send a message to our farmers that the farm bill is not something on which they can rely. In essence, the administration is proposing to rob Peter to pay Paul. This stance is particularly troubling when recent USDA reports show farm income decreasing by 23 percent this year. That is a $10.5 billion decrease in net farm income. It is the wrong position. It is wrong for our farmers, and it is wrong for our communities that rely on an agricultural economy.

Missouri ranks second nationally for the number of farms within a State. Agriculture is a large part of Missouri's economic lifeline. Historically, what is good for our farmers is good for America, and I urge my colleagues to support our farmers by providing disaster relief that keeps the safety net intact.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I ask my colleague if I may have 5 minutes.

The PRESIDING OFFICER. There are 13½ minutes remaining.

Mr. BURNS. That would be fine.

I say to my friend from Montana, I am trying to protect those who oppose, but I have no problem with yielding 5 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. BAUCUS. Mr. President, I thank my friend and colleague from Montana, Senator BURNS, for cosponsoring this amendment with me. I deeply appreciate his work.

I point out this is truly a bipartisan effort to get agricultural and disaster assistance payments to farmers and ranchers across our country. This is not a partisan matter. This is a nonpartisan matter. Drought does not know whether a farmer is a Republican, a Democrat, an Independent, or whatever political affiliation he or she may have. Drought hits everybody relentlessly. It is clear that these last several years it has hurt a lot of farmers.

This amendment we are attempting to pass will help farmers across our country.

I also thank the numerous agricultural organizations that have demonstrated their support for the amendment by making an endless number of phone calls, writing letters, and tirelessly raising the need for agricultural assistance in the Halls of the Congress.

Drought brings the producers to their knees, not only poor producers but the best producers. The crisis in our agricultural community has absolutely nothing to do with poor planning. I want to make that very clear. In fact, the farm bill has nothing to do with agricultural disaster assistance. The farm bill we passed has to do with farmers generally. If and when disaster hits, and if it is persistent over several years, then there is no choice but to fold up one's tent, leave, or cut back dramatically in a way that hurts not only the farmer but the rest of the community.

According to the New York Times on May 3, 2002—not too many months ago—let me quote an article in that newspaper:

> In eastern Montana, more than a thousand wheat farmers have called it quits rather than try to coax another crop out of the ground that has received less rain over the last 12 months than many deserts get in a year.

We today have the opportunity to help mitigate these drought conditions and keep our producers on the land. After consecutive years, drought harms not only producers but entire communities. I would like to share the words of Montana farmer Dan Debuff to illustrate the impacts of drought on his community of Shawmut:

> Our local John Deere dealer had sold seven combines last year at this time. This year he hasn't sold one. School enrollments are down 30 percent from 5 years ago and are still declining.

Remember, this drought has been going on for 4 or 5 years.

> Gross revenues for the local grain elevator and fertilizer plant have declined 33 percent from 2 years ago and they have eliminated two full-time jobs. The large elevator and fertilizer plant have cut 9 full-time jobs out of a total of 25.

The letter goes on to describe the adverse effects the drought has not only on farmers individually but also on communities.

I have a chart which shows the effect of the drought now in America. It covers almost the entire West. If one draws a line a little bit west of the 100th meridian, almost all of America west of that line is in drought. The chart shows by color the worst conditions. The red and orange are the worst, and that is almost all of the western United States. In fact, it is almost half of the geographic United States of America.

Without our help, without passing natural disaster assistance today, we will change the future of rural America forever. A large percentage of our hardworking producers will lose their land, lose their homes, their jobs, and their way of life. They will not be purchasing clothes, seed, fertilizer, or equipment in their local stores. They are going to have to move, take their kids out of school, go some place else, and try to make a go of it.

We now have the opportunity to do something about that. A vote for this amendment is a vote for America's family farmers and ranchers to provide us with a safe domestic food supply. A vote for this amendment is a vote for the future of rural America. A vote for this amendment is a vote for fulfilling our responsibility as a country to protect our citizens from natural disaster.

Rural America is resilient. Like them, I am not going to give up. We are going to keep trying until we get the disaster assistance we need. We give disaster assistance to people in the country for earthquakes, for floods, and for hurricanes. It only makes sense that we should give disaster assistance for our farmers.

I voted for disaster assistance for Americans for flood insurance, for hurricanes, and for earthquake disasters. I voted for those because it was the right thing to do, the American thing to do. It is also the American thing to do to help our farmers and ranchers.

I also ask the President to reconsider. I support the President many times and do not support him other times. This is one time I am asking the President to reconsider his opposition because our American farmers need all of America to help give them the assistance they need.

I very much thank the Chair and thank my colleague from Montana and thank the Parliamentarian. I yield the floor.

Mr. LEVIN. Mr. President, I would like to express my support for an amendment that is being offered by the distinguished majority leader. I am a cosponsor of this amendment, originally proposed as a bill by Senator BAUCUS which I also cosponsored. It now provides much needed assistance to our Nation's farmers.

While farmers across the country have faced tremendous losses during the past 2 years, those in my home State of Michigan have been among those who have suffered the most. Dramatic shifts in weather conditions throughout the growing season have devastated crops across the State. Some farmers faced early warm temperatures followed by freezing conditions while others saw torrential rains early in the growing season followed by long droughts; still others have faced drought conditions at the beginning of the crop year and heavy rains at harvest time.

These conditions have devastated many of Michigan's prime crops. This year, cherry farmers in Michigan lost upwards of 90 percent of their crops, a level that threatens to devastate Michigan and the Nation's cherry industry give that Michigan produces over 70 percent of the tart cherries in the Nation. Additionally, 80 percent of Michigan's apple farmers have lost upwards of 40 percent of their crop.

Earlier this year, I had the opportunity to visit with cherry growers in Michigan and listen to them as they told me how this year's crop losses were the worst on record. In addition, approximately 25 percent of apple growers in Michigan and across the Nation are in danger of going out of business in the next 2 years, and in Michigan that means that our cherry, peach, and asparagus crops, which are often grown on the same orchards, will be greatly decreased.

This year, USDA Secretary Ann Veneman recognized the atypical weather conditions that affected Michigan by designating 50 of the State's counties as disaster areas. Making matters worse, all of these counties were similarly designated last year, when Secretary Veneman designated 82 of Michigan's 83 counties as official disaster areas. While Michigan's farmers are some of the most innovative in the Nation, 2 years of statewide crop failure have threatened the continued viability of agriculture in Michigan.

No one, least of all America's farmers, likes the fact that emergency agricultural supplementals have seemingly become routine. However, we must provide this assistance for without it many of our Nation's farmers will cease to be able to continue farming. I thank the Senator from South Dakota and the Senator from Montana for their efforts in drafting, supporting, and helping to pass this amendment.

Mr. HARKIN. Mr. President, I strongly support this amendment to provide disaster assistance for our Nation's farmers and ranchers. Over the last several years, Congress has acted responsibly to provide help to those producers whose operations have been adversely affected by bad weather. I see no reason why this year should be different. This situation truly exemplifies an emergency in every sense of the word, and should not force us to deplete the long-term resources provided

by this year's farm bill in order to meet these short-term needs.

Already, this has been a devastating crop year for producers across the country. In the most recent assessment issued by the National Weather Service, nearly every State west of the Missouri River faces significant crop losses as a result of severe to exceptional drought conditions. A second region of the Eastern United States which includes most States in a block from Georgia northward to Maine and westward to Ohio is facing a similar situation. For many States, particularly in the West, this is only the latest in a series of droughts.

We have only begun to assess the magnitude of this year's disaster for agricultural producers. From late July, press reports cite losses in the Plains States of $822 million in South Dakota, $687 million in Nebraska, and $267 million in Minnesota from both drought and flooding. With little appreciable rain during August in most drought-stricken regions, it is likely that losses have increased since those estimates were made. We have serious drought in southwest Iowa, and also experienced uncompensated 2001 losses in Iowa, mostly from prevented plantings.

Other regions have also been hit. In Michigan, harsh spring weather caused USDA to declare 50 counties agricultural disaster areas, particularly affecting the cherry and grape crops. Hordes of grasshoppers are eating their way through pastures and fields in the Rocky Mountain West, including Colorado and Idaho. Rampant disease threatens Georgia and North Carolina crops. In mid-August, Maryland's Governor sought a disaster designation for all but two counties in his State.

As a result of field surveys in late July, USDA is now predicting the smallest U.S. corn crop since 1995, at less than 9 billion bushels, and the smallest wheat crop since 1972, driven both by poor yields and reduced acreage. Although some farmers will benefit from the increased prices, those farmers with little or no crop to harvest will not. Western cattle producers, who have seen their pastures burn up in the unrelenting heat, face a choice of either buying hay on the market or selling their animals into a depressed market. There are currently no programs to assist these producers.

It is true that many row crop farmers have crop insurance policies, which will offer them some relief, but the gravity of this situation demands further Federal action. These producers are facing the loss of their crops in the wake of several years of low commodity prices, thus pushing them deeper into a financial hole.

With higher crop prices now projected by USDA for the 2002 crop year, it is clear that farm program spending will be lower than was originally predicted by the Congressional Budget Office. It was estimated recently by CBO that the difference could amount to $5.6 billion in LDP's and countercylical payments that will not now be made compared to the August baseline. That difference would exceed $6 billion when compared to earlier estimates of the farm bill's cost.

Floods and drought have been particularly hard this year not only on producers' bottom lines, but also on our soil, water, and wildlife resources. Unfortunately, the money needed to take care of our resources under the Emergency Watershed Protection Program wasn't included in this package. I intend to pursue adding the money needed for drought and flood relief through this program in conference, and hope that we will be able to address these needs in the final conference report.

I fear that unwillingness to act on this amendment could push many farmers to the brink of failure, and hasten the erosion of rural communities and small towns. If we truly want to assure economic security to our nation, then we must start with its backbone, our farm families and the rural economy they support.

