

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.

Smith of New Hampshire amendment No. 2596 (to amendment No. 2471), to provide for Presidential certification that the government of Cuba is not involved in the support for acts of international terrorism as a condition precedent to agricultural trade with Cuba.

Torricelli amendment No. 2597 (to amendment No. 2596), to provide for Presidential certification that all convicted felons who are living as fugitives in Cuba have been returned to the United States prior to the amendments relating to agricultural trade with Cuba becoming effective.

Daschle motion to reconsider the vote (Vote No. 368) by which the motion to close further debate on Daschle (for Harkin) amendment No. 2471 (listed above) failed.

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.

Lugar (for McCain) amendment No. 2603 (to amendment No. 2471), to provide for the market name for catfish.

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 will 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 PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I ask unanimous consent that the motion to proceed to the motion to reconsider the cloture vote on the substitute amendment to S. 1731 be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? The Senator from Indiana.

Mr. LUGAR. Madam President, reserving the right to object, and I will not object, but I ask for the comity of the majority leader, if he would be prepared to amend his unanimous consent agreement of a few days ago to ensure my amendment with regard to nutrition be included in the list that he gave.

Mr. DASCHLE. Madam President, only if it is restricted to nutrition, I have no objection.

Mr. LUGAR. May I please respond to the distinguished majority leader that the amendment changes certain portions of the commodity programs and would increase nutrition spending. This is a full disclosure of what I have in mind.

Mr. DASCHLE. Madam President, I have no objection, and I ask my re-

quest be amended. I also hope that might encourage my dear friend from Indiana to vote for cloture at some point perhaps as early as tomorrow. I have no objection and so amend the request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CLOTURE MOTION

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

The senior assistant bill 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 for Calendar No. 237, S. 1731, the farm bill:

Tim Johnson, Harry Reid, Barbara Boxer, Tom Carper, Zell Miller, Max Baucus, Byron Dorgan, Ben Nelson, Daniel Inouye, Tom Harkin, Kent Conrad, Mark Dayton, Debbie Stabenow, Richard Durbin, Jim Jeffords, Tom Daschle, Blanche Lincoln.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the substitute amendment No. 2471 to S. 1731, the Agriculture, Conservation, and Rural Enhancement Act of 2001, shall be brought to a close?

The yeas and nays are required under the rule.

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.

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. 372 Leg.]

YEAS—54

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

NAYS—43

Allard	Cochran	Frist
Allen	Craig	Gramm
Bennett	Crapo	Grassley
Bond	DeWine	Gregg
Brownback	Domenici	Hagel
Bunning	Ensign	Hatch
Burns	Enzi	Hutchison
Campbell	Fitzgerald	Inhofe

Kyl	Santorum	Thomas
Lott	Sessions	Thompson
Lugar	Shelby	Thurmond
McCain	Smith (NH)	Voinovich
McConnell	Smith (OR)	Warner
Nickles	Specter	
Roberts	Stevens	

NOT VOTING—3

Akaka	Helms	Murkowski
-------	-------	-----------

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

Mr. REID. Madam President, I ask unanimous consent that when the Senator from Massachusetts, Mr. KERRY, finishes his brief remarks the Senate recess until 2:30 today for the party conferences.

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

The Senator from Massachusetts.

EMERGENCY ASSISTANCE FOR SMALL BUSINESS

Mr. KERRY. I thank the Chair.

I was at this time going to ask unanimous consent to move to the small business bill. I am not going to do that at this point in time, having had a conversation with the majority leader, a conversation with Senator BOND and other Senators. But I say to my colleagues on the other side of the aisle that we have been for several months trying to get emergency assistance through the normal lending process of the Small Business Administration to the small businesses that have not been helped. We have helped airlines. We have been talking about help for the insurance companies. We have a lot of small businesses. We always hear the speeches on the floor of the Senate extolling the virtues of the people who really make the businesses of our country grow; the place where all of the growth of the Nation exists—not in the Fortune 500 companies but in the small businesses.

