United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

Vol. 147 WASHINGTON, WEDNESDAY, DECEMBER 19, 2001 No. 177

Senate

(Legislative day of Tuesday, December 18, 2001)

The Senate met at 11:30 a.m. on the expiration of the recess and was called to order by the Honorable JOHN EDWARDS, a Senator from the State of North Carolina.

PRAYER

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

Dear God, bless the Senators with the assurance that You are closer than their hands and feet and as available for inspiration as breathing. May this day be lived in companionship with You, so that they will enjoy the confidence of the promise You gave through Isaiah: ''It shall come to pass that before they call, I will answer; and while they are still speaking, I will hear.''—Isaiah 65:24.

Unite the parties in unity. When Your best for America is accomplished by creative compromise and cooperation, everybody wins, especially the American people. When this day closes, our deepest joy will be that we have worked together to achieve Your goals. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN EDWARDS 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, December 19, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN EDWARDS, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. EDWARDS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

AGRICULTURE, CONSERVATION AND RURAL ENHANCEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1731, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

Pending:

Daschle (for Harkin) amendment No. 2471, in the nature of a substitute.

Wellstone amendment No. 2602 (to amendment No. 2471), to insert in the environmental quality incentives program provisions relating to confined livestock feeding operations and to a payment limitation.

Harkin modified amendment No. 2604 (to amendment No. 2471), to apply the Packers and Stockyards Act, 1921, to livestock production contracts and to provide parties to the contract the right to discuss the contract with certain individuals.

Burns amendment No. 2607 (to amendment No. 2471), to establish a per-farm limitation on land enrolled in the conservation reserve program.

Burns amendment No. 2608 (to amendment No. 2471), to direct the Secretary of Agriculture to establish certain per-acre values for payments for different categories of land enrolled in the conservation reserve program.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, for all Members of the Senate, we are very close to working out an arrangement this morning that should be good for everyone. I spoke to a number of farm State Senators last night and they thought it was very important that Senator HUTCHINSON of Arkansas be allowed to offer an amendment. We have worked throughout the night and the morning with Senator HUTCHINSON and worked out a time agreement on that,

NOTICE

Effective January 1, 2002, the subscription price of the Congressional Record will be $422 per year or $211 for six months. Individual issues may be purchased for $5.00 per copy. The cost for the microfiche edition will remain $141 per year with single copies remaining $1.50 per issue. This price increase is necessary based upon the cost of printing and distribution.

Michael F. DiMario, *Public Printer*

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

Printed on recycled paper.

so as soon as Senator LUGAR arrives we will be ready to offer this unanimous consent agreement.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. DASCHLE. Mr. President, it is our intention to go to the Hutchinson amendment. As I think our colleagues are aware, the Hutchinson amendment is largely the Agriculture farm bill passed by the House. It may not be exactly the same bill, but that is the intent. Certainly Senator HUTCHINSON can speak for himself, and will.

It is my intent after that, then, to go to the cloture motion.

So I ask unanimous consent the pending amendments also be laid aside; that Senator HUTCHINSON be recognized to offer his amendment, No. 2678; that there be 1 hour 15 minutes for debate with Senator HUTCHINSON in control of 60 minutes, Senator HARKIN or his designee in control of 15 minutes prior to a vote in relation to the amendment, with no second-degree amendments in order prior to the vote; further, that the vote in relation to the amendment occur at 12:50.

Immediately following disposition of the Hutchinson amendment, the Senate will proceed to the previously ordered cloture vote on the substitute amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. NICKLES. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. I want to cooperate in every way with the majority leader and the managers of the bill, but I wonder if the majority leader, trying to make a request to have the Hutchinson amendment—I have no objection to that portion. I do know that Senator GRASSLEY, Senator DORGAN, myself, and others have a lot of interest in the payment limitation. I am not positive whether or not it is germane postcloture.

I guess part of your request is that we go immediately to the cloture vote. I wonder if you are willing to delete that second paragraph or if you are willing to make sure that the Grassley amendment would be in order, regardless of which way the result of the cloture vote would occur.

Mr. DASCHLE. I would want to consult with the Parliamentarian and Senator HARKIN and others. We have attempted, as the Senator knows, to accommodate a number of Senators who have asked to be exempted from cloture limitations following the time when cloture is invoked. I am not enthusiastic about expanding.

Again, it would be my understanding that these amendments would be available to us postcloture, with clarification of the Parliamentarian, and we will offer this at another time.

Mr. NICKLES. Mr. President, if I might inquire, at a previous time I asked the majority leader if this amendment would be in order, or part of the unanimous consent that this amendment would be in order postcloture, and we agreed to that. Does that agreement still carry? There were four or five amendments, if I remember correctly, or one or two, and a couple of others. If they were agreed to, there were two additional ones. If that still applies, that is fine with this Senator.

Mr. DASCHLE. Mr. President, I intended this as a new unanimous consent request. Therefore, the other ones—because of the old unanimous consent request—have already expired. Technically, it would not carry.

I think the best thing to do would be to consult with the Parliamentarian in terms of germaneness and make a decision at a later time.

I wonder if we might proceed. The cloture vote, by rules of the Senate, takes place within 1 hour after we come in. We do not need the second portion of the unanimous consent request in order to proceed with cloture. But I would like to accommodate Senator HUTCHINSON. I would make that request.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. NICKLES. Reserving the right to object, I want to make sure what we are doing. First, the leader said we would like to inquire whether or not Senator GRASSLEY and others want to offer their amendments. I want to protect their rights to offer their amendments.

There is an amendment dealing with payment limitation. Some of us are kind of concerned about the underlying Harkin bill that has payment limitations of 250. That can be expanded to 500 per family. The Grassley amendment that Senator DORGAN and others have supported would reduce that. I want to make sure that amendment is going to be debated before we conclude the agriculture bill. I don't want that amendment to be ruled nongermane postcloture. That is what I am trying to find out before we make an agreement.

Parliamentary inquiry: Is the Grassley amendment germane postcloture?

Mr. REID. Mr. President, will the Senator from Oklahoma yield for a question?

Mr. NICKLES. I would be happy to yield.

Mr. REID. Is that the same as the original Dorgan amendment?

Mr. NICKLES. That is correct.

The ACTING PRESIDENT pro tempore. The amendment has not yet been reviewed for germaneness.

Mr. NICKLES. I didn't catch that.

The ACTING PRESIDENT pro tempore. The amendment has not been reviewed for germaneness.

Mr. NICKLES. That wasn't my understanding. Regardless, I will vigorously oppose cloture if that is what the majority leader's intention is. I urge him to ask consent to postpone the cloture vote until we determine what the outcome of some of these amendments is. Some of us are going to continue to oppose cloture until we have a chance to have our amendments heard, debated, and voted on in the Senate.

If you insist—and I am sure the majority leader is correct most of the time—cloture will expire after so many hours. But I will just tell him that some of us are going to be opposing cloture vigorously until the Senator from Iowa and others have a chance to have their amendments heard and voted on.

Mr. DASCHLE. Mr. President, I am very sympathetic to the Senator from Oklahoma. We have been on this bill for an awfully long time. I think we are almost at a point where we have broken the record now for the length of time we have been on a farm bill. Senators had many opportunities to offer amendments at night and during the day. I am not really sympathetic to those who suggest that somehow we have not accorded enough time to some of these amendments.

I also say we have come to the conclusion that we are going to have to make a decision about the farm bill. If we are unable to invoke cloture, it is my intention to put it back on the calendar, regrettably, and then move to other issues. We have conference reports that have to be done before we leave. There are other pieces of business that are required of us. This will be the third cloture vote. There will be no more cloture votes in this session of Congress on the farm bill.

Senators are going to have to make up their minds: Do they want to indefinitely postpone and thereby kill our chances for completing work on the farm bill this year or not? If they want to kill it, they will vote against cloture. If they want to support completing our work, they will vote for cloture this afternoon and we will complete our work. That still requires 30 hours of debate on the bill prior to the time we complete our work. That means that relevant amendments will be entertained, will be accepted, or voted upon and considered as germane amendments. That is the prerogative of every Senator even after cloture. Perhaps amendments can be designed to be germane. I certainly think a payment limit amendment is germane to the bill.

We ought to find the language that accommodates the Senator from Oklahoma, if that is his intent.

But I will say we have been on this bill for a record amount of time. It will be virtually a record if we complete our 30 hours. We do have other very important matters pending.

I want to make sure all Senators are put on notice. Three times, and we are out in terms of cloture. And three times, it seems to me, ought to be adequate time for everybody to have had

their amendments considered. As we have noted, a number of other colleagues have asked for special consideration for their amendments. We are attempting to do that. We have to move on.

Mr. REID. Mr. President, will the majority leader yield?

Mr. DASCHLE. Yes.

Mr. REID. I say to the distinguished majority leader that I have received two notes from the cloakroom that they want to put out a list if in fact there is a postcloture list of amendments.

I also say that last night I had a conversation with a number of farm State Senators who have been voting against cloture. They said if we would allow Hutchinson a vote, they would be willing to vote for cloture.

We worked last night and all morning trying to work out an arrangement where there could be a vote on Hutchinson. We have given the Hutchinson forces 1 hour. We have taken 15 minutes to show that we are serious about moving this bill forward. It appears that no matter what we do, it isn't quite enough.

I hope my counterpart, the distinguished assistant minority leader, will allow us to go forward. This is an opportunity, in my opinion, to pass a farm bill. We will live by whatever the rules are.

I was informed, obviously incorrectly, yesterday that the Parliamentarian thought Dorgan would be in order postcloture. I hope it is. I think it is something we should debate.

But the fact of the matter is we have gone a long way this morning in working this out. I applaud the Senator from Arkansas. He wanted more time than the hour—an hour and 15 minutes. He believed, I guess, that was fair.

I think we should go forward and then have a fair third and final vote on cloture.

Mr. DASCHLE. Mr. President, as the Senator from Nevada noted, our colleague for good reason wanted to be able to offer the so-called Cochran-Roberts alternative. We have done that. We have had very good debates on a number of other questions over the last couple of weeks. In order to accommodate the Senator from Arkansas and others who believe we ought to at least have a chance to vote on the House-passed bill, we are now going to do that.

I honestly think we have been as fair and responsible as we can be to the request made by our colleagues. I hope now that we can get this agreement.

I renew my request.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object, parliamentary inquiry: Is the Grassley amendment germane postcloture?

The ACTING PRESIDENT pro tempore. The amendment is being reviewed at this time.

Mr. NICKLES. I ask the majority leader to modify his unanimous consent request so that the Grassley amendment be considered germane postcloture in the event cloture is invoked.

Mr. GRASSLEY. Reserving the right to object, I think I have something better than being part of the unanimous consent agreement, or something better than even a veto to do this. I had the word of the Senate majority whip that I was going to be able to bring my amendment up right after the Durbin amendment this morning after 11:30. It seems to me, if I have the word of a fellow Senator that I have a chance to bring my amendment up, I don't even have to be included in a unanimous consent. If you want to nail it down that way, nail it down; it is OK with me. But it seems to me I was told by the majority leader that I was going to be able to bring my amendment up, and that word is better than anything else that can go on in this body.

Mr. REID. Mr. President, will my friend from Oklahoma yield?

Mr. NICKLES. I am happy to yield.