I ask unanimous consent to print in the RECORD the text of the letter sent to the Senate leadership yesterday by Agriculture Secretary Veneman, reiterating the President's opposition to disaster relief legislation for which the cost is not offset by cuts in the 2002 farm bill. I am disappointed that the letter was sent. I hope that we will be able to bring the White House and the House of Representatives around to the realization that assistance is critically needed and that it cannot be funded by taking assistance out of the farm bill and away from other producers.

THE SECRETARY OF AGRICULTURE,
Washington, DC, September 9, 2002.

Hon. THOMAS DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. TRENT LOTT,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS DASCHLE AND LOTT: We appreciate your efforts to help farmers and ranchers who are suffering as a result of the 2002 drought. As you know, the Administration continues to take all action allowable under current law to assist struggling farmers and ranchers. This includes expediting emergency declarations and making emergency loans available to producers, the recent release of CCC-owned milk powder in order to provide a low cost feed supplement for cow and calf operations, and the opening of all CRP lands nationwide for haying and grazing. The President has consistently stated his support for additional drought relief provided it does not increase the deficit.

The Congress has already provided the tools for drought relief for crop farmers through the heavily subsidized Federal Crop Insurance Program. The crop insurance subsidy was increased dramatically in 2000 to avoid the need for disaster payments. The vast majority of the crop acreage in the drought regions is covered by crop insurance. Over seventy percent of the acreage in the U.S. is covered and over eighty percent in South Dakota. Our goal should be to maximize participation in this program. Additionally, we recognize that ranchers and livestock producers who have been severely impacted by this drought do not benefit from the same risk management tools available to other farmers.

The recently enacted Farm Bill provides $180 billion, an increase of $82 billion above the baseline. This $180 billion can accommodate funding for emergencies, economic assistance, rural development, and other purposes. One of the greatest benefits of the Farm Bill is that it ensures farmers have the resources they need. On May 24, Senator Daschle defended the farm bill spending levels, stating ''we're getting rid of those ad hoc disaster payment approaches''. The farm bill should break the bad fiscal habit of needing to pass emergency agriculture spending bills including drought, flood, or other supplemental payments that make it difficult for Congress to live within its budget.

We support providing immediate assistance to those who don't have access to risk management tools, encouraging greater participation in the crop insurance program and providing relief within the resources of the current farm bill. If legislation consistent with this approach were to be presented to the President, we would advise his support.

In the Senate, an amendment has been offered to the Interior Appropriations bill that would reestablish emergency payment programs for farmers and ranchers similar to those used for the 2000 crop year. We understand the cost of this amendment is likely to approach $6 billion.

The Administration strongly opposes this amendment and any agriculture spending in excess of the $180 billion in spending provided earlier this year. This proposal would add $6 billion on top of the already generous Farm Bill only a few months after the bill was enacted. This is unacceptable. The needs for the current drought must be met within the additional resources provided for in the Farm Bill.

We hope this information gives you the guidance you need in order to consider a prudent and fiscally responsible drought assistance package. I look forward to working closely with you through this process.

Sincerely,

ANN M. VENEMAN.

Mr. SPECTER. Mr. President, I have sought recognition to state my reasons for voting for the amendment offered to provide $5.9 billion in emergency relief to farmers due to flooding, drought and other natural disasters because I am concerned that numerous farmers across the United States and Pennsylvania may lose their livelihoods.

The Pennsylvania agricultural community has been particularly hard hit by natural disasters in recent years. On September 3, 2002, Pennsylvania Governor Mark Schweiker requested a Natural Disaster Determination from the United States Department of Agriculture on behalf of 54 of Pennsylvania's 67 counties that are suffering due to this drought. These counties have been and continue to be under a drought warning or drought emergency. Due to these adverse weather conditions, Pennsylvania farmers have and will experience significant crop damage resulting in reduced harvests. The losses to these counties are projected at over $321 million in Pennsylvania. I am informed that situations similar to this are occurring across the United States. The funding in this amendment will provide $5.9 billion in relief for farmers for the 2001 and 2002 crop years.

During consideration of the 2002 farm bill, I opposed the overwhelming costs

that came as a result of the House and Senate Conference, an increase of $10 billion over the levels passed by the Senate and the House. However, funds are now warranted to combat continued natural disasters that have become an acute problem for farmers in Pennsylvania and across the Nation.

The loss of crops that have come with these natural disasters have left grain farmers with a low yield. This low yield not only effects farmers producing grain but those who must use grain and account for the increased cost of production. The rising costs of grain to dairy farmers has created an intolerable situation where the costs of producing are increasing without the already low price of milk rising at a corresponding level. The addition of these increased costs to production is too much to be shouldered by the hardworking farmers of Pennsylvania and America.

Mr. HATCH. Mr. President, I rise to say a few words about the proposed drought relief package that I have cosponsored and to urge my colleagues to throw their full support behind this very important measure. Utah is in its fourth consecutive year of drought, and our farmers and ranchers have been hit particularly hard this season. If this body does not act now to alleviate some of the damage wreaked by this latest year of drought, many more farmers and ranchers will be forced to sell off their assets completely, as some have already done.

At this time, adequate feed and forage is simply not available for livestock producers in Utah. About 70 percent of Utah agriculture is in the livestock industry, and ranchers rely heavily on public grazing. However, in drought years many ranchers are kicked off public lands by the BLM and Forest Service in an effort to preserve the existing forage. Let me provide an example of how our ranchers have been affected by the drought and resulting expulsion from public grazing. Alarik Myrin is a rancher who I know from Duchesne County, Utah. Alarik has 600 head of cattle and each year relies on public lands to provide 500 of them with forage. Like many others in my state, he was forced off public lands and was not able to graze those 500 head even one day this year. This was a devastating blow in a drought year, because the meager harvest in the West has created a dramatic shortage of feed. While Alarik did receive a small alfalfa harvest on his private land, he was still forced to sell off 300 of his breeding cows along with their calves just to cut his losses. It is important to understand that, like most ranchers, Alarik Myrin makes his living from selling calves. Being forced to liquidate his producing cows without a profit was, in Mr. Myrin's words, like ''selling the factory,'' and he is now left without the resources to purchase a new herd for the next season.

In a normal rainfall year, adequate runoff from Utah's snowpack would help to offset drought conditions. However, this year, the lack of snowpack has combined with almost no precipitation and Utah's largest cricket infestation ever documented to make for an extremely difficult year for agriculture.

Utah has some of the toughest ranchers I know but some have literally been brought to tears by the hardships they are facing this year. Some of these families have been farming and ranching since before Utah was a state, and they know how to succeed in difficult conditions. But a fourth year of drought of this severity is too much to overcome.

One more example of the extreme nature of this year's drought is brought to light at the Salina Cattle Auction in Utah. Normally, this auction sees 500 head sold in the entire month of July. This year, however, the auction saw an average of 2,700 head sold per week in July. Ranchers are liquidating their cows often at less than half the average price. For too many, the result is complete bankruptcy.

I have gone into some detail regarding the difficulties of Utah livestock producers, but crop losses for our farmers have been just as severe. For instance, much of Utah fruit crop this year has been completely ruined. The lack of precipitation and ground water has resulted in unseasonable frosts that have wiped out many of our orchards. Across the board, we are losing key elements of our agriculture sector in the West. Mr. President, if we want to be a nation that feeds itself, we must take action to allow our producers to survive this long drought and live to produce next season.

I urge my colleagues to recognize the importance of this drought relief package. I believe it will help to rebuild an agriculture industry that is in dire need of assistance. It will take several years to recover for many of our producers, but this package will help rebuild herds and allow many farmers and ranchers to continue to provide our nation with the invaluable resources we rely on. Again, I urge my colleagues to support farmers and ranchers across the country by voting in favor of this measure.

I thank the Chair.

CROP DISASTER RELIEF

Mrs. CLINTON. Mr. President, I would like to recognize Mr. DASCHLE for his efforts and concern for the farmers, growers, and ranchers of this nation. His leadership on providing financial assistance to these farmers who have been stricken by the wrath of Mother Nature is to be commended.

Mr. President, my colleague from New York, Senator SCHUMER, and I would like to engage Senator DASCHLE in a colloquy.

Mr. DASCHLE. I thank my colleague for her kind remarks, and would be happy to engage in a colloquy with the Senators from New York State.

Mr. SCHUMER. Mr. President, spring freezes, frosts, and excessive rains have caused severe and permanent damage to specialty crops, such as apples, peaches, pears, grapes (including labrusca grapes), strawberries, stone fruits, onions and cherries in New York State. This damage will not only cause a major financial hardship for the farms, but as my friend from South Dakota has already mentioned, the impact will spread throughout the economy of rural communities that depend so heavily on the prosperity of their farms.

Mrs. CLINTON. Mr. President, these weather conditions have wreaked havoc on an industry vital to New York State. As their trees now stand, green leaves and no fruit, it is feared that a large percentage of these fruit farmers will be forced out of business. It is crucial that these farmers receive assistance along with the farmers and ranchers of the rest of the country who have suffered the devastating effects of drought.

Mr. SCHUMER. Mr. President, this season's farm losses only continue a string of bad luck during the past few years. Last year, New York grape farmers suffered losses of approximately $7 million due to poor fruit set. This year, the losses are expected to be even greater—over $10 million lost because of adverse weather conditions.

Mrs. CLINTON. Mr. President, this year has been the worst year in memory for many specialty crop farmers. In New York's Hudson Valley region, losses on specialty fruit crops total $65 million for 2002 alone. For the communities and the fruit growers in the region, crop disaster relief is much needed to sustain our farms through this difficult time.

Mr. DASCHLE. I appreciate the remarks of the Senators of New York, and assure them that we intend for specialty crop producers, including producers of the crops mentioned by my colleague from New York, to receive disaster assistance under this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

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

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

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

Who yields time?

Mr. REID. Mr. President, the time has actually expired, has it not?

The PRESIDING OFFICER. Just under 6 minutes remain for the opponents.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. 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. DOMENICI. Mr. President, I ask the leader of the Senate if I may speak for 2 minutes.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I am happy to yield time from the leader's allocation, if we are out of time.

