

Think of that. As these publicly traded companies were going down the tubes and into bankruptcy, executives were busy taking out massive sums—\$933 million from one; \$290 million from another; \$299 million from another, just to give a few examples.

I would like one good reason anybody has for providing a bonus or incentive payment to any executive prior to the company filing bankruptcy—just one good reason. But there is not one. That money ought to be recaptured. There ought to be what is called a disgorgement or recapture or clawback. That money ought to be used to reimburse investors who lost their shirts and employees who lost their jobs.

I am going to hold a hearing about this in my subcommittee. We are going to look into situations like that of Enron. We have already had some testimony in this regard in my subcommittee, relating to bonuses paid at Enron. It turns out that Enron paid \$55 million to people at the top of the corporation to commit to stay 90 days as employees following bankruptcy. Some people got bonuses of \$1 million, some of half a million dollars. I think that is nuts.

The investors get ripped by losing their shirts, losing their investments, and a few people inside the companies that went into bankruptcy walk away with pockets full of gold from the treasuries of these corporations. It ought not happen. It is just plain wrong.

Yet this was not dealt with by the corporate responsibility legislation. Why? Because I was blocked from offering my amendment.

If I had been able to offer my amendment and had gotten a vote on it, we would have gotten a mechanism for recapture and disgorgement. We would have a law that says that you cannot walk away from a corporation you took into bankruptcy with \$100 million in your own bank account.

So there is unfinished business on corporate responsibility. We are going to have votes on this issue of bankruptcy and recapture of ill-gotten gains.

I am also going to be working on the issue of inversions. I know the Presiding Officer cares a lot about that issue, which involves corporations deciding they want to renounce their U.S. citizenship. Why? Because they want to become citizens of tax havens like Bermuda, so they can save on their U.S. tax bill. Shame on them. Inversion, my eye.

We ought not have corporations renouncing their American citizenship out of sheer greed. I am going to offer legislation on that issue as well.

So we have some unfinished business on corporate responsibility. Nobody ought to think the bill we passed is a cure-all. It addresses the problem of corporate irresponsibility in a constructive and positive way, but it is incomplete and there are other issues yet

to be addressed. I, for one, intend to hold hearings and offer amendments on this issue. Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. REID. Will the Chair advise the Senator when morning business started?

The PRESIDING OFFICER. Morning business started at 12:07 p.m.

Mr. REID. Under the control of Senator KENNEDY, or his designee, we have the first half hour until 12:37 p.m.; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from South Dakota be recognized for 5 minutes, and following that, the Senator from Nebraska be recognized for 5 minutes.

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

The Senator from South Dakota.

#### DROUGHT RELIEF

Mr. JOHNSON. Mr. President, I rise to speak in favor of an amendment which I have cosponsored which provides direct and immediate emergency aid to the nation's farmers and ranchers coping with a drought of devastating proportions. Mr. President, recently President Bush visited my home State of South Dakota at Mount Rushmore. He was met with great courtesy, respect, and hospitality which we always extend to Presidents of either political party. I was there, along with my wife, to greet the President at Mount Rushmore. We are proud of our State and always pleased to have an opportunity to show it off.

There was a great deal that the President said in South Dakota on which I could agree. There are a number of areas of common ground on which we can work together as Americans.

I have to say, however, that I was profoundly disappointed that the President chose at that time to express his opposition to emergency drought relief for farmers and ranchers in my State all across America. Some 40 States have been struck to some degree or another by this relentless drought.

There are areas in my State in dire circumstances. We have lost almost \$2 billion in the South Dakota economy over the course of this past year, and in our small State, that is an enormous hit. I have visited farmers and ranchers across my State who detail with great pain and emotion the problems they're being forced to cope with due to this drought.

I recently was in Philip and Faith, SD. The pastures look like the surface of the Moon. There is no vegetation at all. I talked to Gary Vance, the owner of the Faith livestock auction barn who indicated to me that a year ago,

over a 2-month period, they sold 1,200 cattle. Over 2 months this summer they sold over 12,000 cattle as people continued to liquidate their herds, including breeding stock, simply having to get out of the business altogether. Corn cannot be cut for silage, soybeans are lying in the dust, and pastures are simply patches of dirt at this point. It is having a devastating impact.