Mr. REID. There is nobody for whom I have more respect than the Senator from Iowa. We serve together on select committees. He is absolutely right. We thought when we came here this morning we were going to go to the Durbin amendment and then a Republican amendment. He had been standing around waiting for a while, and we did say that. But the fact is, there have been intervening things. I am not going back on my word. We thought we were going to do a totally different thing. And I am sorry there has been some misunderstanding. But I would never intentionally mislead the Senator from Iowa.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Mr. President, if I can regain my right to the floor, let me simply say that we moved the cloture vote to 1:30 to accommodate some of our colleagues on the other side of the aisle. That has been locked in at 1:30. We also attempted to accommodate the Senator from Arkansas with this unanimous consent.

The ACTING PRESIDENT pro tempore. The time is 1:15, not 1:30.

Mr. DASCHLE. The UC was 1:15?

The ACTING PRESIDENT pro tempore. Yes.

Mr. DASCHLE. OK. We hoped we could accommodate the Senator from Arkansas with a vote on his amendment so that it could be taken before the cloture vote. That is all this unanimous consent request is designed to do. So if we cannot get it, we will just proceed, the Senator from Arkansas can offer his amendment, and we can do it without a UC. So if I cannot get that agreement, I will simply withdraw the request and perhaps we can proceed with the amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. NICKLES. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. I want my friend from Iowa, because I want to protect his interests on this amendment——

Mr. GRASSLEY. I know you are.

Mr. NICKLES. The majority leader is basically saying we have an hour and 15 minutes to debate the Hutchinson amendment, and then we will vote on cloture. And then we are going to find out that the Grassley amendment is nongermane postcloture if cloture is invoked. So it would not be in order to take up the Grassley-Dorgan amendment.

I have been here for 3 or 4 days trying to make sure we get a vote. No one has been filibustering this bill—no one. I know Senator GRASSLEY was here late last night trying to offer this amendment. I know yesterday, three or four times, I came up and said: I am ready to do a payment limitation amendment. Every amendment we have had has been germane to the bill.

We did not offer the energy package. We did not even offer the stimulus package; I thought about it. I might still do that if it is still the pending bill. I want to get the stimulus done before we get out of here. The amendments have been germane on agriculture.

To have an amendment such as payment limitation, when the underlying bill allows a few farmers to make hundreds and hundreds of thousands of dollars, to be squeezed out because of cloture I think is wrong.

So I guess the essence is that I will not object to a time limit on Senator HUTCHINSON's amendment. If the majority leader proceeds with the cloture vote, I will urge my colleagues, in the strongest terms, to please vote no on cloture so amendments that are germane—that are really germane that might fall on the strict interpretation of postcloture—that they will have a right to offer those amendments.

I urge my colleagues, Democrats and Republicans, who respect individual Senators having the right to amend a bill that is enormously complicated but important—that they have a right to offer those amendments.

So I will not object to the majority leader's request to have a time limit on the Hutchinson amendment.

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

Mr. DASCHLE. I thank my colleagues.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

AMENDMENT NO. 2678 TO AMENDMENT NO. 2471

(Purpose: To provide a complete substitute)

Mr. HUTCHINSON. Mr. President, I have an amendment at the desk, and I ask for its consideration.

The ACTING PRESIDENT pro tempore. Under the previous order, the pending amendments are laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 2678 to amendment No. 2471.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted and Proposed.'')

Mr. HUTCHINSON. Mr. President, I ask unanimous consent to add, as cosponsors to the amendment, Senators LOTT, HELMS, SESSIONS, and KAY BAILEY HUTCHISON.

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

Mr. HUTCHINSON. Mr. President, I thank the majority leader, the majority whip, and Senator HARKIN for their cooperation and their willingness to allow us to have this debate on, essentially, the House-passed bill.

This is the bill that was introduced earlier this year in an effort to break the logjam on a farm bill. It is a bipartisan bill, as it was introduced with four Democrats and three Republicans. To me, there is no doubt, as we come to this impasse, that the only way—absolutely the only way—we will get a farm bill signed into law this year is for us to take up an easily conferenceable bill with the House.

I have talked with the chairman of the House Agriculture Committee. If we would pass this bill—this amendment, and then the amended bill—we would be able to conference it within an hour, and we would be able to send it to the President. That is the only prospect we have of getting a much needed farm bill to the President this year. That is why I rise to urge my colleagues to move forward and support this amendment.

Since the beginning of this debate, I have been urged by the farmers of my State to try to get a farm bill completed this year. Time and time again, I have told them that I would do everything I could to get a farm bill completed this year. I have expressed support for the House farm bill. I have worked with my colleagues to craft and introduce this bipartisan proposal. It was originally, when introduced, sponsored by a number of Members on both sides. I supported, in the committee, the Cochran-Roberts plan. I supported the chairman's commodity title. In fact, I believe I was the only Republican in committee to support the chairman's commodity title. I supported the passage of the chairman's farm bill out of the Agriculture Committee. And I have supported cloture on the chairman's substitute two times.

I want a farm bill. I voted in support of moving forward at every point during this debate.

If this substitute is not going to move forward and go to conference, perhaps it is time for a new approach. It is clear, after two cloture votes, that the Harkin-Daschle substitute does not have adequate support to move to passage. And, may I say, if we were somehow able to move the Harkin-Daschle substitute through, get cloture, and get it passed this week, we would have an enormous gap between this bill and the House bill, and, as Senator HARKIN admitted last night, it would be weeks before we could reach a consensus on those two bills. This is why I am offering the bill that I offered with Senators LINCOLN, HELMS, MILLER, SESSIONS, LANDRIEU, and BREAUX earlier this year.

We can debate the merits of the bills. There is no doubt that as this day and this debate goes on, we will engage in some substantial policy issues. However, at the end of the day, we must have a bill that can get the votes necessary to pass the Senate, be conferenced, and signed by the President this year. So far, the bill that has been offered has not been able to garner the support necessary to get out of the Senate and provide the support and certainty that our farmers are asking for and desperately need.

The fact that these votes appear to be breaking down on party lines should be troubling because agriculture is not a partisan issue. Agriculture spans across all of our States and should not be allowed to degenerate into a partisan finger pointing contest. That is what I have been hearing: accusations that one party or the other is blocking the move on a farm bill this year.

That is why I am offering this amendment. It is my sincere hope that this bipartisan proposal can help break this logjam which is keeping us away from our home States and, more importantly, is denying our Nation's farmers the necessary fixes to what amounts to a broken farm policy.

Is this the absolute best policy that can come out of this Senate? Maybe not. Will it have the type of funding numbers in it that everyone can go back to their home State and expect resounding praise for? Probably not. That is probably unlikely as well.

However, we must also consider whether this proposal is, in fact, better than the policy with which our farmers are currently dealing. What I hear from the farmers in Arkansas—and I think this is true across this Nation—is that they need certainty and predictability. If they are going to have certainty and predictability, they need to have a farm bill. As they go to seek financing arrangements for this next year, bankers are looking for some predictability, some certainty in farm policy. That can only happen if we pass a bill.

So the question is, is this amendment that I am offering today—one that was originally offered as a bipartisan proposal in this Chamber, and that was a bipartisan vote in the House. In fact, in the House, there were 151 Republicans, 139 Democrats, and one Independent who voted for this bill. This is the only true bipartisan approach. If it is, in fact, better than current farm policy, and is the only prospect of getting a bill to the President this year, should we not, then, on a bipartisan basis, unite behind it?

I think it is clear that the farm policy in this amendment is much better than the current policy. We must also consider whether our farmers are better off with no farm bill at all, which appears to be where we are headed right now. I think my farmers have been quite clear with me on this issue, as I am sure farmers in other States have made it clear to their Senators.

This amendment, as I have said, is very similar to the House-passed farm bill which ended up passing on a bipartisan basis. I realize there were many hotly contested amendments throughout this process, but in the end this bill in the House enjoyed resounding bipartisan support and should garner that kind of support in this Chamber as well.

I am keenly aware that a number of my colleagues from the other side of the aisle believe they have garnered concessions from Senator HARKIN and Senator DASCHLE and that their concerns have been addressed in the Harkin-Daschle substitute. I am aware of that. I appreciate the willingness of Senators DASCHLE and HARKIN to make those concessions and to address concerns that various Senators had. But if those concessions come at the price of refusing to support a bipartisan approach and the end result is that we have no bill that goes forward out of this Chamber this year, we have no bill that is passed and goes to the President for his signature, then I suggest that all those concessions and all those improvements in the Harkin-Daschle substitute bill are in fact meaningless because they are not passed into law.

On Monday of this week, the American Farm Bureau sent a letter, a public letter, in which they wrote:

> The American Farm Bureau Federation encourages the Senate leadership to expedite debate and for the Senate to complete a new farm bill by noon next Wednesday, December 19.

That is the moment we have just passed. The Farm Bureau continued:

> It is vitally important that this legislation be enacted this year to provide an important economic stimulus to rural America before Congress adjourns.

I wholeheartedly agree with the sentiments of the American Farm Bureau in this letter. This is why I am offering this amendment. If this amendment is adopted, I am confident we will be able to move to invoke cloture and we will pass a farm bill this year. I promised the farmers of my State I would do everything I could do to get a farm bill completed this year. I am sure many of you have made the same promise. This is our opportunity to make good on that promise and on that commitment.

To say to the farmers of America, I am going to march in lockstep with my party leadership in spite of the fact that the end result of that approach will be no bill, no cloture, no Presidential signature, and no farm bill by December 31, is blind partisanship that

hurts the farmers of this country. This is our opportunity to pass a farm bill this year.

The policies included in this amendment have been supported by both Republicans and Democrats in the House. The policies included in this amendment have been supported by both Republicans and Democrats in this Senate. I urge my colleagues to join me in support of the amendment offered today.

I urge my colleagues to support the completion of a farm bill this year. It is not sufficient to say: I voted for cloture to end debate and get a farm bill this year, if you know in your heart that because of that stand, because of voting in lockstep and an unwillingness to take a bipartisan approach, an approach that we know can be conferenced with the House this year, that is a self-defeating approach that will not be a sufficient answer to the farmers in this country.

This is our opportunity to get it done. Let's not waste it.

I ask my colleagues for their support for the amendment. Will it have everything in it? It most assuredly will not. It will in some areas. Will the funding be as high? Will the commodity title not be as high as it is in the Harkin bill? The answer to that is, that is true. In some areas, it won't. It won't be a bill that will satisfy everybody. But it is the only vehicle before the Senate. It is the only possible answer to the conundrum in which we find ourselves. It is the only possible way we can get a bill signed into law by the President of the United States.

I repeat, the chairman of the Agriculture Committee in the House has said this amendment, if adopted, would be easily and quickly conferenceable with the House-passed bill, meaning that before we leave this place for Christmas, we will be able to reward the farmers of this country with an end-of-the-year commitment that their farm policy is taken seriously by Congress, that we have risen above blind partisanship, that we are willing to put the farmers of this country above party loyalty, and that we have done absolutely our level best to get a bill signed into law by the President.

I ask unanimous consent to have printed in the RECORD the House Agriculture Committee's Web page statement today, December 19, 2001.

