

America, to be responsible to the environment, and to lessen our dependence on foreign fuel.

As always, I salute Senator BYRD for his leadership on this.

Mr. DASCHLE. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. Will the Senator from Arkansas allow me to proceed briefly with a unanimous consent request?

Mrs. LINCOLN. Certainly.

AFRICAN GROWTH AND OPPORTUNITY ACT—Continued

Mr. LOTT. I call for regular order with regard to the trade bill.

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative assistant read as follows:

A bill (H.R. 434) to authorize a new trade and investment policy for sub-Saharan Africa.

Mr. LOTT. Mr. President, having witnessed the vote earlier today, I am very concerned about our ability to complete action on the African and Caribbean Basin Initiative free trade legislation. This is important legislation. I believe it is good for the United States. It will be good for Central America, the Caribbean, and Africa. This bill is supported by Senators on both sides of the aisle and by the President.

I understand that maybe some Senator or Senators have gotten the idea, since we did not get cloture today, that was the end of it and this bill would just be set aside permanently. We are still very hopeful we can find a way to get this job done. We have a problem in that it takes a lot of time to get through the cloture motions and complete it, but I have not given up yet.

I am going to file cloture on the pending substitute, and if cloture is not invoked on Tuesday, we will have to move on to other issues. I emphasize I am filing two cloture motions, so we can hopefully get cloture on the substitute and on the bill itself and allow us to get to the substance, have amendments that are important, and bring it to a conclusion.

As a part of all this, I emphasize that Senator DASCHLE and I are working on an apparently unrelated issue but one that is related in fact, and that is an agreement as to how we can handle the bankruptcy bill and allow amendments, amendments that relate to bankruptcy, the credit cards issue, but also would have a number of agreed-to, nonrelevant amendments that would be in order.

I hope we can get that worked out. We are getting very close. That would relieve some of the pressure in opposition, and if we can get both bills done, it will be a monumental achievement, if we can go out this session having done the free trade bill for the Caribbean Basin Initiative and Africa and a bankruptcy bill that allows votes on

which the Senate has indicated it wants to vote.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the pending substitute to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative assistant read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the substitute amendment to Calendar No. 215, H.R. 434, an act to authorize a new trade and investment policy for sub-Saharan Africa:

Trent Lott, Bill Roth, Mike DeWine, Rod Grams, Mitch McConnell, Judd Gregg, Larry E. Craig, Chuck Hagel, Chuck Grassley, Pete Domenici, Don Nickles, Connie Mack, Paul Coverdell, Phil Gramm, R.F. Bennett, Richard G. Lugar.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a second cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative assistant read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 215, H.R. 434, an act to authorize a new trade and investment policy for sub-Saharan Africa:

Trent Lott, Bill Roth, Mike DeWine, Rod Grams, Mitch McConnell, Judd Gregg, Larry E. Craig, Chuck Hagel, Chuck Grassley, Pete Domenici, Don Nickles, Connie Mack, Paul Coverdell, Phil Gramm, R.F. Bennett, Richard G. Lugar.

Mr. LOTT. Mr. President, these cloture votes will occur on Tuesday, November 2. I will notify Members of the exact time after I have had an opportunity to consult with the Democratic leader about the appropriate time for that.

In the meantime, I ask unanimous consent that both quorums which are mandatory under rule XXII be waived and the previously scheduled vote regarding the D.C./Labor-HHS legislation occur notwithstanding rule XXII.

Mr. DASCHLE. Mr. President, reserving the right to object, if I may ask the majority leader, he is announcing there will not be any votes on Monday; is that correct?

Mr. LOTT. If we get these agreements worked out and in order to accommodate the time that has been requested for the D.C./Labor-HHS appropriations bill, then there will not be any recorded votes on Monday. The next recorded vote will be, I presume, at 10 o'clock on Tuesday, which is the D.C./Labor-HHS-Education appropriations bill, and then hopefully sometime in short order after that, we go to votes on the two cloture motions.