As the Senator from North Dakota indicated, I have always been supportive of emergency aid in circumstances where people have been struck by forces of nature, whether it is hurricanes in Florida or earthquakes in California. I do not begrudge providing money to New York and other places where we had floods, hurricanes, and tornadoes.

I find it striking that some are arguing to set a new precedent whereby this one sector of the economy, the agricultural sector, is being asked to play by a different rule. Those suggesting this new precedent believe we can take money out of the existing farm program to deal with a natural disaster. The farm bill was never designed to address problems of natural disasters. By their very nature, droughts and floods are unpredictable. They occur some years; some years they do not. Some years, their scope is of one kind; others, another. I find it hard to believe the administration has taken this position while at the same time talking about an economic stimulus package.

I can think of few things that could be more stimulating to the economy in our part of the country other than a drought bill to provide some relief to get these people through the winter. Right now, in too many instances livestock producers have no feed, they have no water. They are not going to make it through the winter. They are selling their herds off at a \$250-a-head loss. These pastures are not going to recover, in some instances, for years. This is an enormous hit, and it is not just the farmers and ranchers, it is mainstream business. It is the entire fabric of the economy of South Dakota that is suffering mightily, as it is in so many other States.

In the past, we have always dealt with this on an emergency basis. Presidents of both political parties, President Bush Sr., and this President, when he was Governor of Texas, asked for drought relief on an emergency basis in his State. So it seems hard to believe we find ourselves in this circumstance where the Senate passed drought relief for the 2001 year over 6 months ago that was defeated and pulled out of the farm bill by colleagues in the House. The White House expressed opposition to it. some 200 days ago.

We attempted to put drought relief in the supplemental appropriations bill but again ran into resistance. Now we are looking at the 2003 fiscal year beginning on October 1. Things are delayed already, I don't think we can afford to wait, we must enact emergency relief now. There are some who talk

about finding the money within the farm bill, within the LDP and the countercyclical payment money that will not be used. The Congressional Budget Office indicates to us there is no such fund, there is no such \$5 billion lying around in the farm program waiting to be used, and we would not know what the scope of the funding for those programs would be until September of 2003 in any event.

Frankly, we have producers who needed help months ago who have to make wrenching decisions right now relative to whether they are going to make it through the winter. They will have to liquidate everything they have in order to survive in too many instances. Too many young producers are being chased out of the business altogether. Those most vulnerable, those least capitalized, tend to be among the youngest. We are at risk of losing an entire generation of farmers, ranchers, school board members, and church leaders in rural America if something is not done to provide meaningful and immediate relief.

There is great urgency to this, and I hope we can find the bipartisan support to pass the comprehensive drought relief bill in these coming days.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I rise today in support of S. 2800 to say that during the August break, when we all went home, what a pleasant experience it was to go home, except that some of what I saw during those days in August in Nebraska were not pleasant experiences. The message from our farmers and ranchers in Nebraska is that the drought is driving them out of their business and running them out of agriculture.

As a part of my trip back to Nebraska, I hosted a Senate Agriculture Committee hearing in Grand Island, and I thought it might be important to report back what I heard from many of our farmers and ranchers in Nebraska.

Al Davis, a rancher from Hyannis, NE, in the middle of the sand hills, told me his ranch has not had any measurable precipitation since July 6—a month and a half earlier.

For 60 days, Art Duvall's farm in Ord had no measurable rainfall, and the McCook Daily Gazette, my hometown paper which I delivered as a young boy, reported that as of the date of the hearing, that area had had only 8 inches of rain this year and that there will be 35 days this summer with temperatures of 100 degrees or more, approaching the record set during the Dust Bowl years.