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

SENATE PRESENTED WITH PATH TO SPEEDY FARM BILL CONCLUSION

ARKANSAS SENATOR TIM HUTCHINSON MOVES FOR VOTE ON HOUSE-BASED BILL

December 19, 2001.—House Agriculture Committee Chairman Larry Combest commended Arkansas Senator Tim Hutchinson for giving farmers a real prospect of getting a finalized farm bill this year by urging the Senate to pass the House-based farm bill. The Hutchinson provision already has the bipartisan support of Senators who cosponsored the measure when it was introduced in the Senate November 9. Ag Chairman Combest noted the Hutchinson provision is more than 95 percent identical to the October 5th House-passed ''Farm Security Act of 2001,'' and Senate passage of the Hutchinson provision is the only chance to finalize a farm bill this year.

''Senator Tim Hutchinson has worked for producers in a positive, practical manner each step of the way to move the Senate to completion of a farm bill, and today is holding forth a light for Senators on the path to a speedy conclusion of the farm bill,'' said Combest. ''Farmers and their lenders need the certainty of a new farm bill as they prepare now for the coming crop year. Senators can do a lot to ease farmers' worries now and help our rural communities by passing the Hutchinson provision today.''

Like the House-passed Farm Security Act, the bill introduced by Senators Hutchinson, Blanche Lincoln, Jesse Helms, Zell Miller, Mary Landrieu, and John Breaux not only provides for a strong safety net, but it maintains planting flexibility and avoids harmful market distortions. Also, like the House-passed bill, the option offered for Senate vote today complies with WTO commitments and with the Budget Resolution passed by Congress while increasing investment in conservation programs to the highest levels ever.

Mr. HUTCHINSON. I will quote a portion of this for my colleagues. This was placed on their Web page today, December 19, 2001, from House Agriculture Committee Chairman LARRY COMBEST. He commends this amendment ''for giving farmers a real prospect of getting a finalized farm bill this year.'' He urges the Senate to pass this amendment. Chairman COMBEST noted: ''The Hutchinson provision is more than 95 percent identical to the October 5 House-passed Farm Security Act of 2001'' and ''Senate passage of the Hutchinson provision is the only chance to finalize a farm bill this year.''

To my colleagues who think there should be agreement on that point at this place in our deliberations, I commend Chairman HARKIN for a tremendous good faith effort to move forward the Senate Agriculture Committee-passed farm bill. He has given it a wholehearted effort in the Senate Chamber. He has provided opportunities for amendments to be offered. I commend him for that, though there are still a number of serious amendments outstanding. We have twice voted for cloture. We have not seen any change in the breakdown. It is clear that as dedicated and as resolved as Chairman HARKIN has been, the current Harkin-Daschle substitute cannot garner the support of the Senate and cannot be conferenced in time to get a bill for our farmers this year. Chairman COMBEST is absolutely right: This is our last and best hope of doing it.

I suggest many of my colleagues have told their farmers face to face in their States that they will come here and do their best to get a bill passed this year. I suggest we will not have done our best without the passage of this substitute, this amendment I have offered today.

I reserve the remainder of my time.

Mr. ROBERTS. Will the distinguished Senator yield for a series of questions?

Mr. HUTCHINSON. I am glad to yield.

Mr. ROBERTS. This is a most interesting approach, it seems to me. I credit the Senator for trying to find a road to break the logjam, to try to get out of the box canyon we seem to be in with regard to concluding the farm bill.

I must say at the outset that it is my understanding, basically, that your amendment is in the form of a substitute; is it not?

Mr. HUTCHINSON. It is a substitute.

Mr. ROBERTS. Basically what you are trying to do is take the House farm bill as passed. I just asked staff what it passed by over there. It was 291 to 120. That is a rather strong bipartisan declaration. Basically, what you are doing is taking the House farm bill under the banner that most people have been talking about—the farm groups, the commodity groups, all the farm organizations, and many of us on this side of the aisle and that side of the aisle have said for some time two key things: One, move the bill, make sure we move it, make sure we expedite it.

I would like to respond to the distinguished leader on the other side of the aisle. Senator DASCHLE indicated we have spent probably more time on this bill than at any time in the history of farm bills. The shortest amount of time we have ever spent in the Senate—and I can refer to the House as well—is 5 days and the longest is 31. All this time hasn't been spent on the farm bill. I am not advocating more time; don't misunderstand me. Chairman HARKIN has worked very diligently to move this process along. I credit him for that. But if, in fact, we are going to get this done—and that was the key premise of the many farm groups and commodity organizations and many of us who said we need to expedite this in an odd-numbered year, don't put it off until a political year. And the other premise was, if I understand the Senator and from most of the rhetoric in this regard, to save the investment, the money, the $73 billion. The administration has indicated basically that they don't have any quarrel with the money. Oh, I am sure they would like to come down somewhat, but I don't think that is the issue. It is the policy that is the issue.

What the Senator is trying to do is say, OK, if we want to accomplish that and save the investment and expedite the progress, this is the way to do it, and that all this talk about stalling and putting things off could be answered by his amendment. Is that how he sees it?

Mr. HUTCHINSON. Well, the Senator has articulated it very well. If we are serious about getting a farm bill done this year—and people have said they want a bill this year—this is it; this is the last alternative. If we want a bill that is conferenceable, that can go to the President, this is it.

I think those who have said, ''let's expedite the farm bill, get a bill passed

this year,'' this is the litmus test. We are going to find out whether this is rhetoric or whether it is politics as usual, whether we want just an issue or a farm bill this year.

Mr. ROBERTS. If the Senator will yield further, I am not particularly enamored with the House bill. If you want to go a little bit further, I am really not enamored with the Senate bill. But we have been through that. We have had the Roberts-Cochran debate and that was fair. I credit the chairman and everybody else for giving us the time. I think we are headed down the wrong track with the Senate bill. I am not particularly enamored with the House bill.

Let me ask the Senator a couple of questions, if I might, to see if it is more preferable in my mind to the Senate bill because that is what this debate is all about.

Now, the Senate bill frontloads the $73 billion to the tune of about $45 billion in the first 5 years. Then there is $28 billion on down the road. So I think we are taking away from the future baseline—that is a fancy word for money—for future farmers. It is my understanding that the House bill doesn't do that; is that correct?

Mr. HUTCHINSON. The Senator is absolutely correct. That is one of the strong reasons why this approach is preferable. I call it the 5 fat years and the 5 lean years, the 5 years of plenty and the 5 years of famine. That is the danger in frontloading.

Mr. ROBERTS. If I may ask another question, I know one of the sticking points we have here with many western Members is the amendment of the Senator from Nevada regarding water. If there is one thing that causes a lot of concern out West, where we don't have much of it, it is the situation where people worry about the federalization of State water rights.

I am not going to get into that argument one way or the other, but I know that Senator CRAPO and others have a lot of concern. Some of the farm organizations have some concern also. That is in the Senate bill. To my knowledge, that is not in the House bill; is that correct?

Mr. HUTCHINSON. The Senator is correct.

Mr. ROBERTS. Let me ask another question, if I might, if the Senator will continue to yield. One of the reasons that in the Senate bill they were able to move the loan rate up to $3—and I am not going to rehash the old discussion on loan rates, as to whether they are market-clearing, or income protection, or it should be $4, or $5, or $3, or whatever. But we get into a lot of problems in terms of market distortion and not really enough support, and the money they use to increase the loan rates comes from crop insurance reform additions on down the road as we get into future years of the farm bill. To my knowledge, the House bill did not—I am using strong words—rob, steal did not take away or find the offset from the crop insurance reforms that we did just last year. Is that not correct?

Mr. HUTCHINSON. The Senator is correct.

Mr. ROBERTS. In addition, I hesitate to bring this up, but we got into a discussion of what is amber and what isn't in the progression of the World Trade Organization talks. I quoted a statement from an outfit out of Missouri that tries to take a look at their crystal ball to evaluate the effects of farm bills. I think they said we had a 30-percent chance under the Senate bill that we would be in violation of the WTO cap, and that that would be an amber light; that in 2 years it was bound to happen. I don't know what the chances are in terms of the House farm bill, but it seems to me they could be less. I am not an academic, in terms of fabric, to determine that. I don't have that crystal ball. Would the Senator say that would be the case?

Mr. HUTCHINSON. I say to the Senator from Kansas that it is my understanding that because some of the decoupled payments in the Harkin-Daschle substitute are phased out, the likelihood in the course of the farm bill of it becoming out of compliance is greater than that of the House-passed bill.

Mr. ROBERTS. Then the key question is this, if the Senator will continue to yield. As he knows, in agriculture, we are going through some tough times. We are not in very good shape for the shape we are in. One of the real things I believe we have to do is get Presidential trade authority and get our exports tracking. I am not going to go into a long-winded speech on that, but no farm bill, whether it is the bill being proposed by the Senator from Arkansas, or Cochran-Roberts, or the Senate bill, the Daschle-Harkin bill, can be successful unless we sell the product.

We have not been involved in the 133 trade negotiations—except for two—ever since we lost the Presidential trade authority. We exported $61 billion of farm products about 3, 4 years ago. Now we are down to 50, maybe 51, 52. Subtract that difference in terms of what we are selling and whether that is what you add up to with emergency spending. I don't understand why we don't expedite consideration of the Presidential trade authority. That is on the back burner with the leadership. That should not be the case. In lieu of that, we are going to have to have protection for farmers. In your State there are rice, cotton, and soybean producers, and in my State of Kansas there are corn, soybean, wheat, and cotton producers—40,000 acres.

So the question is this: In terms of the support that would be going to farmers, under the Senate bill that targets price, that countercyclical payment doesn't come into effect until 2004. A lot of farmers don't understand that, I don't think, or they would not be endorsing this bill. Under the House bill, however, that target price comes in right away. I might not agree with target prices—I don't like that system—but at least there is a countercyclical payment immediately in regard to the bill. Is that not correct?

Mr. HUTCHINSON. The Senator is correct.

Mr. DORGAN. I wonder if the Senator will yield for a question.

Mr. ROBERTS. I have one other question.

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

Mr. DORGAN. I am asking the Senator from Arkansas would he yield.

Mr. HUTCHINSON. Let me finish the colloquy with Senator Roberts.

Mr. WARNER. At an appropriate time, I would like the Senator to yield for a minute, also. I will follow the Senator from North Dakota.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Arkansas should be advised that he has 19 minutes left under the previous order.

Mr. ROBERTS. I will be very quick in terms of this question. The Senator heard me state many times, having been involved in six farm bills, that Kiki de la Garza, chairman emeritus of the House Agriculture Committee, from Texas, who served longer than any other man as chairman, used to talk about the best possible bill and the best bill possible. This could be the best bill possible if you believe you want to move this process along, and conference it with the House, and get a bill and save the investment of $73 billion. That has been the mantra over and over and over again.

This is probably the best bill possible. Again, I don't particularly care for it. It seems to me that it would fit the description. Where are the bravehearts of the farm organizations and the commodity groups? Are they still on the sidelines? What are they doing in this regard? That is all I have heard for the past 2 weeks. Are the bravehearts getting off the sidelines or at least indicating some interest?

I talked with the House this morning. They indicated that might be the case, and I am talking about staff in terms of Mr. COMBEST and Mr. ROSS. Are the bravehearts getting off the sidelines or what?

Mr. HUTCHINSON. I would expect that. But this was, as the Senator knows, filed last night and laid down this morning, so there has been little time for the farm groups to weigh in one way or the other.