Mr. DASCHLE. Mr. President, if I may further reserve the right to object—and I will not object, obviously—I wonder if the majority leader is able to tell me something at this time? I have given him a proposal on bankruptcy—we have cleared it on our side—having to do with the nonrelevant amendments and then the clarification of relevant amendments to the bankruptcy bill. Has the majority leader been able to determine whether that is acceptable and whether he has been able to clear it on his side?

Mr. LOTT. I believe it is going to be acceptable. I have not cleared it completely on our side. I just had an opportunity to read over it in the form on which our staffs worked. I see a couple of little problems that are really clerical in terms of how the three amendments would be handled. The way I read it, it looks as if there could be as many as 12 amendments, but really what we are talking about is 3 and 3, side by side. Once that is clarified, unless there is something else I see that is a problem, I think we can get this done.

Mr. DASCHLE. So the majority leader is saying there would be three Republican nonrelevant amendments.

Mr. LOTT. Right.

Mr. DASCHLE. Has the Republican caucus made that decision as to what are the relevant amendments?

Mr. LOTT. Obviously, I have to know what the three are on the other side. I know one would have to do with education, one of them would be the counterpart to minimum wage, and I am not now sure of the third one. Obviously, before we do get a final agreement on this, we will get that information to you. If there is a problem, obviously, we will have to work through that. I do not think it will be a problem. We will definitely get that to you; hopefully this afternoon, if the Senator is going to be around a little while. We are working on it, and I think we are very close.

Mr. DASCHLE. Mr. President, assuming we then would be in a position to get agreement on moving to bankruptcy, would it be the intention of the majority leader to move to bankruptcy on Tuesday?

Mr. LOTT. It was my thinking that—I believe the way this is set up—we would complete trade and then we would go to bankruptcy when we complete the trade bill.

We are also hoping we can get some way to consider the nuclear waste bill, but it is my plan and my hope—we will have to get agreement, obviously, to do all these—to complete the trade bill and do bankruptcy and try to do the nuclear waste bill before we go out. Obviously, we have some hoops through which we have to jump in order to achieve that.

It is my thinking at this time we will complete the trade bill if we get the cloture. We can enter into a UC on bankruptcy before we do that. We will talk to you about that, exactly when

we need to do it, and we can go to bankruptcy before we go out. My intent would be to go to it next, after consultation with both sides.

Mr. DASCHLE. I appreciate the indulgence of the majority leader and his answers to my questions. I have one other question relating to the trade bills.

Obviously, we have attempted to discuss how to proceed for some time. I have made an offer to the majority leader that he has been kind enough to consider; that is, he and I would table amendments that were not relevant to trade but certainly allow for at least a period of time so Senators can offer these amendments, with the idea that they will be debated and tabled shortly after the time they are offered, I am certainly prepared to renew that offer to the majority leader. As he knows, he has made the situation, again, one which would require a procedural vote on cloture rather than a substantive vote on cloture, thereby, again, undermining our ability to finish the bill.

I wonder if the majority leader has given any more thought to this suggestion that he and I table these amendments and then move to final passage on trade, as I think we could have done even this week.

Mr. LOTT. In response to his question, I was in the hopes that if we could get agreement on the bankruptcy bill and the unrelated amendments that would be made in order under the agreement, that would help resolve the problem.

The difficulty is, in going through this process where we would in fact both vote to table, first of all, there is a lot of opportunity for mischief in terms of what amendments are offered, objections to time agreements, and how long would it take. That is one thing that worries me. If we do not get cloture and we go through a series of amendments where we have to vote to table them, I worry about the image of us voting to table, even if we could explain it procedurally. But if you vote to table fast track or vote to table agricultural sanctions or you vote to table some of these other things, I would prefer that the Senate not be recorded as having defeated or tabling some of these issues.

But the further problem is, if we go through and hold a number of these on this bill, how do we get it done in somewhat of a foreseeable period of time and then be able to get to bankruptcy? I am also worried about what in fact happens if we move to table or try to table or not table. I think the Senator has been right in saying that is where leadership has to weigh in and we have to make sure we get it done.

I think one of the issues that would have been the greatest problem would have been minimum wage, but I believe we are going to address the minimum wage on bankruptcy, therefore relieving the pressure, the need to put it on this particular bill.