I visited Randy Peters' farm, a farm that has been in the Peters family since 1921, where on many occasions as a young boy, with my father, I hunted pheasants. So I am familiar with the farm. Since 1921, they have had a crop every year—some good years, some bad years, but they had a crop. This year, there will be no crop. The corn will be

left standing, not even good for silage, not having any value except maybe if we get any kind of snowfall this winter, maybe to catch a little snow and keep it for moisture for the future.

When we had TV cameras to take a look at how bad the ears of corn were, we had to walk halfway through the field to find an ear of corn big enough to shuck so we could peel back the husks and have people take a look at the fact that there were no kernels of corn on that ear.

I also heard during the hearing the details regarding the sale of livestock. As the Senator from South Dakota stated about selling off herds and recognizing that next year may not be any better, farmers may need to sort of hedge their bet a bit and get rid of their herds in case the high cost of hay—if it is available—will drive up the cost of production to the point where they lose more on every head of cattle that they sell rather than recouping any losses.

Witnesses testified that much of the nonirrigated crop in large sections of the State would be a total loss this year, after 2 previous years that had been bad crop years in their own right. Witness after witness testified that they need the kind of assistance the Federal Government would not think twice about giving if Nebraska had been struck by a hurricane.

As Merlyn Carlson, the director of agriculture for the State of Nebraska, said, agricultural producers, farmers, need two things: Rain and money.

Well, we cannot do anything about the rain. Even if we could, the rain will come too late this year to protect against the problems that are currently being experienced. It will be great for next year but not for this year.

At this point, I am sure some of our colleagues would bring up the subject of offsets. That certainly has been raised by the administration and by many of our colleagues. There are those who believe that any disaster relief should be funded only by cuts in future farm bill programs. I disagree. There is no reason to treat disaster relief differently for rural areas struck by drought than we would in other areas struck by another kind of natural disaster. Moreover, if we wait for offsets, we will delay relief.

One thing I have learned during my short time in the Senate is that every program and every idea has a constituency, and if one Member of Congress attempts to defund a program for the benefit of another, there will be a fight. We cannot afford to waste time having a floor fight over offsets.

Throughout the hearing, witnesses asked for relief without delay. At one point, I asked a panel, consisting of representatives of the National Corn Growers Association, the American Corn Growers Association, the Nebraska Wheat Board, the National Grain Sorghum Producers, and the Nebraska Corn Growers Association, if

they favored a delay in relief if offsetting costs could be found. Without exception, they did not. They recognized that, in fact, if aid will be of any assistance, it must be delivered as soon as possible.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON of Nebraska. I urge our colleagues to move forward on this legislation.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Nevada.

Mr. REID. How much time does Senator KENNEDY have remaining?

The PRESIDING OFFICER. Ten minutes, 20 seconds.

Mr. REID. I ask unanimous consent that Senator KENNEDY be recognized as in morning business for an additional 5 minutes and the minority also have an additional 5 minutes for morning business.

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

The Senator from Massachusetts.

#### NO CHILD LEFT BEHIND

Mr. KENNEDY. Mr. President, for families across this country who have school-age children, they have been involved over the period of these recent days and weeks preparing their children to attend, by and large, the public schools of our country. Over 90 percent of the children in this country go to the public schools. A little less than 10 percent go to private schools.

Over these last several months, we have had, with President Bush, a bipartisan effort which resulted in what was called the "No Child Left Behind Act." That legislation recognized that what is really needed for the neediest children in this country is school reform. But we also need investment, school reform and increased resources.

For a long time, the Title I program was criticized because it provided resources without really providing the kind of accountability that is so important. So there was a bipartisan effort to provide for that kind of accountability.

Now as parents are seeing their children going back to school and they are asking whether the Congress and this administration are meeting their responsibility. Because in that legislation, we are holding accountable the children that were going through school. We are holding accountable the schools. We are holding accountable teachers.

I was asked over the recent month of August as I went around Massachusetts, is: What is going to be the administration's response to the children being left behind with the budget that the administration recommended to the Congress for funding of No Child Left Behind? Will politicians be accountable? There are 10.3 million children who fall into what we call the Title I category. Over 6 million of those children are going to be left behind under the administration's budget. We do not expect that money in and