Mr. DOMENICI. I will maybe not even take that long.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I rise to discuss the effects of a natural disaster that lingers across most of the West—drought. There is not a segment of the New Mexico population that will not be touched in some way, some form, or fashion by drought this year.

People in other parts of the country have turned on their television sets over the past few weeks and have seen the blazes of catastrophic wildfires that are again devastating the western United states. This may be the only effect of the drought that many are aware of. Let me tell you, the devastation is even more profound.

Ranchers, including ranchers on the Navajo Nation, are being forced to sell off livestock because they can't find enough water for them and can't afford the significant feed costs.

Other agricultural businesses are being forced to shut their doors because the agriculture sector as a whole is hurting. But this is not just a problem for the agricultural community.

Most of the national forests in New Mexico were closed to the public. This resulted in a decrease in tourism.

Let me mention a couple of specific examples. First of all, there is a small railroad, the historic Cumbres and Toltec Railroad, that takes people through a very beautiful part of the State. The railroad contributes to the tourism and economic stability of a very poor part of the State. That railroad was forced to close because it was so close to the national forest system lands that the fear that the railroad might spark and start a wildfire is a threat too imminent to risk.

A second example is the river rafting operations that have been forced to cease operations because of the drought conditions and lack of river flows.

Municipal and private wells are running dry. In the City of Santa Fe, emergency wells for municipal water use are needed because Santa Fe's water storage is at 18 percent capacity, the spring runoff is only at 2 percent, and current wells are pumping 24 hours a day.

The City of Santa Fe is at a Stage 3 water shortage emergency, which allows outdoor watering once a week, but the City Council is considering going to Stage 4, which would eliminate all outdoor watering. To put this in perspective, the last substantial rain for the area was in late January.

Santa Fe is only one of the numerous municipalities that have imposed restrictions on water use. These restrictions are enforced by ''water police'' and that violators face steep fines ranging from $20 for a first offense to $200 for a fourth offense and stay at $200 for each repeat violation.

While most livestock sales generally take place on the reservation during September and October, this year emergency sales were being held almost every weekend during July and August. Hundreds of cattle, horses and sheep have already died as a result of the severe drought conditions.

The article goes on to describe the severity of the conditions. ''Stock ponds have gone dry, fish have died in evaporating lakes, and grass has disappeared. Sand blows across reservation roads, and the stiff bodies of dead cattle litter the land.''

The seriousness of the water situation in New Mexico becomes more acute every single day. I reiterate that every single New Mexican will feel the impact of this drought in one way or another. whether they are selling off the essence of their livelihood—livestock, or losing daily revenues in other small businesses, or whether they are actually having to refrain from watering their own lawns and washing their cars, the drought and its devastation is very real.

There is a need out west and I stand ready to do what I can. It will be a monumental and expensive challenge, but one we cannot avoid.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I know we are about to vote. I will take whatever time I require from my leader time to make a couple of closing remarks with regard to this amendment.

I appreciate very much the great work done by so many of our colleagues over the course of the last several months on this issue. The Senator from Montana, Mr. BAUCUS, and the other Senator from Montana, Mr. BURNS, and my colleague from South Dakota, Mr. JOHNSON, and so many of our colleagues who have worked diligently to make the case to report to this body the gravity of the situation we now face, all deserve commendation.

As I traveled through South Dakota in August during my unscheduled driving, the comment I got most from people in every situation—people on Main Street, people in government, people on farms and ranches—was simply this: Help us with the drought. If you want to deal with the economy, help us solve this problem now.

The situation could not be any more grave than it is in the western part of my State. Statistically, this situation is the worst it has been in some counties since 1936. So, there is no other option than for us to answer the call made to us all as we traveled our States last month: Help us with the drought. Provide the assistance. Do what is right. Recognize that as we have dealt with crises and natural disasters in the past, we must now do the same. That is what this amendment does.

We would respond with generosity and we would respond with commitment if there was a hurricane. We would respond with generosity if there was a flood. We would respond with generosity it there was an earthquake. Let us respond with the same commitment and resolve in this drought as we would with any other natural disaster. That is what this amendment does.

We have actually saved a great deal of money because prices are higher than projected when the farm bill passed. We don't need an offset. We simply know these resources can be rededicated to rural America without the commitment of an offset per se.

This is an emergency. We must send a clear message that, without this help, we will lose many of those leaders in the agricultural community throughout our country that we rely on every day.

So I urge my colleagues to do the right thing and recognize the urgency of the need for this emergency disaster assistance, to support it on an overwhelmingly bipartisan basis this morning and send a clear message that help is on the way.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, I understand there are only 58 seconds remaining on the side of the opposition. I still want to protect their right to speak for some time before the vote, and we are now passed the time limit now. If the Senators who want to speak can be allowed at least 5 minutes, then we will go immediately to the vote.

Mr. REID. Mr. President, I object to an extension. We have Condoleezza Rice and George Tenet waiting for a classified briefing. Our time is up. People have had all morning to speak.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. 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. DASCHLE. Mr. President, there are two Senators who have sought recognition prior to the time we vote. I ask unanimous consent that Senator GRAMM of Texas and Senator CONRAD of North Dakota both be given 2 minutes prior to the vote and that the vote occur immediately thereafter.

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

Mr. BURNS. I yield 2 minutes to the Senator from North Dakota.

Mr. CONRAD. Mr. President, those who are in opposition to providing disaster assistance to our Nation's farmers and ranchers who have been hit by disaster have said it will cost money. Of course, that is true. It will cost

money, over $5 billion, to provide disaster assistance. It is something we have always done. It is something we should do now.

More than that, the Congressional Budget Office informed me yesterday that there will be savings from the farm bill of $5.6 billion. Let me repeat that: The CBO informed me in a letter yesterday there will be $5.6 billion of savings from the farm bill. That is not a direct offset for this disaster assistance. I urge my colleagues to keep in mind when we are looking at overall spending that it will be about a wash.

There are savings from the farm bill because production is down. That means prices are higher than anticipated, meaning costs under the farm bill will be less by $5.6 billion. That approximately pays for the disaster package.

If anyone wonders whether it is really needed, I urge them to visit southwestern North Dakota, which has become like a moonscape. In running a food bank in northern South Dakota, a Presbyterian minister reported that the wives of ranchers are coming in asking for food and they are very concerned that their husbands not find out because they are proud. They do not want public assistance, but they desperately need it.

Now is the time. Please help. We always have in the past.

Mr. DOMENICI. Could I ask the Senator a question?

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

Mr. DOMENICI. I listened carefully to the remarks, but the Senator did not say the Congressional Budget Office told you that a waiver is not necessary for this bill in that it will require a budget waiver or it will fall. Is that not correct?

Mr. CONRAD. That is absolutely correct.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. GRAMM. Mr. President, we have listened as over and over again our Budget Committee chairman, the majority leader, and others have talked about deficits and the alarm we have for rising deficits. Yet today we are in the process of adding $6 billion to those deficits. We have already passed a farm bill that cost a record amount—over $80 billion over 10 years—but that is not enough. We are now being asked to add roughly another $6 billion to that deficit.

We have to come to a recognition that deficits do not come from heaven. Deficits do not occur because God makes some decision. Deficits occur because we make decisions.

We have a budget process. The chairman of the Budget Committee is not willing to defend it, but we have it. We have a budget point of order that requires 60 votes for the Congress to go on record as saying we are willing to throw fiscal restraint out the door, that we are willing to add $6 billion to a deficit which is swelling daily.

I hope, first, that we sustain the budget point of order I will raise. But I hope those who are going to vote to waive this budget point of order and who will give us long lectures on many subjects will not include growing deficits among those subjects.

I think ultimately we have to start making decisions. We have to make a choice: Do we want these deficits to go ever higher or are we willing to make a stand now? I am not saying there are not people who need help. I think we can focus a narrower bill which is paid for. I think a source of paying for it can be some of the over $80 billion in the farm bill.

Mr. President, I raise a point of order under section 306 of the Congressional Budget Act against the pending amendment, No. 4481, because it contains matter which is within the jurisdiction of the Senate Budget Committee. That matter is, basically, setting aside the budget process.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. I move to waive the relevant portion of the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. GREGG), the Senator from North Carolina (Mr. HELMS), and the Senator from New Hampshire (Mr. BOB SMITH) are necessarily absent.

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

The yeas and nays resulted—yeas 79, nays 16, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—79

Allard	Crapo	Landrieu
Allen	Daschle	Leahy
Baucus	Dayton	Levin
Bayh	DeWine	Lieberman
Bennett	Dodd	Lincoln
Biden	Domenici	McCain
Bingaman	Dorgan	McConnell
Bond	Durbin	Mikulski
Boxer	Edwards	Miller
Breaux	Enzi	Murkowski
Brownback	Feinstein	Murray
Bunning	Graham	Nelson (FL)
Burns	Grassley	Nelson (NE)
Byrd	Hagel	Reed
Campbell	Harkin	Reid
Cantwell	Hatch	Roberts
Carnahan	Hollings	Rockefeller
Carper	Hutchinson	Sarbanes
Cleland	Inhofe	Schumer
Clinton	Inouye	Smith (OR)
Cochran	Jeffords	Specter
Collins	Johnson	Stabenow
Conrad	Kennedy	Stevens
Corzine	Kerry	Thomas
Craig	Kohl	Thurmond
Voinovich	Wellstone	
Warner	Wyden	

NAYS—16

Chafee	Hutchison	Sessions
Ensign	Kyl	Shelby
Feingold	Lott	Snowe
Fitzgerald	Lugar	Thompson
Frist	Nickles	
Gramm	Santorum	

NOT VOTING—5

Akaka	Helms	Torricelli
Gregg	Smith (NH)	

The PRESIDING OFFICER. On this vote, the yeas are 79, the nays are 16. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to and the point of order falls.