But I think the strongest point in the question posed—while there is a lot of debate about policy, we have spent the last 2 weeks at various times debating the policy of these various bills. The strongest point that you made is the one that I have tried to base this entire amendment upon, and that is, it is the only chance we have of getting improved farm policy, a bill actually signed into law this year.

That has been the hue and cry. That has been the demand of farm organizations and farmers across this country,

that we finish a bill this year. This is the only way we can do it.

Chairman COMBEST has said that. I think it is patently clear that, even were the Harkin-Daschle substitute to be agreed to at this point, the differences between the House bill and the Harkin-Daschle substitute are so great that, in fact, it would take at least 3 weeks, as Senator HARKIN said last night, for that conference to be completed. We would not have a bill in time to help our farmers or to meet that demand for it to be finished this year.

Mr. ROBERTS. I thank the Senator for yielding. I have taken up too much time. There are very crucial questions, it seems to me, about what is in the Senate bill and House bill and how fast we can move.

I thank the Senator for his leadership.

Mr. DORGAN. Will the Senator yield for a question?

Mr. HUTCHINSON. I have been told my time has been reduced. We started this debate late and the vote is still scheduled for 12:50, I believe.

The PRESIDING OFFICER. The Senator is correct.

Mr. HUTCHINSON. I will yield if the time will come from that side of the aisle.

Mr. DORGAN. Mr. President, how much time were the proponents offered on this unanimous consent request, and how much time are we offered?

The PRESIDING OFFICER. Under the previous order, the vote is called for 12:50. After the reduction of the time, the Senator from Arkansas had 45 minutes and the Senator from Iowa had 10 minutes.

Mr. DORGAN. It is 45 minutes and 10 minutes. I am asking the Senator if he will yield for a brief question.

Mr. HUTCHINSON. Not on my time.

Mr. HARKIN. I will yield 2 minutes.

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

Mr. DORGAN. Let me ask if the Senator will yield and I will use a moment of time from the Senator from Iowa.

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

Mr. WARNER. Will the Senator yield for a quick question?

I thank the Senator for his work on peanuts. This is an industry which is threatened. In my State, we are talking about small farmers, not the billions going to the grain belt. I don't criticize that, but it is the small farmer out there.

We are dealing with people who are farming 40 acres, maybe 100 or so acres, sometimes 200. If I am correct, you are raising the target price to $5.50?

Mr. HUTCHINSON. The Senator is correct.

Mr. WARNER. I thank you for that. Then 10 cents a pound quota buyout for 5 years, that is there. And allowing the producer to assign their base the first year and then reassign it the second year, that is very important. I thank the Senator and for that reason I give my strongest support for his legislation.

Mr. HUTCHINSON. I thank the distinguished Senator from Virginia, and I am grateful for that commitment of support.

I inquire of the Senator, my colleague from North Dakota, how much time does he request?

Mr. DORGAN. Let me ask the Senator to yield. I will use 2 minutes of time that is allocated to the Senator from Iowa.

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

Mr. HUTCHINSON. I yield without losing my right to the floor.

Mr. DORGAN. Well, parliamentary inquiry: We are using the time of the Senator from Iowa but he doesn't yield the floor?

The PRESIDING OFFICER. Yes.

Mr. DORGAN. I so appreciate the generosity here. Let me ask the Senator from Arkansas a question.

He says this is the last opportunity for a farm bill, this amendment he is offering. Is it not the case we will have a cloture vote following that and the last opportunity for a farm bill will be for us to break the filibuster that has occurred now day after day after day on the underlying amendment? Is that not the last opportunity for the Senate to move a farm bill?

Mr. HUTCHINSON. As I said, I have voted for cloture and I will again vote for cloture. But even if cloture were invoked and the Harkin-Daschle substitute were adopted, it is not possible to conference it and get a farm bill to the President this year.

Mr. DORGAN. That is a judgment I don't share. The Senator has, in fact, voted for cloture. Almost all of his colleagues on that side of the aisle have not. We have decided today to allow the Senator from Arkansas to offer his amendment, which is essentially a farm bill. We say, yes, you offer yours; let's have a vote on that.

Why are the majority of the Members on your side not willing to do the same for our farm bill?

Mr. HUTCHINSON. I am sorry. I am not sure——

Mr. DORGAN. We have had a filibuster day after day after day. We have had two unsuccessful votes to try to break it. Almost everyone on your side of the aisle has voted to continue the filibuster. You are now offering your amendment. We say go ahead and get a vote on your substitute farm amendment; go ahead. We will agree to a vote on yours. Why do most of the members of the Republican caucus not agree to the same thing with respect to the Harkin bill, or the Daschle bill that is the underlying bill on the floor of the Senate?

Mr. HUTCHINSON. I can't judge their motives and I do not seek to. I have urged them to vote for cloture. I think it is very important we have a farm bill this year. But time is running out and I urge they support cloture.

Mr. DORGAN. I would say the discourse between——

Mr. HUTCHINSON. Regular order, Mr. President.

Mr. DORGAN. The regular order is 2 minutes on our time. How much of that is consumed?

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

The Senator from Arkansas.

Mr. HUTCHINSON. I thank the Chair. I thank my colleagues for the opportunity to visit.

I inquire as to exactly how much time we have.

The PRESIDING OFFICER. The Senator has 13 minutes 42 seconds remaining.

Mr. HUTCHINSON. Mr. President, I note many of the questions that arise in a farm bill debate—some of those posed by both Senator WARNER and Senator ROBERTS—deal with the commodity title. Obviously, those are great concerns because all of us have our own constituencies.

The Harkin substitute that we are seeking to amend includes many elements that farmers of Arkansas would support. It includes a yield update as well as a base acre update; it includes a 100-percent base acreage coverage versus the 85-percent base coverage included in the House bill and my amendment.

These are, frankly, changes that would benefit many farmers in Arkansas, Louisiana, Alabama, and Mississippi. That is one of the reasons that I have supported the chairman's mark.

However, this is what we must remember. If these changes mean we will not be able to get a farm bill this year, it is time for us to seek a different approach. While some of the funding levels for the various commodities may not be as high as we have in this substitute, the average gross receipts are rather attractive to many farmers in my State and other States as well.

I yield to the Senator from Oklahoma.

Mr. NICKLES. Will the Senator yield for a question?

Mr. HUTCHINSON. Yes.

Mr. NICKLES. I want to maybe take issue with the comments that were made that Republicans have been conducting a filibuster on this bill. Will the Senator correct me, but haven't we had germane amendments every day we have been on this farm bill?

Mr. HUTCHINSON. The Senator is correct.

Mr. NICKLES. Then on the issue of cloture, some people are assuming if you vote no on cloture you are filibustering the bill. I disagree.

Isn't it correct, if cloture were invoked, the amendment you are now offering would be nongermane?

Mr. HUTCHINSON. That is absolutely correct.

Mr. NICKLES. Isn't it correct we have asked the Parliamentarian to give us a ruling on Senator GRASSLEY's amendment? Senator DORGAN was a cosponsor. I hope he still is. I am afraid that would be nongermane.

Isn't it correct that a lot of people who have very legitimate interests in

agricultural policy want to offer amendments that, if cloture is invoked, they are denied that opportunity to do so?

Mr. HUTCHINSON. The Senator is, of course, correct. I respect that. The fact is, the farm bill came very late in this session because we have been very involved with a lot of important legislation dealing with 9–11.

My support for cloture, and the reason I urge my colleague to support it, is because we are running out of time. While there are legitimate amendments and there are important amendments, I think we had too much finger pointing, too much of Democrats saying Republicans are filibustering. Frankly, some of us question the motives on the other side. We are running out of time.

Mr. NICKLES. If the Senator will yield, that is the reason why I came to the floor. I heard this ''filibuster'' and I thought, wait a minute, this is a very complicated bill. We have been on it for a couple of days. But every single amendment—I believe we have had just as many amendments offered by Democrats as Republicans or very close and they have all been germane.

I know there are several other amendments that are very germane but might fall postcloture. I just wanted to understand from my colleague and maybe make an assertion that there is not a filibuster. There is a desire to improve a bill that some of us believe is fatally flawed.

I will also ask my colleague, the bill we have pending, the so-called Harkin-Daschle bill that was reported out of the partisan Agriculture Committee, isn't that unusual? The facts are that the markup of agricultural policy for decades has been bipartisan. Unfortunately, it was not in this case in the markup of the Agriculture Committee.

Mr. HUTCHINSON. I say to my colleague from Oklahoma that my history on the Agriculture Committee is pretty thin. This is my first time on an agriculture bill markup, so I can't really answer this question. But I will say this. While the bill that came out of committee has been described as being a bipartisan bill, I was the only Republican to support that bill. So that cannot be considered nearly as bipartisan as the amendment I am now offering which originally, when offered as a freestanding bill in the Senate, had four Democrats sponsoring it and three Republicans.

So I would suggest if we are going to talk about a bipartisan approach, this is far more bipartisan than the bill that came out of committee, unfortunately.

Mr. NICKLES. I thank my colleague.

Mr. HUTCHINSON. I inquire of my colleague from Arkansas as to how much time she would request.

Mrs. LINCOLN. About 5 minutes.

Mr. HUTCHINSON. I yield Senator LINCOLN 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. I thank the Chair.

Mr. President, today is December 19. Twenty days ago, on November 30, our leaders made a motion to move to debate on the farm bill. That was just after Thanksgiving. Many farmers in Arkansas probably thought, finally, the Senate is going to start voting on the merits of the farm bill. Members on the other side of the aisle objected; they were not ready to move to the farm bill. They said we did not need a farm bill this year and we did not have to deal with that issue right now; we could put it off for another year, just as we have been putting farmers off for the last 4 or 5 years. They forced us to have a procedural vote.

The White House continued issuing statements against considering a farm bill this year, and our farmers waited. Our farmers all across this Nation waited.

On December 5, 5 days later, we had a vote that is hard to explain to folks outside the beltway. We voted on the motion to invoke cloture on the motion to proceed to the farm bill. It passed 73 to 26. In other words, 73 Senators thought we should begin debating the farm bill. But rather than allowing the Democratic leadership to move forward with the bill, Republicans forced us to wait several days and then vote on the motion to invoke cloture on the motion to proceed to the farm bill. Now, with that vote behind us, many farmers in Arkansas probably thought, finally, finally, the Senate is going to start voting on the merits of a farm bill now.

Then, on December 5, December 6, 7, 10, 11, and 12, we discussed the farm bill. Hanukkah came and went.

As my colleague from Oklahoma mentioned, this is a difficult bill. Farm bills always are. That is why we spent the last year and a half discussing the issues of this bill.

In years past, we have tested the issues of a 5-year farm bill. And in the last farm bill we found that the policy we enacted in 1996 was completely inadequate. We have been discussing that for a year and a half. We have been talking about it in committee. We have been talking about it among ourselves and with our colleagues on the other side of the Capitol.

The Senate is supposed to be the deliberative body, and we have proven that again with the weeks of debate on a farm bill that took up 3 days of business in the other body. For 3 days the other body deliberated this issue, and we have spent how much time here over the course of the last 3 weeks?

On December 12, the distinguished former chairman of the Agriculture Committee, the Senator from Indiana, Mr. LUGAR, offered his alternative to the commodity title of this bill. We debated its merits, and then it failed by a vote of 70 to 30.