So that is what we are up against. I have learned around here you never say

never. I am just worried about being able to get this job done. Also, I have not been able to clear on our side an arrangement that would go through a repeated number of votes on trade. We have had this discussion privately. I think it is appropriate that we have it publicly, too.

Mr. DASCHLE. Mr. President, just in further clarification, I am wondering—there are really two issues. The majority leader has appropriately articulated one of the concerns he has with regard to finishing the bill. Cloture will do that, if cloture is invoked.

I am wondering if the majority leader would entertain tearing the tree down to allow Senators to offer amendments during the time the legislation is pending, thereby at least giving Senators the right to offer amendments, because he would still have the assurance, of course, that the bill—if cloture is invoked—would ripen and would ultimately terminate debate, but he then would cease to make the issue a procedural one. Then it would be one upon substance, which I think would be advantageous for both the majority leader and many of us who work with the administration to see this legislation pass.

Mr. LOTT. Are you talking about doing it during the period of time when we may be discussing, as on Monday, the Labor-HHS bill? Are you talking about postcloture? Also, what do we do in terms of getting time agreements if the Senator from South Carolina objects to that? Maybe we will just have to—that is a lot of ifs—what if, what if. We will have to work through that. It would take a lot of delicacy in trying to get it to a conclusion. But that is my concern.

Are you talking about trying to do it Monday, or are you talking about trying to do it during the day Tuesday or Wednesday? And how do we, in terms of time—even postcloture, a lot of amendments are in order.

Mr. DASCHLE. The majority leader points out a very important problem. If we invoke cloture, there are many important relevant amendments, that I think he and I would probably both support, that are not going to be in order on this legislation. I do not know how we are going to deal with that. I doubt he would be able to get unanimous consent to be able to offer it. I know amendments having to do with Africa, in particular, are in peril if cloture is invoked. So we have compounded the problem both from a relevancy point of view as well as from this procedural problem that we are attempting to work through.

You asked the question, When would this occur? I guess I am thinking, under the current circumstances, there would not be any time for it to occur because the vote on cloture would occur as early as Tuesday because that is when the cloture motion ripens. I would be willing to work with the majority leader on an acceptable schedule for such amendments and the filing of

cloture were he willing to work to accommodate at least some amendments and the opportunity to deal with this relevancy question that I think, regardless of the circumstances, he would deal with.

Mr. LOTT. An interesting sidelight, if the Senator will yield.

Mr. DASCHLE. Yes.

Mr. LOTT. Postcloture, for instance, there might be some amendments with regard to African trade. I wonder if there might be some way we could get an agreement. I worry about it getting agreed to, because I am not sure the Senator from South Carolina would agree to it, where some of those amendments, while they are not germane, would not be in order postcloture, they certainly relate to what we are trying to do. I would certainly like to have some way found for amendments such as that, if they exist. I could think of a couple I have heard of that ought to be offered.

I will be glad to work with the Senator to try to find a way to see if we can at least do that and get it cleared. But we do have a problem with objections. We can see if we can get it agreed to, and we can try to get it agreed to, if we can get something worked out that we can offer. Then if it is objected to, we just have to deal with that.

Mr. DASCHLE. I know there are other colleagues who are waiting to do other business. I think we might talk more privately about this and proceed. But I look forward to working with the majority leader to see if we can find a way to deal with it.

Mr. LOTT. Thank you.

Mr. MURKOWSKI. If the leader would yield?

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

Mr. LOTT. There was no objection to that last request?

The PRESIDING OFFICER. There was no objection to the last request.

Mr. LOTT. I do have one more request I know the Senator from Alaska is interested in. If the Senator would like to make that request—

Mr. MURKOWSKI. Please proceed.

UNANIMOUS CONSENT REQUEST— S. 1287

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to S. 1287, the nuclear waste bill.

Mr. DASCHLE. Objection.

Mr. REID. Objection.

Mr. BRYAN. Objection.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

Mr. LOTT. There was an objection. I believe I still have the floor.

I would be glad to yield for a question or comment.

Mr. MURKOWSKI. It is my understanding, Mr. President, there are a number of Senators who are seeking recognition for items they would like