The Senator from Nevada.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that Senator ENZI be recognized to offer a second-degree amendment to the Byrd amendment, that he have up to 3 minutes to discuss his amendment, and that following the use or yielding back of his time, the amendment be withdrawn.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I would further notify Senators that following Senator ENZI, Senator CRAIG is expected to offer an amendment, which would be a second-degree amendment—I have spoken to the managers of the bill; I have spoken to Senators DODD and CRAIG—and that following the offering of the amendment by the Senator from Idaho, he would speak for a period of time but not until 12:30, and that there would be sufficient time for that amendment to be set aside temporarily and Senator DODD be recognized to offer an amendment.

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

The Daschle amendment is agreed to.

The amendment (No. 4481), as modified, was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized.

Mr. BURNS. Madam President, reserving the right to object—and I will not object—I need a clarification, though, how that could be disposed of. Then would the Senator from Connecticut lay his amendment aside after it being offered to the main bill or to the underlying bill?

Mr. REID. The purpose of this is to have the Craig amendment laid down. As most know, we are trying to work out an agreement on this very contentious issue dealing with fire suppression. And staff is trying to work out a unanimous consent request that we could agree to later today. But until

that happens, Senator CRAIG's amendment would be the matter next before the Senate. But he has agreed to temporarily lay that aside to allow the Senator from Connecticut to offer an amendment. And that is not in the form of a unanimous consent request; it is just for the information of Senators.

Mr. BURNS. I withdraw my reservation.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 4517 TO AMENDMENT NO. 4480

Mr. ENZI. Madam President, I call up amendment No. 4517.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for himself, Mr. GRASSLEY, and Mr. HAGEL, proposes an amendment numbered 4517 to amendment No. 4480.

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

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

The amendment is as follows:

(Purpose: To provide offsets through payment limitations)

At the end of the amendment, add the following:

SEC. 3___. PAYMENT LIMITATIONS.

Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (b), by striking ''$40,000'' each place it appears and inserting ''$17,500'';

(2) in subsection (c), by striking ''$65,000'' each place it appears and inserting ''$32,500''; and

(3) by striking subsection (d) and inserting the following:

''(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—

''(1) LOAN COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed $90,000:

''(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.) at a lower level than the original loan rate established for the loan commodity under that subtitle.

''(ii) In the case of settlement of a marketing assistance loan for 1 or more loan commodities under that subtitle by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

''(B) Any loan deficiency payments received for 1 or more loan commodities under that subtitle.

''(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under that subtitle.

''(2) OTHER COMMODITIES.—The total amount of the following gains and payments that a person may receive during any crop year may not exceed $90,000:

''(A)(i) Any gain realized by a producer from repaying a marketing assistance loan for peanuts, wool, mohair, or honey under subtitle B or C of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.) at a lower level than the original loan rate established for the commodity under those subtitles.

''(ii) In the case of settlement of a marketing assistance loan for peanuts, wool, mohair, or honey under those subtitles by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

''(B) Any loan deficiency payments received for peanuts, wool, mohair, and honey under those subtitles.

''(C) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for peanuts, wool, mohair, and honey, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under those subtitles.

''(f) SINGLE FARMING OPERATION.—Notwithstanding subsections (b) through (e), if an individual participates only in a single farming operation and receives, directly or indirectly, any payment or gain covered by this section through the operation, the total amount of payments or gains (as applicable) covered by this section that the individual may receive during any crop year may not exceed twice the dollar amount prescribed in this section.''.

AMENDMENT NO. 4517, WITHDRAWN

Mr. ENZI. Madam President, this is a sorely needed offset for sorely needed assistance. I wholeheartedly agree with the need for the emergency agricultural assistance we just passed. It is an emergency in Wyoming and most of the United States. Another pending emergency is the increase in our national deficit. We have a readily available and appropriate offset for at least part of the expenditure. I am suggesting we use it.

By needing emergency agricultural assistance today—we have tacitly admitted that by passing Senator DASCHLE's amendment—we showed that we needed to add to the farm bill. So it has already been opened.

This is an emergency, which is why I cosponsored the emergency amendment. However, this body already wanted payment limitations. We voted on February 7 of this year, by 61 to 33, to include payment limitations in the farm bill. This isn't an issue of chopping programs to provide agricultural emergency money when we don't do that for any other emergency. This is an issue of providing agriculture with emergency money and helping pay for it with something on which this body has already voted.

There has been some discussion this morning to the effect that the lack of crops will lead to additional money anyway. The President has said he supports drought relief that doesn't increase the national deficit. We voted for agricultural assistance today. We should make every effort to keep it alive, and keep it in the bill until it is sent to the President, by showing our good will and intention to do what we can today to keep this desperately needed assistance from increasing the deficit.

It is ridiculous to consider that this body will reject an amendment that provides an offset for an appropriations bill while entertaining a host of amendments that increase spending. The arcane rule seems almost slanted to increased spending.

However, I recognize the importance of rule XVI. I really think this need for drought assistance, for an offset so that we aren't increasing the national spending, is entirely critical. But I will withdraw my amendment based on the Parliamentarian's ruling that rule XVI prohibits offering amendments containing general legislation on appropriations bills. I remain committed to funding a bill in which we offer my amendment that will offset the drought spending.

I yield the floor.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 4518 TO AMENDMENT NO. 4480

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself and Mr. DOMENICI, proposes an amendment numbered 4518:

(Purpose: To reduce hazardous fuels on our national forests, and for other purposes)

At the appropriate place in the amendment, add the following—

SEC. . EMERGENCY HAZARDOUS FUELS REDUCTION PLAN.

(a) IN GENERAL.—Subject to subsection (c) and notwithstanding the National Environmental Policy Act of 1969, the Secretaries of Agriculture and the Interior shall conduct immediately and to completion, projects consistent with the Implementation Plan for the 10-year Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, May 2002 developed pursuant to the Conference Report to the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–646) to reduce hazardous fuels within any areas of federal land under the jurisdiction of the Secretary of Agriculture or the Secretary of the Interior that are outside of Congressionally designated Wilderness Areas and that the appropriate Secretary determines qualifies as a fire risk condition class three area. Any project carried out under this section shall be consistent with the applicable forest plan, resource management plan, or other applicable agency plans.

(b) PRIORITY.—In implementing projects under this section, the Secretaries of Agriculture and the Interior shall give highest priority to—

(1) wildland urban interface areas;

(2) municipal watersheds;

(3) forested or rangeland areas affected by disease, insect activity, or wind throw, or

(4) areas susceptible to a reburn.

(c) LIMITATIONS.—In implementing this section, the Secretaries of Agriculture and the Interior shall treat an aggregate area of not more than 10 million acres of federal land, maintain not less than 10 of the largest trees per acre in any treatment area authorized under this section. The Secretaries shall construct no new, permanent roads in RARE II Roadless Areas and shall rehabilitate any temporary access or skid trails.

(d) PROCESS.—The Secretaries of Agriculture and the Interior shall jointly develop—

(1) notwithstanding the Federal Advisory Committee Act, a collaborative process with interested parties consistent with the Implementation Plan described in subsection (a) for the selection of projects carried out under this section consistent with subsection (b); and

(2) in cooperation with the Secretary of Commerce, expedited consultation procedures for threatened or endangered species.

(e) ADMINISTRATIVE PROCESS.—

(1) REVIEW.—Projects conducted under this section shall not be subject to—

(A) administrative review by the Department of the Interior Office of Hearings and Appeals; or

(B) the Forest Service appeals process and regulations.

(2) REGULATIONS.—

(A) IN GENERAL.—The Secretaries of Agriculture and the Interior, as appropriate, may promulgate such regulations as are necessary to implement this section.

(f) JUDICIAL REVIEW.—

(1) PROCESS REVIEW.—The processes developed under subsection (d) shall not be subject to judicial review.

(2) REVIEW OF PROJECTS.—Judicial review of a project implemented under this section shall—

(A) be filed in the Federal District Court for which the Federal lands are located within 7 days after legal notice of the decision to conduct a project under this section is made to the public in a manner as determined by the appropriate Secretary;

(B) be completed not later than 360 days from the date such request for review is filed with the appropriate court unless the District Court determines that a longer time is needed to satisfy the Constitution;

(C) not provide for the issuance of a temporary restraining order or a preliminary injunction; and

(D) be limited to a determination as to whether the selection of the project, based on a review of the record, was arbitrary and capricious.

(g) RELATION TO OTHER LAWS.—The authorities provided to the Secretaries of Agriculture and the Interior in this section are in addition to the authorities provided in any other provision of law, including section 706 of Public Law 107–206 with respect to Beaver Park Area and the Norbeck Wildlife Preserve within the Black Hills National Forest.

SEC. . QUINCY LIBRARY INITIATIVE.

(a) Congress reaffirms its original intent that the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998 be implemented. Congress finds that delays and obstacles to implementation of the Act have occurred as a result of the Sierra Nevada Forest Plan Amendment decision January 2001.

(b) Congress hereby extends the expiration of the Act by five years.

Mr. CRAIG. Madam President, I have just sent to the desk a second-degree amendment in my name and that of the Senator from New Mexico, Mr. DOMENICI, and a good number of other Western Senators who have grown extremely concerned about the fire situation in the Western States primarily, and especially the Great Basin States, where we have seen now wildfires raging since mid-June—some 66.5 million acres, 2,300 homes up in smoke, 28 lives lost, phenomenal wildlife habitat and watershed destroyed. Clearly, it is a time when we need positive action to resolve this issue.

Others have spoken to it. Our President, about 3 weeks ago, while in Oregon, spoke very clearly to the need for flexibility within forest policy in this country to deal with the fuel-loaded forests of our Nation, to thin them and to clean them, to restore their health, and to do so in an environmentally sound way.

The amendment we offer today—while we still work with my colleagues from Oregon and California and other States that have the same problem, but we are working with a variety of interest groups at this moment to see if we can resolve this in permanent policy—is an expedited process that does not lock the courthouse door, that recognizes the validity of expression and public participation to deal with this issue.