Many farmers in Arkansas probably thought, finally, the Senate is going to finish up the farm bill. The leading Republican on the Agriculture Committee had offered up his best, and the Senate had voted no. Now maybe we could pass the farm bill. And then we continued to deliberate. We deliberated on December 13, 14, on December 17 and 18.

Christmas grows near. Yesterday we had another procedural vote in an attempt to move the farm bill. The Senate voted on cloture. But we fell 6 votes short of the 60 needed to move forward. Most Republicans voted no. They wanted more time to deliberate.

It is beyond me who it may be out there in our farmland of America, from whom they are hearing, who thinks we are not in an urgent situation of providing good agricultural policy. And I do not know, but maybe the Senator from Arkansas and I are the only ones who hear from farmers who are extremely anxious about whether or not they are going to get their financing to put seed in the ground next year or whether or not they are going to be able to continue a family farm that has been in their family for generations, whether they are going to have to continue to farm out the equity of that farm in order to be able to continue farming.

Then the distinguished former chairman of the Agriculture Appropriations Subcommittee and the former chairman of the House Agriculture Committee offered their alternative. Before yesterday, there had not been any written copy of the Cochran-Roberts bill. We could not review the bill on its merits. So it became known on this side of the aisle as ''what will it take to get your vote?''

A version of that bill had failed during committee consideration. But yesterday, it got its day in the Sun. And it was fully debated on the Senate floor. And it failed by a vote of 55 to 40.

With that vote behind us, many farmers in Arkansas probably thought, Finally, the Senate is going to pass the farm bill.

And that brings us to this day on the brink of another vote to bring the Agriculture Committee's farm bill to an up-or-down vote in the Senate.

Now my good friend from Arkansas is prepared to offer a bill that he and I introduced prior to the Senate Agriculture Committee considering the farm bill.

We introduced that bill when we were concerned that the Senate Agriculture Committee wouldn't pass a farm bill.

But the distinguished chairman of the Agriculture Committee, Senator HARKIN, worked closely with us to craft a bill that fits the needs of all producers.

I am proud of the bill that came out of committee. And I want to commend Chairman HARKIN for his hard work.

I am prepared to vote in favor of final passage of the Harkin farm bill right now. It is a good bill. A strong bill that has weathered 20 days of debate.

But my friend from Arkansas wants a vote on the bill we introduced earlier this fall.

I will vote in favor of the Hutchinson amendment because it reflects a bill that I wrote.

But I warn my colleagues on the other side of the aisle: Regardless of the outcome of this vote, if you vote against cloture at 1:15, you will reveal your true intentions regarding U.S. farm policy for all America to judge.

There will be no denying that you have no interest in moving a farm bill this year.

It will be obvious to every farmer who is watching this debate.

America's farmers will know, without qualification, that you preferred to turn your back on them. You will have abandoned them in this time when they are desperate for a farm policy based on the realities of American farming in the 21th century.

That is a fine ''Merry Christmas'' wish for rural America.

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

Mrs. LINCOLN. May I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. The time is controlled by the other Senator from Arkansas.

Mrs. LINCOLN. I ask for 1 additional minute.

Mr. HUTCHINSON. I ask the Chair how much time is remaining on my side?

The PRESIDING OFFICER. Four minutes.

Mr. HUTCHINSON. Judging from the fact this is not a wholehearted endorsement of my amendment, perhaps the——

Mrs. LINCOLN. I was just describing the debate so far.

Mr. HUTCHINSON. Perhaps the request can be granted from the other side.

Mr. ROBERTS. I object.

The PRESIDING OFFICER. Who yields time?

Mrs. LINCOLN. I ask unanimous consent for 1 additional minute.

Mr. ROBERTS. I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

The Senator from Iowa.

Mr. HARKIN. How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. HUTCHINSON. May I inquire of the Chair, do I still control the floor?

The PRESIDING OFFICER. The Chair was inquiring who yields time, and the Senator from Iowa made an inquiry and was recognized. The Senator from Iowa has the floor.

Mr. HUTCHINSON. I simply was going to reserve the remainder of my time for closing.

The PRESIDING OFFICER. The Senator's time is reserved.

The Senator from Arkansas has 4 minutes. The Senator from Iowa has 7½ minutes.

Mr. HARKIN. Mr. President, I will yield myself 5 minutes, and I would appreciate the Chair announcing when my 5 minutes is up.

Mr. President, first of all, this is not the House bill. This is not even the bill that my friend from Arkansas introduced last night. In order to comply with the budget, they made changes, and what were the changes made? It is very interesting. Let's just take a look at two areas.

The Hutchinson amendment really does gut conservation. In the Senate bill we put $21.5 billion. The House has $15.8 billion. The Hutchinson amendment lowers that to an even $14 billion. But here is where most of the money came from. I say to my friend from Arkansas, Senator LINCOLN and others, we are interested in the small towns and communities. We want rural development.

In the Senate bill we had $1.7 billion—listen to this—over 5 years for rural development. The House bill has $1.17 billion over 5 years for rural development. So we are pretty close. The Hutchinson amendment has—listen carefully—$200 million over 10 years for rural development. Gutted.

So if you want to have a balanced farm bill and one that helps our small towns and communities, forget about that amendment. He guts rural development and puts it all into commodities. But even putting it into commodities, they backload it in 10 years.

What we have done is said there is a crisis out there right now and we need to help farmers right now. For the life of me, I do not understand, Mr. President, why the Senator from Arkansas would want to hurt his own rice producers.

Next year, under the committee bill, the payment per acre for rice is $148.13 under our bill. Under the amendment of the Senator from Arkansas, the payment will be $96.18 per acre for his own rice farmers. Why he would want to offer an amendment to penalize his own rice farmers, I have no idea, because they go back to the old bases and yields. We update the yields. Look at next year. Our payment next year is $148 per acre on rice; the Hutchinson amendment is $96 per acre on rice.

With corn, we pay $36.67 per acre; the Hutchinson, $26 per acre. Wheat is $18.90 under our bill, $15.54 under Mr. Hutchinson's amendment.

This amendment is not well thought out. It is not even the House bill. It is not the House bill at all.

One more time for the record, I say to my friend from Oklahoma, nine titles were approved in our committee unanimously—unanimously. Bipartisan, not one dissenting vote. Senator LUGAR and I worked it out. We worked it out with Senator HUTCHINSON and all the Republicans and Democrats on the committee. The only title that did not come out unanimously was the commodity title. Even the Senator from Arkansas voted for that, so at least it has some bipartisan support.

When the Senator says this is some kind of hugely partisan bill, that is nonsense on its face. All you have to do is please check the record. This bill had strong bipartisan support in the committee.

Again I respond to my friend from Kansas who said we robbed the crop insurance program to increase loan rates. Let the record show, all we did was include a provision that extends the very same provision that Senator ROBERTS put in his crop insurance bill last year. It was OK when he put it in last year. All we are doing is extending it. Now somehow he says it is not OK. We did not gut the crop insurance. If it was good enough for Senator ROBERTS last year, it is good enough for us to put it in now and extend it into the future. That is all we did. We did not in any way touch or gut the crop insurance program.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HUTCHINSON. It is my hope to close for the amendment. Is it the intent of the opponents of the amendment to use the remainder of their time?

Mr. HARKIN. How much time remains?

The PRESIDING OFFICER. There are 2½ minutes for the Senator from Iowa.

Mr. CONRAD. I would like 1 minute if I may.

Mr. HARKIN. I yield 1 minute to my friend from North Dakota.

The PRESIDING OFFICER. The Senator from Iowa yields 1 minute.

Mr. CONRAD. I have said many times that the House-passed farm bill represents a good starting point. But it is a starting point that can be improved. For example, the House bill falls well short of the bill out of the Agriculture Committee in its treatment of commodities such as sugar, soybeans, sunflowers, canola, barley, and the pulse crops of dry beans, lentils, and chickpeas. In dairy, the Senate bill is substantially better than the House bill.

The House bill skimps on commodity support in its first year, providing less than half the support provided by the Senate bill in its first year. If the House bill prevails, we may very well find ourselves back here late next year considering supplemental support for agriculture again. I believe our goal should be to improve the House bill. We cannot do it if we simply accept it today.

The chairman has made clear what is before the Senate is not even the House bill.

Mr. HUTCHINSON. I have 4 minutes remaining.

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mr. HUTCHINSON. I yield 1 minute to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I thank the distinguished Presiding Officer and my colleague.

It seems to me we have a paradox of enormous irony. The majority has, for weeks, talked about and urged passage of a farm bill to protect the investment in agriculture, the $73 billion provided

for in the budget, and to expedite consideration with the House of Representatives, and we could pass the bill this year.

Today, let the record show, whether it might be minor differences between the bill offered by the distinguished Senator from Arkansas and the House bill, the majority is now going to vote against the House position before they go to conference. I think that is a paradox. I think that is unique. I think that is unprecedented.

I thank the Senator for the time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Let me say very quickly in wrapping up, I appreciate working with the chairman, and I think he made a good faith effort.

As far as the conservation is concerned, I will respond by saying I offered increases: The average annual funding level from $200 million to $1.3 billion a year for the EQIP program. Livestock and crop producers each receive 50 percent of the funding. On the issue of the rice, the average gross receipts over the 5 years is $11.90 per hundredweight under the House bill and the amendment I offered.

Yes, yours is higher, but they are not being penalized. It is a bill and a position that the Rice Federation and rice producers endorsed because they knew it was good for rice when the bill was introduced.

However, we could argue day and night about this funding and which bill is better for the various crops. The reality is, if Members want a farm bill this year, if Members want a bill this year, this is it. You can bump it up another few billion and maybe everybody in the world will be happy, but if you cannot pass the bill, it doesn't help the farmers.

The latest figures show that the Harkin substitute would cost $45.2 billion over baseline in the first 5 years, leaving only $28.3 billion for the second 5 years. Basically, if we do this, we will eliminate the funding available in the years 2007 - 2011. That is why I say these will be the years of plenty and those will be the years of famine.

This amendment is balanced, and it is reasonable, and it has broad support in the Agriculture Committee and the agricultural community. It is bipartisan. It was introduced as a bipartisan bill.

The basic, underlying, fundamental point is this: It is the only bill that is conferenceable with the House. It is the only bill that has any chance at all of being signed into law this year. If you have told your farmers that you are going to do everything within your power to get a farm bill passed this year, then you need to vote for this amendment.

This will be the highest of ironies, I say to my friend from Kansas, that those who have said they don't want to delay a farm bill are going to vote against the one vehicle by which they can get a farm bill this year; that those who have said there are obstructionists trying to get a farm bill passed will be in a position of voting against the one that could be signed into law by the end of this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I yield 30 seconds to the Senator from North Dakota.

Mr. DORGAN. This does not wash—to stall for 2 months, to filibuster for 2 weeks, then walk around here pretending you are out of breath from running so far. Every step of the way, we had people on that side of the aisle trying to prevent us from writing a farm bill, and now they are coming to the floor saying: We are trying to move it along.

This is a sure way to try to move it along—filibustering through two cloture votes. We will see at 1:15 if they give us help to move it along.

The PRESIDING OFFICER. The Senator has 47 seconds remaining.