We have reached out to incorporate what the Western Governors proposed, along with the Secretary of the Interior and the Secretary of Agriculture, some months ago, to be a collaborative process that brings all of the parties together on a State-by-State basis to recognize these lands and to designate them for the purpose of cleaning up.

We have limited this approach to no more than 10 million acres. There are over 33 million acres in the class 3 status, which means they are severely bug-ridden, dead, dying, fuel-loaded forests. Even with that number, we have chosen to be limited, to target the most severe, and to deal with it directly.

We also are dealing with the wildland-urban interface, where these homes now in the Western States are, of which we have lost over 2,300 as of today. We are also dealing with urban watersheds. Many of the watersheds that yield the valuable water to the growing urban populations of the West have been devastated by fire this year or are in conditions where they are extremely fire prone. We have also set up a variety of other prescriptions as to how these lands would be dealt with.

I will talk no more in detail about it. My colleague from New Mexico is here to speak about it. We are still working with our other colleagues in the West and around the country to see if we can build a bipartisan approach toward resolving this issue.

The President, the Deputy Secretary of Agriculture, and the Chief are directly involved with us at this moment to see if we can bind together at least a policy that begins to step us forward into resolving what, in my opinion, is now a critical, if not a crisis, status in our U.S. forested lands.

We have now lost an unprecedented number of acres. We are still burning in the States of California and in other States. That could well go on for another month before the wet season hits. We could lose over 7.5 million acres this year, comparable to what we lost last year.

That is the intent of this amendment—to bring parties of interest together to resolve this, to bring Western States together to see if we can find a course of action and the shaping of a public policy that begins to return our great forests to a state of environmental health, watershed quality, and wildlife habitat of the kind we would expect.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I thank Senator CRAIG. It is a privilege to work with him on this entire matter. He is the chief sponsor, and I am here to help him. I started working on it very late compared to Senator CRAIG. When I say ''it,'' I mean this issue, the terrible status of the American forests.

Everyone in this Chamber, be they staffer or Senator, Democrat or Republican, has, over the last 3½ months, looked at their television in absolute awe, for they have seen hundreds of thousands of what seemed from a distance to be beautiful American forests that ought to be enjoyed by millions of people, owned by all Americans, burning up. Sometimes they move a little bit out of the forest and catch a house on fire. If they are burning in California, they burn a house, almost every time. We have fires in my State of New Mexico where they burn and no houses are affected, but the beautiful forest is burning to the ground.

You heard the numbers. It is absolutely incredible. What we are told is that there are, within this great forest, 33 million acres that, if you went and looked at it, they are not so beautiful, they are not so great.

If you drive through them for a few miles, you will probably ask the person you are riding with: Why are those trees still there? They may be stark, burned trees just standing straight up, black or dark brown from having been burned, but still standing up. If there is a big tree in the same forest—you may see a huge amount of acreage that has blown over. Nature knocked them over so they are not the beautiful forest that you think it is from a distance.

Or if you go to two or three forests, you will also find that there are infected forests with various kinds of bugs, to use a common word—insects that have eaten a forest away and what happens? It just stands. These dry, wooden trees just stand. Underneath all of this, or alongside of it all, are small trees that have fallen down, leaves that have piled up. In a nutshell, the forest is unattended and left, obviously, for years, with nobody doing what we all did many years ago. Nobody is cleaning it up; nobody is thinning it.

So we have acreage in America where there are so many trees growing side by side that we were shown yesterday

by one of our colleagues, who is helping with this bill, two pieces—a cut across a tree about this thick, about 14, 15 inches in diameter, and another one was this big, about 4½, 5 inches in diameter. But guess what. They can tell how old each one is. The little one is twice as old as the bigger one because of poor growing conditions, because they were all squashed up together, like you see American forests today. Instead of being separated, where the Sun can go down through and the forest can be happy—as we called a bill to clean up the forests last year, we named it the Happy Forest Act, hoping that we would start to clean up the forests.

But we have not. The American people have now heard on the local news media and the national news media that, for some reason, the process of trying to clean up some of these trees—I am speaking now of those categories to which my friend Senator LARRY CRAIG alluded—that almost anybody would say let's get those out of the forests.

The process of cleaning it up has been held up by a procedure that gets almost every desired cleanup into a court of law, into a NEPA statement, regardless of how little or ineffective it is against the forest. In fact, the process got so bad that, while most of us were totally unable to get a change so we could do fix it, the distinguished majority leader saw it coming. Senator DASCHLE saw it coming in his State. He must have gone there and saw what we see. He saw it in his forest in the Black Hills. In other words, he saw some acreage where his constituents must have been showing him and saying: Senator, why do we have to leave that here? It is just a target that will burn our whole forest down. Why are you not able? Because environmental groups, which are particularly concerned—rightfully so—with the forests of America, won't let you take it up?

So everyone should know that Senator CRAIG, Senator DOMENICI, and many other Western and Rocky Mountain Senators—hopefully, before we are finished we will be joined by many others—looked at the urgent supplemental that passed not long ago, and we noticed that the distinguished majority leader had put in language exempting fuels reduction projects on the Black Hills National Forest from NEPA appeals and litigation.

So from a distance, we said, thank you, Mr. Majority leader, you really did for us what ought to be done—except that you only did it for your State. No criticism. That is fine. We say if it is good enough for the majority leader in his State, then it ought to be good enough for us. We have many, many times more acreage of this kind in our respective States—Idaho, Arizona, New Mexico, Nevada, and I can go on. We have much, much more of that broken down, knocked over timber, burned but still standing, wind blown, bug-infested. We would like to have the same thing, or as close as we can, that Senator DASCHLE, quite correctly, gave to the citizens of his State. He did that a month and a half ago, or less, when we put amendments on an appropriations bill.

Again, I have no objection to his having done that. I praised him because the time had come when NEPA had to be changed. We were all operating under a blanket that said you can't do that, no matter what. When we read this, we said, if you cannot do it, it has just been done because the distinguished majority leader did it for the Black Hills in his State. And now I walked, during the last 25 days in my State, into about six or eight meetings with cowboys and people who used to work in lumber mills, with people who have farms up alongside the forests; they are at meetings and all they want to know, why can't we clean forests so they won't burn down. Anybody coming to see Senator DOMENICI puts up his hand and he wants to know why can't New Mexico do what South Dakota can do. All we can do is say Senator DASCHLE is a fair man. He did this for his constituents. We believe when he sees what should be done for ours, he will be helpful.

We do hope the amendment that we put down—the Craig-Domenici, et al—that many Senators will be on it. I have talked to Senators on the other side whose names have not yet been mentioned—even by Senator LARRY CRAIG, the prime sponsor. I am talking to all of them now, Democrats and Republicans. We can put a bill together that will work in California, where there are many houses and they are very valuable and, therefore, you need to clean up around each of them—all the way over to New Mexico where you have very open spaces and some houses. But you have to make sure the cleanup is not going to just be around buildings and houses. Some of it will have to be in other open spaces where the forest itself will be the victim, not necessarily a house in the fire's way.

So I urge that—as is the usual manner when we have a situation such as this—we not end up with one group calling the other group names—that one is pro-environment, or that one is pro-forest. I submit that we have a big problem. Senator DASCHLE tried to solve it for his constituents. We have observed that carefully. We would like to solve it for our constituents. We do not believe the distinguished majority leader is going to say: I got it but you cannot have it. It is fair and it must be done. Our forests will burn down before we ever get to clean them up.

Having said that, we worked very hard—not just Republicans, but a number of Democrats, and not just Republican staff, but a number of Democrat staff who know what they are talking about. We crafted this bill. We think from the standpoint of doing away with some of the litigation that environmentalists like to be in place so they think their interests are protected, we have left more court proceedings in our measure than the majority leader left in his. We have streamlined the process, no question about it. We have taken less of a proportion of the class III gambling acreage and put it in our bill.

Senator CRAIG said, out of 33 million acres that are so polluted as we described, they are going to burn down and carry all kinds of other trees with them. Ten out of 33 is what we provide for in our bill. We are willing to say, if they cannot do 10, because they don't have the equipment or the time, it can be altered. We are also in favor of adding the new money that the President pledged, and that can go to this. If there needs to be more, we can talk about it on the floor of the Senate.

I rose today not to speak of technicalities. We will do that. Our amendment is there and there are plenty of copies for the technicians to look at. In a nutshell, we have seen the forests of America and they are burning.

We think over time we must have a new forest plan. I have heard my good friend, Senator CRAIG, speak of a new forest plan, a new horizon for maintenance and upkeep that will keep these forests beautiful. We also speak of preserving these forests where they are subject to being burned down because of our failure to maintain them. We want to go in, within the next 18 months, and do as much maintenance as we can. In the process, we are not interested in lumber.

As soon as we decided we were going this way, 10 or 15 Senators got on television and we heard opposition: We do not want to do that, because they are all for big lumber.

What we are for is saving our forests. We do not have any new lumber contract language, that I am aware of, in this bill. I am not an expert, but I see the experts saying that is true. We have provisions that will permit the managers within the Forest Service and the BLM to proceed to maximum cleanup, and to do it now.

We do not have any new roadways, as I understand it. We do not have new roadways where there are none, because we are not interested in that; that is not our goal.

So once again, I say to our friends, Democrats and Republicans, these are days when we seem to try to come together as Senators. We are not getting a lot done because 9/11 is hovering over us. But I do think it would permit us, also under that attitude we have generated of being more friendly and more congenial, to consider what those who oppose it say; we will consider it to be a legitimate objection, if the other side will consider what we propose to do as legitimate and let us explain it carefully.

Let's see if we can get a bill so we can go home this year, whether we are running or whether we are just going home because it is our time to go home, and we can go to those meetings I described and say, Democrat and Republican, joined by our President, we

put more money into cleaning up the forests that you live by, live in, work with, and recreate in; we put money to do some real fixing up; and we also have agreed we do not have to take so long to go from weighing that forest and saying it is one of those that ought to be cleaned up to getting it cleaned up.

Should it take 5 years? Of course not. Should it take so long that everybody gives up? Of course not. We have provisions as to how fast it must go in terms of the events that occur in the courtrooms and other places.

This is one chance to make some real changes. They will be temporary, but we will be able to look at them and say we can now continue to do them; the forests may come out clean in 10 or 15 years, not next week, not next month.

I am hopeful our amendment, which obviously can be changed, will be looked at from the standpoint that we are not here to blame; we are not here to criticize; we are here to commend the distinguished majority leader for seeing that NEPA, the approach of the National Environmental Protection Act to cleaning up the forests, has to be modified in terms of its imposition of delay.

We ought to be able to do that in writing, where it is easy for everybody to understand and will not destroy, will not cause our forests to be logged in some way that is not good for America. We hope the public can look openly at our work in the next 3 or 4 days. And we want it to be open. We have nothing to hide. We want to be able to say within the next 6 weeks, across the United States on the nightly news and the newscasts of the day, the bipartisan Senate has decided to fix up the forests before they burn down, clean them up before they are no more. That is essentially what our bill is all about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I am going to be very brief because I am imposing on the time of Senator DODD. As chairman of the Senate's Subcommittee on Forests and Public Lands, I regret to say this morning I have to oppose the amendment that has been laid down by my colleagues.

I have enormous respect for both Senator DOMENICI and Senator CRAIG. I want to take a couple of minutes to talk about my concerns. I want to be clear, having lived this issue constantly with my constituents through the summer months, I am totally committed to the concept of expedited treatment when we are dealing with areas that are fire prone, when we are dealing with areas that are at risk for fire, as so much of the West is. I am committed to expedited treatment.

I will say, and I regret to have to do so this morning, I believe this amendment is an overreach. The history in the West, because things are so polarized, is that the surest way to taint an effort to try to bring the parties together is to overreach. Particularly, this analogy to South Dakota, I would say to my good friends, simply does not wash. The South Dakota example involved 800 acres. We are talking about millions and millions of acres in this debate. If there is one thing that we westerners have learned, it is that one size does not fit all.

I hope we can continue to talk about ways to really ecologically improve the health of fire-prone forests, work together to tailor our approach to deal with areas that are at risk for fire. I have made it clear I support expedited treatment there.

Let us not lock the doors to the courthouse. I believe people have a constitutional right to access the courts, but they do not have a constitutional right to a 5-year delay. Let us make sure all the stakeholders have a place at the negotiating table.

Senator CRAIG and I have an experience that has worked with the county payments bill, a bill that the Forest Service called the most important bill in 30 years.

Finally, it seems to me we ought to be sensitive to the ecological importance of the big old-growth trees.

So I am saddened that I have to oppose this amendment. I plan to continue to keep talking to my colleagues.

I thank Senator DODD again for his graciousness in giving me this time, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I will only take a minute.

I say to my good friend from Oregon, I thank him for his remarks. I am very hopeful that whenever we vote on this bill, the Senator will vote aye, because whatever it is the Senator thinks does not fit the bill in this amendment can be rectified.

I also say that my mentioning of the distinguished majority leader was with praise, with congratulations, and stating that he showed us how. I did not say we have to do it the same way, but he did change the effect of NEPA for his State once and for all on these forests. I am very proud he did. I want to do something close to that when we do it. I do not want to close the gates of the courthouse. In fact, we did less of that in this than with other bills. I think the Senator knows that.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I say to my friend, Senator CRAIG, who is in the Chamber, in conversations with the distinguished majority whip a moment ago the suggestion was that we might temporarily lay aside the Craig amendment so I could offer an amendment. I am not going to take a lot of time on this, I would say to the ranking member on this bill. I will lay down this amendment and explain briefly what I would like to do.

Since this involves the Bureau of Indian Affairs, Senator INOUYE, the chairman of the committee, is looking at the amendment, but I want to at least discuss this by taking a few minutes.

I ask unanimous consent that the amendment offered by the distinguished Senator from Idaho be temporarily laid aside for the purposes of offering an amendment I would propose, with the full understanding that, obviously, the amendment by Senator CRAIG would preempt any consideration of my amendment, at least under the present circumstances.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4522 TO AMENDMENT NO. 4472

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 4522 to amendment No. 4472.

Mr. DODD. Madam 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:

(Purpose: To prohibit the expenditure of funds to recognize Indian tribes and tribal nations until the date of implementation of certain administrative procedures)

On page 64, between lines 15 and 16, insert the following:

SEC. 1___. FEDERAL RECOGNITION.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, and subject to the availability of funds and subsections (b) and (c), the Bureau of Indian Affairs may not use more than $1,900,000 of the funds made available by this Act to carry out functions and activities associated with the Branch of Acknowledgment and Research.

(b) LIMITATIONS.—None of the funds made available under this Act shall be used to approve or deny a petition from any person or entity for recognition as a federally-recognized Indian tribe or tribal nation (referred to in this section as a ''petition'') until such date as the Secretary of the Interior (referred to in this section as the ''Secretary'') certifies to Congress that the administrative procedures described in subsection (c) have been implemented with respect to consideration of any petition submitted to the Secretary.

(c) PROCEDURES.—The administrative procedures described in subsection (b) are that—

(1) in addition to notices provided under any other provision of law, not later than 30 days after the date of receipt of a petition, the Secretary shall provide written notification of the petition to—

(A) the Governor and attorney general of—

(i) the State in which the petitioner is located as of that date; or

(i) each State in which the petitioner has been located historically, if that State is different from the State in which the petitioner is located as of that date;

(B) the chief executive officers of each county and municipality located in the geographic area historically occupied by the petitioner; and

(C) any Indian tribe and any other petitioner that, as determined by the Secretary—

(i) has a relationship with the petitioner (including a historical relationship); or

(ii) may otherwise be considered to have a potential interest in the acknowledgement determination;

(2) the Secretary—

(A) shall consider all relevant evidence submitted by a petitioner or any other interested party, including neighboring municipalities that possess information bearing on the merits of a petition;

(B) on request by an interested party, may conduct a formal hearing at which all interested parties may present evidence, call witnesses, cross-examine witnesses, or rebut evidence presented by other parties during the hearing; and

(C) shall include a transcript of a hearing described in subparagraph (B) in the administrative record of the hearing on which the Secretary may rely in considering a petition;

(3) the Secretary shall—

(A) ensure that the evidence presented in consideration of a petition is sufficient to demonstrate that the petitioner meets each of the 7 mandatory criteria for recognition contained in section 83.7 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act); and

(B) consider a criterion to be met if the Secretary determines that it is more likely than not that evidence presented demonstrates the satisfaction of the criterion; and

(4) the Secretary shall publish in the Federal Register, and provide to each person to which notice is provided under paragraph (1), a complete and detailed explanation of the final decision of the Secretary regarding a documented petition under this Act that includes express findings of fact and law with respect to each of the criteria described in paragraph (3).

Mr. DODD. Madam President, let me emphasize, I am offering this amendment now with the full understanding that my dear friend and colleague from Hawaii, the chairman of the committee, is reviewing this amendment to see whether it might be accepted. If it is, obviously we will deal with it in a different manner.

Since we have some time and we are about to leave the Interior bill to go back to homeland security, it may be another day or two before we get back to the Interior appropriations bill. So I thought I would take advantage of this pause in the consideration of the Craig amendment to lay out what this amendment is, why I am offering it, and why it is so terribly important that we adopt it, or something like it, if we can.

It is with some reluctance that I offer this amendment to address the process for recognizing Indian tribes in this country. I would have preferred to have the matter addressed at a different time and under different circumstance, but I raise it now because the matter has considerable urgency and importance in my State and other States.

Currently, there are 200 petitions pending at the Bureau of Indian Affairs by groups throughout our country seeking Federal recognition as Indian tribes. Nine of the petitions are in my State of Connecticut, a State 110 miles by 630 miles square. There are in addition to the two tribes that have been recognized in our State, with which I have a very close and warm relationship, the Pequot Tribe and the Mohegan Tribe, both of which have played a significant role in our State and with our citizens and have contributed to the well-being of our State. The two tribes have generated thousands of jobs in Connecticut and have provided much revenue for the State.

I offer this amendment which in no way deals at all with tribes that have been recognized. I strongly support them and have been deeply involved in both the Mohegan and Pequot issues, sometimes going back to my days when I served in the other body, when the Tribes were first considered for recognition. We went through an extensive process.

My concern has to do with the fact that the recognition process, by the admission of the Bureau of Indian Affairs, has broken down entirely. I will quote the former head of the Bureau of Indian Affairs, Kevin Gover, the Assistant Secretary for Indian Affairs:

> I am troubled by the money backing certain petitions and I do think it is time that Congress should consider an alternative to the [existing] process. [Otherwise,] we're more likely to recognize someone that might not deserve it.

That was the Assistant Secretary of Indian Affairs.

We are reviewing petitions that are almost hard to imagine. We just had a situation in our State where two tribes opposing each other sought recognition by the Bureau of Indian Affairs. The Bureau of Indian Affairs did not approve either application but rather came up with a third choice—no one asked for it—and recognized the third choice.

If that is not a system that is broken down, I don't know what is. All we are asking in this amendment is that communities, leaders, Governors, and the various States where the petitions are pending be notified of the petitions; that other tribes be notified as well as the petitions; that there be improved notice of petition to key persons who may have an interest in the petition, including the Governor and the attorney general of the State where a tribe seeks recognition; consideration of all relevant evidence submitted by a petitioner and other interested parties, including municipalities; require that a petitioner meet each and every one of the seven criteria for Federal recognition spelled out by the current Code of Federal Regulations; and require that a decision on a petition be published in the Federal registry that includes express written findings of fact and of law with respect to each of the seven mandatory criteria.

We had a case not long ago where the criteria of showing a continuity of relationship had been broken by more than 70 years. The Assistant Secretary, despite the findings of the technical staff that said this gap would be enough to deny recognition, overruled the technical staff and approved it anyway. So what we are doing is not writing new criteria. These criteria are part of the Federal Registry. We want to codify them to say if these criteria are important, they ought to be adhered to. If you go through the recognition process, you must meet the criteria, as well as inform affected communities.