Mr. HARKIN. The time for games is over. The fact is, the White House itself has said we should not have a farm bill this year. The ranking member of the Agriculture Committee, Senator LUGAR, has said that. The Secretary of Agriculture has said that. The entire Republican hierarchy downtown and here have said time and time again we should not have a farm bill this year. Since this amendment is different from that of the House, it would still require a conference.

Again I say, Mr. President, now is the time to pass a good bill. If we get cloture today and we can close this bill down, we can conference our bill in the next 2 days and we can go into conference with a good bill, not with an amendment that is less than what the House has.

I urge defeat of the Hutchinson amendment.

I move to table the Hutchinson amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The hour of 12:50 having arrived, under the previous order, the question is on agreeing to the motion to table. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''no.''

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 376 Leg.]

YEAS—59

Baucus	Durbin	Mikulski
Bayh	Feingold	Miller
Biden	Feinstein	Murray
Bingaman	Graham	Nelson (FL)
Boxer	Gregg	Nelson (NE)
Breaux	Hagel	Reed
Byrd	Harkin	Reid
Cantwell	Hollings	Rockefeller
Carnahan	Inouye	Sarbanes
Carper	Jeffords	Schumer
Chafee	Johnson	Smith (NH)
Cleland	Kennedy	Smith (OR)
Clinton	Kerry	Snowe
Collins	Kohl	Specter
Conrad	Landrieu	Stabenow
Corzine	Leahy	Torricelli
Daschle	Levin	Voinovich
Dayton	Lieberman	Wellstone
Dodd	Lugar	Wyden
Dorgan	McCain	

NAYS—38

Allard	Edwards	Lott
Allen	Ensign	McConnell
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Gramm	Sessions
Burns	Grassley	Shelby
Campbell	Hatch	Stevens
Cochran	Hutchinson	Thomas
Craig	Hutchison	Thompson
Crapo	Inhofe	Thurmond
DeWine	Kyl	Warner
Domenici	Lincoln	

NOT VOTING—3

Akaka	Helms	Murkowski

The motion was agreed to.

Mr. HARKIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry: What is the order of business now before the Senate?

The PRESIDING OFFICER. The cloture vote is the next order of business.

Mr. HARKIN. Mr. President, I understand there is no time remaining. I ask unanimous consent that I be given 1 minute and that the other side be given 1 minute prior to the cloture vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Mr. President, we will now go to a cloture vote. It will be the third cloture vote. The majority leader has said that will be it, because this is Wednesday. To finish the 30 hours after cloture, if we got cloture, would require the rest of the week. We all want to get out of here by Friday or Saturday—I hope. So this really would be the last opportunity to have closure on the farm bill.

We have had good votes. We voted on the Lugar substitute. We voted on Cochran-Roberts. We voted on Hutchinson. There may be other amendments. They should be germane. Somebody said about cloture, it cuts off amendments. It does not cut off any germane amendments to this agriculture bill.

So let's have the cloture vote. We get our 30 hours. At least then we can finish the bill. Then the staff can work on

it in January, and when we come back on January 23, we can meet in a short conference and get the bill to the President before the end of the month.

If cloture is defeated, I can assure you, all of my fellow Senators, the President will not get this bill until sometime in March or April, if even then. So this is the last train out of the station. I hope we can get it done.

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

The Senator from Indiana.

Mr. LUGAR. Mr. President, we worked with the distinguished chairman carefully. There are a large number of issues that must be discussed before this bill is perfected.

In good faith, I ask the Senate to give us opportunities to perfect this bill. It must be perfected, in my judgment, if the President is to sign it, if we are to have a successful conference, and in fact if we are to have successful agricultural policy.

In fairness, there are a number of amendments that must be heard that, in due course, will have to be heard somewhere in the land. This is the proper forum and the proper time. I ask my colleagues to vote against cloture to keep the process alive because I am confident we will improve the bill if we have that opportunity.

I thank the Chair.

CHANGES TO H. CON. RES. 83 PURSUANT TO SECTION 213

Mr. CONRAD. Mr. President, section 213 of H. Con. Res. 83, the FY 2002 Budget Resolution, permits the chairman of the Senate Budget Committee to make adjustments to the allocation of budget authority and outlays to the Senate Committee on Agriculture, provided certain conditions are met.

Pursuant to section 213, I hereby submit the following revisions to H. Con. Res. 83.

The revisions follow:

	($ millions)
Current Allocation to the Senate Committee:	
FY 2002 Budget Authority	21,175
FY 2002 Outlays	17,856
FY 2002–06 Budget Authority	69,640
FY 2002–06 Outlays	52,349
FY 2002–11 Budget Authority	114,692
FY 2002–11 Outlays	80,210
Adjustments:	
FY 2002 Budget Authority	0
FY 2002 Outlays	0
FY 2002–06 Budget Authority	37,751
FY 2002–06 Outlays	34,465
FY 2002–11 Budget Authority	66,150
FY 2002–11 Outlays	66,150
Revised Allocation to the Senate Agriculture Committee:	
FY 2002 Budget Authority	21,175
FY 2002 Outlays	17,856
FY 2002–06 Budget Authority	107,391
FY 2002–06 Outlays	86,814
FY 2002–11 Budget Authority	180,842
FY 2002–11 Outlays	146,360

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, we have been on this bill for almost a record length of time now. I am told that tomorrow we will break the record for the length of time a farm bill has been debated. If we get cloture, of course, we will still entertain 30 hours of debate for germane amendments. As I have done on several occasions, we will also entertain unanimous consent requests to consider amendments that are not germane.

But time has run out. This is the third cloture vote. We have a lot of other legislation that must be addressed before the end of the week. We have three conference reports on appropriations that must be completed. We have other legislation of import to both sides of the aisle that must be addressed and, hopefully, completed.

I announced earlier today that if we fail to get cloture on this vote, we will have no other choice but to go on to other issues. That will terminate the debate and end any possibility that we could complete our work on the farm bill this year.

I put all my colleagues on notice, after three cloture votes we need to move on. It is up to both of us, Republicans and Democrats, to make that decision. We can finish this bill. We can accommodate all the other items that need to be addressed, but we have to move on. Germane amendments for 30 hours ought to be enough for everybody who has debated this bill now for over 2 weeks. I ask my colleagues to vote for cloture. Let's get this work done.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. LOTT. Mr. President, I yield myself leader time so I may respond. I know Senator DASCHLE might want to close the debate.

Let me just emphasize on this issue, first of all, I don't believe this is a record. I think if you go back and search the record, we have spent as long as 30 days on an agriculture bill. We could go back and forth over what the length of time was. The important thing, though, is to get the right thing done.

This legislation does not expire until next year. We are not going to get a conference agreement on this legislation whether we complete action now or next week or sometime before the end of the year. The conference will go well into the next year. I suspect this will be a pretty difficult and long conference. There is no need to continue to have this vote.

Unfortunately, this is the most partisan farm bill I recall seeing in my 29 years in the Congress. Farm bills are almost always, if not always, very bipartisan in the way they are brought out of committee and the way they are considered on the floor. Unfortunately, that has not been the case here.

Farm legislation is very important. We should make sure, when we come back next year, this is the first issue pending and complete action. In the meantime though, we should keep our focus on the three appropriations conference reports, seeing if we can get a bill through that will help the families and the unemployed on the stimulus package, and see if we can get an agreement on the terrorism reinsurance and bioterrorism. Those are the issues we really can do, should do, and I hope we will do.

I urge my colleagues, do not rush to judgment. Let's not be forced to invoke cloture when there are important amendments that would be cut off, such as the one Senator GRASSLEY has on limitations.

There is no need to be panicked here. We can do this. We can do it right. We cannot cut off our colleagues who have good amendments. We can complete action in due time and get a good farm bill well before the law expires.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Let me respond briefly. First of all to the Grassley amendment, we are told now that it is germane, and certainly it would be eligible for consideration. That goes to the point I made just a moment ago. A lot of amendments that are still pending will certainly be entitled to consideration, entitled to a vote, and that is as it should be.

I also note the Republican leader's comment that this has been a partisan process. I am told by the chair of the committee that we have never had as many unanimous votes in a markup as we had with consideration of this farm bill. Of the titles that were passed out of the committee relating to this bill, nine of them passed unanimously. Only one failed unanimity. That doesn't sound partisan to me.

The commodity title was the only title that generated votes on both sides. Every other vote, in all nine titles, was passed unanimously.

Again, as to the assertion that we can wait, I must say I urge you all to refer to the Budget Committee and their projections that, by waiting, we chance losing $25, $30, $40 billion in budgetary authority. This in essence is a vote to cut agriculture by a substantial amount of money, if we fail cloture now, if we don't take full advantage of the budget window we have available to us.

We can't wait. I know the administration has urged that we wait, the Secretary of Agriculture has urged that we wait. I must say, 32 or more farm organizations have urged us to act now. Why? Because they are worried about the budgetary implications. Why? Because they want farmers and ranchers to have the opportunity to make the transition. Why? Because the Department of Agriculture normally needs 6 months to make the transition. There are plenty of reasons it is important for us to bring this debate to a close. Let's do it. Let's move on to the other issues we have to confront. Then let's going home for Christmas.

Mr. NICKLES. Will the majority leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Oklahoma.

Mr. NICKLES. The majority leader referred to the fact that a lot of farm

organizations support this bill. Was the majority leader aware that the American Farm Bureau Federation wrote a letter today, December 19, which reads in part:

The American Farm Bureau Federation Board of Directors in a special meeting on Tuesday, December 18, 2001 voted to oppose senate passage of the farm bill if it contains the water language that your amendment is intended to strike.

I ask unanimous consent to have this letter printed in the RECORD.

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

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, December 19, 2001.

Hon. MICHAEL CRAPO,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR CRAPO: I am writing to convey the strongest support possible of the American Farm Bureau Federation for your amendment to strike the Reid water rights language from the conservation title of S. 1731. This language poses an extraordinary new threat to agriculture and the ability of farmers and ranchers to remain economically viable.

The water provisions in the bill set a dangerous precedent that would erode historic state water law. Additionally, it will expand the scope of the Endangered Species Act to cover a new category of species that are not in fact threatened or endangered. These changes are unacceptable to agriculture and will affect agricultural producers well beyond those who participate in the Conservation Reserve Program.

The American Farm Bureau Federation board of directors in a special meeting on Tuesday, December 18, 2001 voted to oppose Senate passage of the farm bill if it contains the water language that your amendment is intended to strike.

Sincerely,

BOB STALLMAN,
President.

Mr. NICKLES. It is just one farm organization, but it happens to be the largest farm organization in the country.

Mr. DASCHLE. Mr. President, I haven't seen the letter, but I will tell you, the Farm Bureau has probably been the leader of all farm organizations in urging the Senate not to delay. It is one thing to vote for or against a particular piece of legislation relating to amendments that may or may not be offered. But it is another thing altogether to complete our work. The Farm Bureau, the Farmers Union, virtually every farm organization known to this country has urged the Senate to complete its work, and to do it this week—not next week, not in February, not March, but now.

The Farm Bureau, the Farmers Union, all the other farm groups have said that. I think those positions ought to be made clear as well.

I yield to the Senator from Iowa.