Many States in the country have petitions pending. There are 200 pending. My State has nine. That is why there is a sense of urgency. Other States have petitions pending, as well. This is not about denying petitions. I happen to believe if criteria are met, these tribes ought to be recognized. In fact, I suggest the present process, as flawed and as broken as it is, devalues federal recognition so those that have been recognized, under stiff criteria, those who have gone through the process that took years in some cases, will see their recognition undermined in some sense if the future recognitions are granted where the criteria have not been met. That is what we are trying to avoid.

This amendment imposes a moratorium on any new recognitions until the Bureau of Indian Affairs applies these criteria. They can do it quickly and move forward, or they can delay it. And in that case, we hold up here.

We have also in this amendment provided some $1.9 million if funds are made available to the Bureau of Indian Affairs. There are some wonderful people working in this agency. But they do not have the resources needed when you have 200 applications pending, a relatively small staff, and if you are trying to do the historical research, the checking, all of the investigation that needs to be done, considering all the information that comes to you, you have to have the people who can help you do that.

I don't require this spending because that might subject the amendment to a point of order, but I merely point out that these funds, if available, should be made available to the Bureau of Indian Affairs to allow them to do the job they would like to do.

Again, I don't write anything new in terms of new criteria, new law, new hurdles. We take the existing criteria, we do say you must notify people and affected communities where this is going on so they can be heard and people have an opportunity to discuss what will happen if recognition is approved and we end up with a sense of community. I wish every single community could go through what we went through with the Mohegan Tribe in Connecticut when that Tribe was seeking recognition. The relationship with the surrounding communities that developed was not done under law. It was done because the leadership of the tribe and the leadership of the communities worked so closely together. As a result of that, today we have a wonderful relationship between a Native American tribe and the communities in which they reside.

Recently, I participated in the opening of a new hotel at the Mohegan facility, and had dinner with the tribal council. The tribal council invited

leaders throughout the State. Everyone was there to celebrate the remarkable event, this wonderful relationships that have emerged, and the contribution this tribe has made. With the Pequot Tribe, we have had a more difficult relationship with some of the communities, but they are working at it. There are still issues to be resolved and they are struggling to sort them out.

We need to bring some sanity and some sensibility to a recognition process that is just not working. I wish there was some other way to deal with this. I don't ever want to support legislation to undo recognition where recognition has been granted. We are not talking about anything that would undermine the recognition of existing tribes in the country. It merely says for those petitions that are pending, the criteria should be met; that notice should be given; that opportunity to be heard should be made. We do not think that is a tremendous amount to be asking. We are looking at, in some cases, tremendous additional burdens on surrounding communities, on transportation, housing, and the like. We need to take that into consideration with Federal recognition as part of the process.

Mr. LIEBERMAN. Mr. President, I rise in support of Senator DODD's proposed amendment, of which I am a cosponsor, to reform and strengthen the Federal tribal recognition process for American Indian tribes and their governments.

I am pleased to join with my respected colleague on this amendment, and concur with his sentiment that this amendment will further constructive dialogue on establishing a more fair and open Federal tribal recognition process. In 2001, I joined him in introducing S. 1392 and S. 1393, which were similarly designed to reform and improve the process by which the Federal Government recognizes the sovereign status of American Indian tribes and their tribal governments.

The Federal tribal recognition process has greatly affected the State of Connecticut and its local municipalities from a financial and physical infrastructure standpoint. Connecticut is one of our nation's geographically smallest states. However, Connecticut already has three federally recognized tribes, one of which is being appealed, and nine more recognition petitions are in the Bureau of Indian Affairs pipeline. That is why Connecticut has been so keenly impacted by the federal recognition process.

This Federal recognition process has been fraught with controversy. We shouldn't recognize additional tribes until the process is fixed and credibility in the BIA recognition process is reestablished. It is widely recognized that the process is both extremely lengthy and that towns and other interested parties feel that their views have been ignored.

I want to stress that this amendment does nothing to affect already recognized Federal tribes or hinder their economic development plans. Nor does it change existing Federal tribal recognition laws. What this amendment does, consistent with those laws, is ensure that recognition criteria are satisfied and all affected parties, including affected towns, have a chance to fairly participate in the decision process. It assures a system of notice to affected parties; that relevant evidence from petitioners and interested parties, including neighboring towns, is properly considered; that a formal hearing may be requested, with an opportunity for witnesses to be called and with other due process procedures in place; that a transcript of the hearing is kept; that the evidence is sufficient to show that the petitioner meets the seven mandatory criteria in Federal regulations; and that a complete and detailed explanation of the final decision and findings of fact are published in the Federal Register. Under the amendment, funding available under the Interior Appropriations bill to the Bureau of Indian Affairs for the recognition process becomes available when these fundamental due process procedures are implemented by the Secretary of Interior. The amendment dictates no outcomes, it simply tries to assure a fair process, accessible and more transparent to affected parties.

Mr. DODD. I see my wonderful friend, BEN NIGHTHORSE CAMPBELL. He and I have talked about this on numerous occasions, and he is aware of what I am doing with this amendment I drafted many months ago.

I have gone through it and have had numerous conversations with Native American tribes about this amendment, as to what I wanted to do and why I thought it was important. I am very grateful for the responses I have had, the understanding here that this in no way derecognizes—in fact I would vehemently oppose any effort to derecognize any tribe in this country that has received Federal recognition.

The point I am trying to make here is that the Bureau of Indian Affairs needs resources and it needs to follow a process so there is clarity; so everybody understands what happens and how it happens; so there is the information the people need; so there is an opportunity to respond; so the criteria will be met.

You have great technical staff, great professional staff at the BIA. It is disheartening for them to go through a process and make recommendations and have an Assistant Secretary veto their hard work, and that has happened in too many instances.

We have 200 applications pending—in my State nine of them—and a number of them are going to be decided in the next 7 or 8 months. If I could wait for the next Congress, wait for an authorization bill to come up, I would rather go that way. But next year the amendment I am offering would do little or nothing if recognition is granted in places it is not deserved.

What heightens this more than anything else are some of the most recent applications. I know my friend from Colorado is aware of this, but we actually had two tribes seeking recognition. They opposed each other's recognition. The Bureau of Indian Affairs essentially rejected both applications and approved a third application that was never filed. You can understand the utter amazement of my constituents under those circumstances. That is like two people applying for a Federal grant, both being rejected, and a grant being awarded to an agency that never sought it. My colleagues who think the system is not broken: Look at that example.

While your State may not be affected today, it could be, so we need to bring some order to this, provide the resources, make sure the criteria are met, and then we ought to accept and endorse and applaud when recognition occurs and not to undermine the recognition process when problems such as this arise.

Again, I will take some additional time if necessary. I am hopeful my colleagues can just accept this amendment. I am not interested in going through a unnecessary process here, a lengthy process of debate on this. I would like to see if we could agree. I am not adding anything new. I am just taking the criteria and codifying them, and setting a moratorium. The moratorium could last a month or less if the criteria would be applied, so it need not delay things inordinately.

I have tried every which way; I know of no other way we can get BIA's attention. We cannot get a bill up. We can't get things done, and the process goes on, and if a recognition comes through—I don't want to undo a recognition when it occurs. That would be outrageous. That would put in jeopardy every single recognized tribe, which would have to fear an act of Congress might somehow derecognize them. That is not the way to go. But if we don't bring in some sanity and we end up with circumstances such as those that happened in my State, I can see somebody passing legislation that might just do that, and it would not be because they are evil or bad but it would be because they see a system that is flawed and is providing recognition where it is not deserved, or worse, denying recognition where it was deserved because other financial interests objected to them reaching that status.

So both the petitioner that deserves recognition and the neighbors of petitioners that do not are in jeopardy as a result of the present process. It's unfair and wrong.

I am hopeful we can, as I say, adopt this and then convince the administration, convince the BIA to improve the process and go this route and straighten this out before we end up with a firestorm across the country that I

think could do great damage to our Nation and to those that deserve recognition that might otherwise be adversely affected by it.

I have not gone into the whole casino deal because I don't think that is the issue. If a tribe in my State deserves recognition and they go through the process, my State allows for Native American tribes to operate casinos. If a tribe deserves recognition and they open up a casino, if they deserve the recognition, then they deserve to go ahead with that. I may not be enthusiastic about it, but I don't believe we ought to be opposing recognition because Native American tribes all of a sudden have discovered a way to accrue some wealth. So my objection to this process is not grounded in the casino debate. I understand it. I am sympathetic in some ways.

Mine is a small State, smaller than Yellowstone National Park. It is smaller than some counties in California or Montana, geographically. When you end up with two of the largest casinos in the world and the possibility of nine more in a little State, you can understand some frustration being felt. But my argument is not grounded on that point. If recognition is deserved, it ought to be granted. My concern is that the recognition process is so broken and so flawed that even the Assistant Secretary has described it as such. It is incumbent upon us, it seems to me, to try to do what we can to straighten this out.

So this amendment is designed to impose a moratorium, take existing law, existing regulations, codify them so there is clarity in the process, there is a clear roadmap, so those petitioners seeking recognition and those opposing it for whatever reason can have a higher degree of expectation of what is expected of them and what the hurdles are that have to be met before recognition is granted or denied.

With that, I have taken more time than I said I probably would. I am grateful to Senator CRAIG and Senator DOMENICI for laying aside their amendment so I could lay this down for the purpose of letting my colleagues know my interests. Hopefully we can find some common ground.

My colleague from Colorado has an alternative idea. My concern is, if we don't get that done in the meantime, the recognition goes forward and obviously he is not going to offer a bill that is going to undo anything that has occurred already.

For those of us who sense urgency on this issue, I am looking for some temporary filler here until we get to a more elaborate, more established process. My concern is by the time we get that done, the horses may be out of my barn, in a sense, and there will be nothing more than a historical tragedy in a way where I have nothing more to say to my colleagues except we missed an opportunity.

It seems to me, if I do not try to do something here, then we are subject to the criticism that we knew a system was broken and we didn't make an effort to try to do something about it.

With that, let me sit down, yield the floor, and listen to the good words of my friend.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Colorado is recognized.

Mr. CAMPBELL. I ask a couple of minutes of time from Senator BURNS, if I can get some.

Let me tell my friend, Senator DODD, I think he has brought something forward that we have long neglected. We have dealt with it in the Indian Affairs Committee several times and have not been able to find a solution.

I know, as you said, the casino issue may not be the central focus point, but clearly it has driven the debate over the last few years. There are probably 60 or 70 or more on the drawing boards right now throughout America. In fact, there is a good number in California.

We have seen the advent of huge amounts of money. Actually it ended up dividing families, about who was going to control the tribe. We are dealing with that now in California, where part of the family has literally disenfranchised some other parts through some local decisions made by the agencies in California rather than even going as far as the Secretary's office or the Under Secretary's office. So we know there are some real problems with it.

I wanted to mention that I may very well join you. But right now I understand this is going to be laid aside for a while anyway. I tried to call Senator INOUYE, the chairman. I am the ranking member, as the Senator from Connecticut knows. He is not in yet, but we are going to sit down and talk about this.

I might say, in the past, my own feeling about codifying anything—in other words, taking regulations and turning them into law—without people whose lives are going to be affected, I have always been very careful about that, particularly in the Indian community. We hear very often in committee when Indians come in to testify, tribes come to testify, people say: We didn't even know you were going to do this. We had no opportunity to study it, to deal with it. I know, at least in my view, I do not think any of the national groups, for instance, the National Congress of American Indians, any professional group or any particular tribes, have had a chance to review this and try to be in on the discussion about how we fix something that is rapidly causing a lot of problems.

Mr. DODD. If my colleague will yield, I have, going back a number of months now, specifically transmitted this language, or language like it anyway, to one of the national tribal councils to get their input. I don't want to bring anything to the floor that in any way they would feel hostile about or toward.

Mr. CAMPBELL. I tell my friend, their national convention is going to be in San Diego after we get out, in November, with only 17 or 18 days of actual working time here. It might well be too late to do anything this year. But if we don't, and even if it does have the support of Indian tribes, it is certainly something we ought to review next year. I tell my friend I will be looking forward to trying to find a solution to this very difficult problem.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BURNS. Mr. President, will the majority whip yield for a second?

Mr. REID. I would be happy to yield to my friend for a question.

Mr. BURNS. Will he allow me to ask unanimous consent that the Dodd amendment be laid aside so the pending business would be the Craig amendment?

Mr. REID. Absolutely.

Mr. BURNS. I ask unanimous consent that the Dodd amendment be laid aside and that we return to the Craig amendment.

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

Mr. BURNS. I thank the Senator.

AMENDMENT NO. 4518

Mr. REID. Mr. President, I want to take just a few minutes to talk about the statements given by my friend—I say my dear friend from New Mexico, the former chairman of the Budget Committee, and someone I have worked with for many years on the Appropriations Committee and the Energy and Water Subcommittee—regarding the South Dakota forest settlement that was initiated and accomplished just a few months ago.

The amendment that was offered by my friend from Idaho simply doesn't meet the Black Hills test. There are others who can probably explain that better than I. But I think I have a pretty good knowledge of what happened in South Dakota.

First of all, the amendment offered by the minority doesn't offer any new wilderness in exchange for protecting the timber from appeals. In addition to the 10 million acres of trees that my friend from New Mexico wants to have the Forest Service and BLM cutting down and doing things of that nature, if my friend wants to include a wilderness part of that, that would be something maybe a lot of us could take a look at. As we know, wilderness comes in this body by inches. It is very difficult to accomplish.

Anytime we talk about what is happening in South Dakota, understand that a component of that was creating wilderness—in fact, about 4,000 acres of wilderness. I think that is something we have to understand.

We have to also understand that the amendment offered by my friend from the minority is sweeping in its scope, covering, as I understand it, about 10 million acres. The South Dakota proposal dealt with 8,000 acres.

The terms and conditions of the individual projects under this proposal that we have from our friend from

Idaho will not be subject to negotiations by environmental groups, States, and the industry. It also does not protect wilderness areas from new road construction. It will not retain large, green trees and snags—something that was in the South Dakota proposal.

I know it is an interesting ploy to say we want to do just exactly what South Dakota did. No one really means that. It is a totally different situation involving not 10 million acres but 8,000 acres.

There have been longstanding negotiations in South Dakota. It has been involved in the court system for a considerable period of time.

I think we have to get off that, and get off the fact that we only want to do what the majority leader wants. We want is to make sure that places such as beautiful Lake Tahoe, which is a lake surrounded by the States of Nevada and California are protected—a lot of people are living there. We are really afraid of a fire taking place there because lots of people now live in that basin.

During one of the trips that I remember taking with the supervisor of the forests in that area, he said: Senator, the thing we are worried about is fire, because of the downdrafts and updrafts that occur every day. If a fire starts in here, we will not be able to control it. We came very close this summer to having a fire burn into that basin. We were very fortunate. Nature was kind to us. It burned the other side toward Carson City. That was extremely important.

But what we want and what we hope to be able to have at a subsequent time is the Craig amendment and the amendment we will offer here. We will debate those two amendments and, of course, recognize that because we have the 60-vote threshold here in the Senate, we have been jumping through all of the hoops dealing with cloture. We would simply have the 60-vote threshold on both. We are in the process of seeing if we can work something out in that regard. That proposal was given to me by the Senator from Idaho earlier today. The staff is working to see if they can come up with the unanimous consent agreement.

What we want—and I will just lay out the broad outlines of that—is to protect Lake Tahoe.

What does that mean? We think 70 percent of the money should be spent protecting urban areas—not 70 percent creating new places to cut down trees where there are no people. Lake Tahoe is a perfect example of that. If we could have the trees thinned and, in effect, urban areas protected there for a quarter to a half mile, then it wouldn't matter what happened; we would be able to protect those properties and those people in that basin. The same applies around the rest of the country. We have to protect these urban areas.

We are not asking that 100 percent of the money be spent on these urban areas, but 70 percent. Now it is turned around. Now only about 30 percent is spent in urban areas and 70 percent spent outside these urban areas.

As I indicated, the Black Hills settlement agreement creates thousands of acres of new wilderness in the Black Elk Wilderness Area. The Black Hills settlement is an environmentally responsible thinning in two areas in the Black Hills National Forest. The Black Hills settlement has conditions of sales negotiated among various parties, including environmental groups. The Black Hills settlement agreement allows negotiated sales to go forward without further appeal or lawsuits. The Black Hills settlement agreement contains large green trees and snags, and it protects endangered species and habitat.

We can get into more debate in that regard with this amendment offered by Senator CRAIG and the one we will offer at a subsequent time. But I just wanted to outline the two basic proposals and how we can't keep harping on the fact that we want to do what was done in South Dakota. Nobody really means that. It is just an effort to try to create an atmosphere where the rules we play by and have been directed by for so many years dealing with forests be done away with. It wasn't done in the settlement in South Dakota. We don't expect it to be done here.

It is my understanding we have a number of amendments that have been cleared and that have been approved by both Senator BYRD and Senator CONRAD. I suggest the absence of a quorum so we can make sure that is the case.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I apologize to my friend from New Jersey. I sat right by him for 6 years, and it was always hard for people to see me. I apologize. I thought Senator BURNS was the only Senator on the floor.

Mr. CORZINE. I appreciate that.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CORZINE. Thank you, Mr. President.

UNANIMOUS CONSENT REQUEST—S. 2845

Mr. CORZINE. Mr. President, I appreciate the distinguished Senator from Nevada giving me the opportunity to speak on an issue that I am really quite sad about, in all honesty. This is a human issue that I bring to the floor today that I think is an oversight on the part of the Senate and actually all of us in public life.

I want to speak about families of lawful noncitizens whose loved ones perished in the World Trade Center. They are about to be put into a position where, on a legal basis, they are deportable as of September 11, 2002, and this at the same time as they are taking on that incredibly difficult task of dismantling their lives here in the United States and returning to their country of birth.

This legislation would extend by 1 year the relief we provided in the Patriot Act to allow noncitizens whose parent or spouse was murdered in the terrorist attacks of September 11.

Today is September 10, just 1 day shy of the 1-year anniversary of the most significant terrorist attack on the United States in history.

The United States lost some 2,800 lives, as you know, but in the past year we have forgotten, in my view, to take into consideration the 504 nationals from 86 foreign countries who were a part of that. Many of these victims were in the United States as guest workers, contributing their technical expertise in helping the U.S. economy be the strongest in the world, be the engine of the world's economy. When they died, their hopes to provide a better life for themselves and their children in the United States died with them.

Tomorrow is September 11, and deportation proceedings could very well begin, if the INS were to proceed this way, for the grieving families of those temporary workers. While those families watch the media coverage of the anniversary—coverage that will no doubt extol the bravery and the sacrifice of so many of their family members—their presence in the United States will be in jeopardy.

These families were admitted to the United States 100 percent lawfully. They had all of their papers. They were admitted because we invited them here to help drive our economy. They did not sneak across any border or overstay their visas. They are lawfully present in the United States because work visas were provided to their loved ones. They paid taxes and submitted all appropriate paperwork. They were active in our communities in New York and New Jersey and very productive members of our society. Yet on the 1-year anniversary of the death of their loved ones, the INS could begin making arrangements for their removal from this country. Fortunately, the INS said they are going to turn a blind eye. But folks have to live with the risk that this is a possibility.

The challenges faced by these brave families were anticipated by those of us in Congress. In fact, the Patriot Act appropriately allowed them an additional year to remain in the United States. But it is becoming quite clear an additional year for families who have had to suffer so much is not adequate. This legislation is a response to the very real challenges of these families.

For example, many of these families are participating in September 11 support groups, groups that simply would