Mr. HARKIN. Mr. President, I want to respond to my friend from Oklahoma. I spoke with Mr. Bob Stallman this morning on the phone. He is the president of the American Farm Bureau Federation. He referred to this letter. He referred to the conference call they had yesterday. That is true, they are opposed. He said to me—and I asked, May I relate this? He said yes—they are absolutely in favor of cloture, of bringing this to an end. But then again he said they would be opposed to the bill if it had that water right in it. But he told me on the phone this morning they were absolutely in favor of cloture and bringing it to a close.

Mr. DASCHLE. Mr. President, the time has come for us to move to the other important pieces of legislation that have to be addressed. Let us complete our work on this bill. We have been on it long enough. We have debated every conceivable amendment. I think the time has come for us now to complete our work.

I yield the floor.

Mr. SESSIONS. Will the majority leader yield for a question?

The PRESIDING OFFICER. Will the Senator yield?

Mr. DASCHLE. I will yield. I know there is a Senator on the floor who needs to catch an airplane. This will be the last time I yield.

Mr. SESSIONS. My request would be that there be one last attempt to make a bipartisan compromise here. We have people such as Senator LUGAR, Senator COCHRAN, Senator GRASSLEY, Senator Roberts, with deep histories in farm legislation, who are troubled by this bill. I believe we can work it out, as we have in several other last-minute circumstances. But to just shelve it with no willingness to give on the majority leader's side is not healthy.

Will the majority leader try that?

Mr. DASCHLE. Mr. President, let me say, we will have 30 hours, 30 hours of debate, to try every conceivable new avenue to reach some compromise. I am more than willing to sit down with our two managers, with other Senators who have an interest in completing our work.

The real question is whether or not we want to finish the farm bill this year. I hope people can say on both sides of the aisle in the affirmative, yes, we will finish our bill this year. We will complete our work as all farm organizations and as our responsibility dictate.

I yield the floor and ask for the vote.

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Daschle for Harkin substitute amendment No. 2471 to Calendar No. 237, S. 1731, the farm bill:

Paul Wellstone, Tim Johnson, Bill Nelson, Harry Reid, Blanche L. Lincoln, Zell Miller, Barbara Boxer, Byron L. Dorgan, Max Baucus, Thomas Carper, Ben Nelson, Kent Conrad, Tom Harkin, Patrick J. Leahy, Fritz Hollings and Jean Carnahan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule has been waived.

The question is, Is it the sense of the Senate that debate on the substitute amendment No. 2471 to S. 1731, the farm bill, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

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

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 377 Leg.]

YEAS—54

Baucus	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Miller
Boxer	Feinstein	Murray
Breaux	Graham	Nelson (FL)
Byrd	Harkin	Nelson (NE)
Cantwell	Hollings	Reed
Carnahan	Hutchinson	Reid
Carper	Inouye	Rockefeller
Chafee	Jeffords	Sarbanes
Cleland	Johnson	Schumer
Clinton	Kennedy	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Stabenow
Corzine	Landrieu	Torricelli
Dayton	Leahy	Wellstone
Dodd	Levin	Wyden

NAYS—43

Allard	Enzi	Nickles
Allen	Fitzgerald	Roberts
Bennett	Frist	Santorum
Bond	Gramm	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Smith (NH)
Burns	Hagel	Smith (OR)
Campbell	Hatch	Stevens
Cochran	Hutchison	Thomas
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
Daschle	Lott	Voinovich
DeWine	Lugar	Warner
Domenici	McCain	
Ensign	McConnell	

NOT VOTING—3

Akaka	Helms	Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 54, and nays are 43. Three fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. DASCHLE. I enter the motion to reconsider the cloture vote.

Mr. JOHNSON. Mr. President, I rise to express my grave disappointment at the failure of the Senate to achieve cloture on S. 1731, the Senate farm bill. Today, as on two other occasions in the last 13 days we have debated the farm bill in the Senate, a majority of our body has voted for cloture, a parliamentary tool applied to end excessive debate and to ensure we could finish the farm bill by the end of the year. Unfortunately, even though a majority of the Senate wants to pass a farm bill

this year, the Senate Republican leader has blocked an up-or-down vote on the farm bill, forcing the Senate to revisit this issue next year. It requires 60 votes to terminate a filibuster and to allow the Senate to proceed with its work.

Today, farmers and ranchers across South Dakota and the entire country are busy doing their jobs. They are maintaining their operations, feeding livestock, deciding what to plant for the 2002 crop year, discussing prices, expenses and economic matters with their lenders, all in anticipation that Congress will do their jobs and complete a farm bill this year. The only problem is that Congress, namely a certain number in the Senate, has failed family farmers and ranchers by rejecting action on the farm bill this year. Despite the fact that every major farm and ranch organization in the country wanted to complete action on the farm bill this year, a certain number in the Senate ignored these 32 groups. In fact, Mr. Bob Stallman, the President of the American Farm Bureau Federation has been quoted as saying that a vote against cloture is a slap in the face to farmers. Unfortunately, Farm Bureau, Farmers Union, and all the other farm groups were ignored today and on two prior cloture votes. On three separate occasions the U.S. Senate was given an opportunity to demonstrate how important family farmers, ranchers, and rural communities are to the overall well-being of the country, because the Senate had cloture votes on three separate days. On three occasions the Senate was given a chance to say we'll write a new farm bill this year, we'll go to conference with the House, and we'll send a bill to the President. On three occasions the Senate was given an opportunity to send a message to farmers and ranchers all across the country that we care about them, that we want a better farm bill for rural America, and that it was important to us to deliver a new farm bill to them. Yet, on Thursday, December 13, the Senate obstructed action on the farm bill by a 53–45 vote. Then on Tuesday, December 18 and today, Wednesday December 19, the Senate rejected cloture on a 54–43 vote each day. Rejecting cloture simply means a rejection of the farm bill this year. That is very unfortunate.

I have repeatedly said it is crucial for Congress to complete action on the farm bill, conference with the House, and send a bill to the President for his signature this year, if not very early next year, in order to ensure two very important things.

First, that we capitalize upon the $73.5 billion in additional spending authority provided by this year's budget resolution, because given the shrinking budget surplus and unprecedented demands on the Federal budget now, there are no assurances this money will be available in 2002, when a new budget resolution will be carved out of a very limited amount of resources. Second, that we mend the farm income safety net now because the experience of the 1996 farm bill has painfully taught us that it does not provide family farmers and ranchers a meaningful income safety net when crop prices collapse. Thus the need for a new farm bill is clear.

Some will allege the Senate did not have time to fully debate the merits of S. 1731, the Senate farm bill. However, that is clearly not the case. Rather, in the last 13 days we have debated the farm bill, approximately 20 amendments were proposed to the underlying bill. Three of these amendments were comprehensive alternatives to the farm bill passed out of the Senate Agriculture Committee. Of these three substantial alternatives, one was a proposal by Senator LUGAR to overhaul the farm bill's commodity title with a severe reduction in support to South Dakota's crop producers, essentially by eliminating the marketing loan program. On December 12, the Senate voted against the Lugar amendment on a 70–30 vote. Then, yesterday, the Senate debated at great length an alternative to the farm bill offered by Senators COCHRAN and ROBERTS. Their alternative would have revamped many titles of the farm bill, including major changes to the commodity and conservation titles. Yesterday, the Senate rejected the Cochran-Roberts alternative by a 40–55 vote. Finally, today, Senator TIM HUTCHINSON offered a near identical version of the House-passed farm bill (HR 2646) for consideration and debate in the Senate. Today, the Senate soundly rejected the House proposal by a 38–59 vote. In the final analysis, a clear majority in the Senate has gone on the record in opposition to three major farm bill alternatives. I am confident that if we were allowed a straight up-and-down vote on the Senate farm bill, we would pass it. However, certain Senators have resorted to stall out the farm bill, essentially killing it for the year.

Finally, I will do all I can to make sure the farm bill is the very first order of business that we take up in 2002. We may still have time to pass a farm bill in the Senate, conference with the House, and send a bill to the President. In the meantime, I will continue to fight for South Dakota's priorities in the farm bill. Some of these priorities include; my provision to forbid meatpacker ownership of livestock, which will restore fair competition in the marketplace; my provision to provide for country-of-origin labeling of beef, lamb, pork, fruits, vegetables, peanuts, and farm-raised fish; my provision to prohibit USDA quality grade stamps on imported meat; an energy title that promotes value-added ethanol, biodiesel and wind production in South Dakota; a conservation title increasing the Conservation Reserve Program to 41 million acres; and; a commodity title containing higher loan rates than the House farm bill and a provision that rewards farmers with an allowance for an update on a farmer's yields and planted acreage for the purpose of making price support payments. None of these provisions are contained in the House farm bill.

We have more work to do. In addition to completing action on the farm bill, we should address common-sense payment limitations in the farm bill so family farmers and ranchers truly benefit from it. I look forward to next year and our endeavor to provide America's family farmers and ranchers with a new farm bill.

Mr. NELSON of Nebraska. Mr. President, I rise in support of the Daschle substitute to the committee-passed bill.

Let me begin my statement by pointing out that every farmer I talk with in Nebraska wants Congress to pass a new farm bill this year. This legislation is awfully important to tens of thousands of farm families in Nebraska and they are asking me to get it done.

For my State, with its 55,000 farm families where we have more cows than people there may be no greater economic stimulus package than the farm bill.

Many of my colleagues have thanked Chairman HARKIN, ranking member LUGAR, and their staffs for their hard work in getting this bill together. Let me add my thanks. It was not an easy job.

But then, neither is farming in an environment where commodity prices for crops remain at historic lows for the fourth straight year.

Or where livestock producers—the largest sector of agriculture in my state—are facing costly new environmental regulations with frightfully few federal resources to help share the burden.

So I rise in support of this legislation and ask my colleagues to join me in its consideration.

This bill breathes new life into our commodity programs, provides nutrition programs for hungry children and adults, supports our international food donation and trade efforts, and protects millions of acres of environmentally sensitive land, among many other important priorities.

It makes a real commitment—both in programs and funding—to rural development. I have worked with many Nebraskans involved in rural development in their communities, and these are the provisions they asked for: Access to venture capital. Adequate funding for water and sewer projects. Greater access to broadband service. More funding for value-added product development.

A modest investment in these programs will have tremendous return in rural communities all across America. I hope my colleagues have heard from their constituents about the importance of these provisions and that they are as enthusiastic as Nebraskans are.

This bill also includes, for the first time, a title devoted to agriculture-based energy. It's a terrific idea and

one whose time has come. I only wish the Agriculture Committee had the jurisdiction to go further!

Nevertheless, the provisions in the energy title that provide grants, loans and technical assistance to farmers and ranchers to develop and incorporate renewable energy use will be, I predict, widely oversubscribed.

In five years we will be back here trying to expand these programs, like we have our conservation programs, because demand has far surpassed the funding available.

Speaking of conservation, let me briefly comment on the conservation title. The Chairman and Ranking Member of our committee deserve special recognition for their vision in moving farm programs toward a more conservation-oriented policy.

Environmental and sportsmens' groups—the hook and bullet coalition, I heard them called recently have been working toward the expansion of these programs for years, and their efforts pay off in this bill.

CRP, WRP, WHIP, FPP . . . the acronyms all run together, but each program has a distinct and invaluable purpose.

Of particular interest to Nebraskans are the significant new resources for the EQIP program, which will allow it to ramp up to $1.25 billion a year by 2006 from just $200 million now.

It will provide assistance to thousands of livestock producers, in particular, to comply with new regulations. Just as importantly, it will assist row crop producers in protecting water supplies, soil quality and wildlife habitat. The House also made a significant commitment to EQIP and I commend them for that.

A critical title of this legislation reauthorizes and expands nutrition programs. Included is a provision of particular importance to Nebraska and other states with military installations.

The privatization of housing on military bases has had the unintended consequence of jeopardizing eligibility for the free and reduced cost school lunch program for qualifiying children. Because of the reporting requirements in the privatization legislation, service members' housing allowances are now being counted as income making children who previously qualified for the free and reduced cost school lunch program ineligible.

So, unfortunately, as a result of a policy that I support—privatized housing on our military bases—we are improving quality of life with one hand and taking it away with the other.

This bill creates a stop-gap solution to this problem, until child nutrition programs can be reauthorized.

Finally, the commodity title is of course the engine driving this train. I cannot overstate how important it is to Nebraska.

Farmers, as we all know, are deriving an ever-increasing share of their income from farm program payments under Freedom to Farm.

The law that was supposed to rid them of the shackles of Federal farm programs has instead made them more dependent on the government than ever before. It has cost taxpayers tens of billions of dollars in emergency assistance.

Farmers in Nebraska have said resoundingly, ''Enough!'' and they are right. It is time for a new program that offers some stability and a reasonable chance at profitability. And it's time for a program that no longer offers its benefits based on what you may have planted 20 years ago.

This legislation provides a modest increase in loan rates, and I do mean modest. Corn goes from $1.89 to $2.08; wheat from $2.56 to $3.00.

Farmers in Nebraska have been calling for an increase in loan rates for years, but this is hardly what they had in mind.

And still, there are those who call it excessive. Who say that these loan rates—still well below what it costs farmers to raise a crop—will ''stimulate production.''

I ask them: where? Freedom to Farm sent farmers checks when prices were at record highs and they did what any business would do—they invested in greater productivity. And they were successful.

As we know too well, it took only two years of Freedom to Farm for prices to collapse. And they have not recovered. And still the government signals, ''Plant more.'' ''Buy more land.'' ''Expand your operation.''

The current program, I say to my colleagues, stimulates production. So I do not see where all this new production is going to come from.

What I do see is a loan rate that offers producers a fighting chance at making a cash flow work with their banker this spring. A safety net that leaves them less dependent on the continued largesse of Congress. And I like that, and so do they.

The commodity title reauthorizes programs for sugarbeet growers, which is also important to my state. To the 550 families growing sugarbeets in western Nebraska, this bill is critical.

And it meets other needs of other regions and senators that make it truly a national program—including peanuts and fruits and vegetables.

So I thank Chairman HARKIN for putting this bill together and I urge the Senate to invoke cloture and move to its immediate consideration.

Mr. CRAIG. Mr. President, last week we voted on an amendment by Senator JOHNSON that would prohibit meat packers from feeding, owning, or controlling livestock. I voted for this amendment because of concerns from my livestock producers that the packers have too much control of the market.

Since that time, I have received more information on how this provision would be implemented. It has come to my attention that the language as written would prohibit forward contracting, future contracts, and other pricing mechanisms.

This is significant information. Indeed, had I known it at the time of the vote, I would have voted differently.

For that reason, I took the only action available to me to correct the situation. I filed two alternative amendments to the farm bill: one that would prohibit the Johnson language from going into effect, and another that would substitute a study to determine the economic impact of such a proposal. The proposed ban on packer ownership, as offered by Senator JOHNSON, could cause widespread economic harm in the livestock and packing industries, but no one has explored what the true implications would be. My amendment would require the US Department of Agriculture to complete this study within nine months.

I have always been a free market conservative; however, I regularly hear from ranchers expressing concerns about concentration in the meat packing industry. In Idaho we have two packers, and the only thing worse than just two packers, is to have only one. I am concerned that the language as passe4d could result in further consolidation within the packing industry.

While I agree with my producers that we have a problem, we must be sure that our solution does not create an even bigger long-term problem.

MEAT PACKERS

Mr. GRASSLEY. Mr. President, last week the Senator from South Dakota and I offered an amendment which would prohibit meat packers from owning, feeding or controlling livestock prior to slaughter. Together, we had introduced legislation in the Senate to accomplish the very goal of our amendment. A majority of our colleagues in the Senate voted in favor of our amendment. However, since that time, concerns have been raised by the Secretary of Agriculture and some in the livestock industry that the language of the amendment, specifically the word ''control'' would affect forward contracts or marketing agreements. I do recall that the Senator from Montana inquired as to whether this amendment affected such contracts and that the Senator from South Dakota responded that the amendment did not affect them. However, I would ask the Senator from South Dakota for further clarification on that issue.

Mr. JOHNSON. I thank the Senator from Iowa for his leadership on this issue. Additionally, I thank him for his concern for livestock producers and for the opportunity to clarify any misunderstandings. The amendment is not intended to affect forward contracts or marketing agreements. Such arrangements have caused or can cause problems in the market, but they are outside the scope of this amendment.

The intent of the word ''control'' must be read in the context of ownership. In other words, control means substantial operational control of livestock production, rather than the mere

contract right to receive future delivery of livestock produced by a farmer, rancher or feedlot operator. ''Control'' according to legal dictionaries means to direct, manage or supervise. In this case, the direction, management and supervision is directed towards the production of livestock or the operations producing livestock, not the simple right to receive delivery of livestock raised by someone else.

The word control is intended to close any loophole which may allow clever attorneys to circumvent congressional intent. Such loopholes could include situations where a packer that owns livestock engages in a transaction where a farmer takes nominal title to livestock or livestock feeding operations, but a packer has substantial operational control over the livestock production which is similar to ownership. Another situation is where a packer could exercise such operational control through a related entity. However, where a farmer or rancher holds true operational control, this amendment would not affect him.

Mr. GRASSLEY. Mr. President, I understand that the Senator from South Dakota does not intended the word ''control'' to include forward contracts and marketing agreements. However, how are such contracts different from operational control?

Mr. JOHNSON. There are two reasons that forward contracts and marketing agreements are not within the definition of control. First, these contracts do not allow a packer to exercise any control over livestock production operation. Rather, the contracts merely provide the packer with the right to receive delivery of livestock in the future and most include a certain amount of quality specifications. There is no management, direction or supervision over the farm operation in these contracts. The farmer or rancher makes the decision to commit the delivery of livestock to a packer through the contract without ceding operational control. In fact, the farmer or rancher still could make a management decision to delivery the livestock to another packer other than the one covered in the contract, albeit subject to damages for breach of contract. Even where such contracts include detailed quality specifications, control of the operation remains with the farmer. The quality specifications simply related to the amount of premiums or discounts in the final payment by the packer for the livestock delivered under the contract.

Second, several states prohibit packer ownership of livestock, such as Iowa, Minnesota, and Nebraska. The Iowa law, for example, prevents packers from owning, operating or controlling a livestock feeding operation in that state. But packers and producers may still enter into forward contracts or marketing agreements without violating that law because operational control, in the context of ownership, is the issue. The term control is intended to be similarly interpreted and applies in this amendment.

Mr. GRASSLEY. I concur and understand the distinction between control of livestock production in the operational sense and a mere contract in which a packer has the right to receive delivery of livestock in the future. I also understand that farmer owned cooperatives, including federated agricultural cooperatives, are exempt if they own a packing plant. But there is yet another situation in which some packers enter into joint ventures with farmer-owned cooperatives that has members which would supply the jointly owned packing plant.

It has never been our intent to prevent cooperatives from engaging in relationships with packers, and the amendment does not do that. For example, in Iowa, Excel, which is owned by Cargill, is in negotiations with a beef cooperative to build a packing plant to be owned by a joint venture. If that deal is completed, the actual packer would be the joint venture entity formed by Cargill/Excel and the beef cooperative. Co-op members who chose to participate in that endeavor can freely commit all or a portion of their cattle for slaughter without violating this amendment. The reason is that the packer in the exercises no operational control over livestock production. Rather, the package again has a mere contractual right to receive delivery of cattle that meet its specifically on graduate and quality. That contract may be a standards forward contract or marketing agreement, or the contract may take the form of a membership agreement between each farmer member and the beef cooperative. In either even, this amendment does not affect this joint venture arrangement.

Mr. JOHNSON. That is absolutely correct Senator GRASSLEY, and we have advocated this position all along. Thank you from clarifying that issue with me. While forward contracts and marketing agreements can pose problems for the marketplace, they are outside the purview of our amendment.

Mr. GRASSLEY. Thank Senator JOHNSON for clarifying the scope of the amendment.

MORNING BUSINESS

Mr. DASCHLE. I ask unanimous consent there now be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

FAILURE TO PASS A FARM BILL

Mr. HARKIN. What was the final vote, I inquire?

The PRESIDING OFFICER. The yeas are 54; the nays are 43.

Mr. HARKIN. We would have had 55. Senator AKAKA was missing, of course.

This is a sad day and not a very bright Christmas next week for farmers and ranchers and people who live in rural America. What we have said to them is: You don't count; you will come on the tail end of everything else. We will do this, we will do that around here, but when it comes to our farmers and ranchers, you are at the tail end. That is what my Republican colleagues have said. Go take a hike, they said to rural America. We will deal with you later. We will deal with you later.

I come from a town of 150 people. I was born and raised there. I bet I am the only Senator in this Chamber who lives in the house in which he was born. I wasn't born in the hospital; I was born in the house. I still live in that house in a town of 150 people. I have a strong feeling about people who live in small towns and communities that need rural development, that need sewer and water, need better communications, telecommunication centers in our country, who need job opportunities. Our farmers surround these small communities and this is what they need for them and their families and their livelihood.

We tried everything humanly possible to get this bill passed, in good faith, working in a bipartisan manner. Facts are devilish little things because facts give lie to rhetoric. We hear all this rhetoric from the other side that this is a partisan bill. If it wasn't so partisan, we could get it through.

But the facts are devilish things. And the facts are that every single title of this bill we worked on, I worked closely with my ranking member, a good friend, an honorable person, someone who cares deeply about agriculture. We worked on these. We worked them out in committee. Every single title got a unanimous vote, all Republicans, all Democrats, but one title, commodities.

Senator HUTCHINSON from Arkansas voted with us, so it was bipartisan. Basically, the same thing happened in 1995. We had to deal with the commodity title in the Chamber. I understood that. But then we had all the amendments that gutted nutrition, gutted conservation, that went after rural development. And we had all decided in the committee, unanimously, on what we reported out.

The facts give lie to rhetoric. They have the rhetoric. They have been hit with the rhetoric, but the facts are on our side. This is one of the most bipartisan farm bills ever to come out of the Senate Agriculture Committee. The facts are there and cannot be denied. Again, they talked about reaching more of a bipartisan consensus. Again, the facts are devilish little things.

We had three big amendments offered on the Republican side that were sort of in the nature of substitutes for a committee bill. One was the amendment offered by my friend from Indiana, the ranking member, Senator LUGAR. Then we had the amendment offered by Senators COCHRAN and ROBERTS. And then this morning we had the amendment offered by Senator HUTCHINSON. If you listened this morning, you heard Senator HUTCHINSON and others saying this would be the only bill; if only we would pass the Hutchinson bill, it could be the only bill that