Many of those businesses simply need a small tide-over with access to credit that they have been denied because of the downturn in the economy.

If you talk about stimulus, helping small businesses at this point in time is one of the most important ways we can invigorate our economy.

I hope and plead with my colleagues on the other side of the aisle. I have yet to have the administration come to us and say, here is the way we can improve your bill, or here is a change we really would like besides gutting the bill altogether, or simply not spending any money on small business.

In fact, by creating lending through the program that 63 of our colleagues have joined as cosponsors, we would, in fact, be making loan guarantees. This is not direct lending. These are loan guarantees that would be made at a less expensive rate than the disaster assistance loans currently being made. This is a way to get much more leverage for the dollars we invest.

I urge my colleagues on the other side of the aisle—and I see the minority assistant leader is here. I hope we can try to break through on this small business bill this afternoon and find a way to reach some kind of compromise so those 63 colleagues could have their interests met.

I thank the Chair. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:30 p.m.

Thereupon, at 1:06 p.m., the Senate recessed until 2:31 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The assistant majority leader.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The assistant majority leader.

ORDER OF PROCEDURE

Mr. REID. For the information of all Senators, we have two Senators who are on their way to the Chamber. The Democratic conference has taken longer than was anticipated. They should be here momentarily. I ask unanimous consent that, pending their coming to the Chamber, Senator SMITH be recognized as in morning business for up to 6 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator from New Hampshire is recognized.

MTBE

Mr. SMITH of New Hampshire. Mr. President, we are moving into the season of festivities. Hopefully, we will get an opportunity to celebrate the holidays. Unfortunately, for many in my State of New Hampshire and in other States across the country, this is a holiday season filled with the anxiety that comes with knowing their water is contaminated.

This contamination is caused by a Federal mandate that I believe is wrong. Another year has gone by and Congress has still done nothing to right that wrong.

Over the past few years, a good deal of the Nation has learned firsthand of the damage that MTBE has done to our drinking water supply. That certainly is true of many communities in New Hampshire where it has become a crisis where people cannot even drink their water or shower with it.

I have been fighting for the past 2 years to get the Senate to vote on a bill that will solve this problem. I am pleased that last week the majority leader made a commitment to me that the Senate would at least vote on this issue before the end of next February. I am grateful for that. Until that day arrives, though, I plan to come to this Chamber on a regular basis, while we are in session, to remind Senators of the terrible impact that MTBE is having on our Nation and on so many thousands of people and to remind them that it is very important that we act now.

For the past 2 years, I have met with a number of small businesses and families across New Hampshire who have been devastated by this problem. They cannot sell their homes. They cannot drink their water. They cannot shower with water. They have filters in their basements to get the MTBE out of the water.

According to the New Hampshire Department of Environmental Services, there may be up to 40,000 private wells with MTBE contamination. Of those, 8,000 may have MTBE contamination of above State health standards.

This is a crisis. We have to deal with this. I know it is nice to say we can make money by replacing MTBE with ethanol and all that. That is fine. Make all the money you want. But we need to get this issue resolved.

In many instances, the State has had to provide bottled water to my constituents. They are installing and maintaining extremely expensive treatment equipment. These costs are high. Particularly hard hit have been communities in the southern tier of my State: Arlington Lake in Salem, Frost Road in Derry, Green Hills Estates in Raymond, and so many more. But I want to briefly tell you a story about one particular site in Richmond, NH. It is in the southwestern part of the State. It is a beautiful area, and the type of beauty for which New Hampshire is so well known.

In August, I visited the Four Corners Store and several surrounding homes in the town of Richmond. It is called the Four Corners Store because it is at a rural crossroad, like so many in America, and takes up one of the four corners. Common sense is very pervasive in New Hampshire.

Mr. and Mrs. Stickles are the store's proprietors. When they purchased that country store a few years ago, they believed the MTBE contamination problem had been solved. They do have new underground storage tanks and are completely in compliance with the law.

Unfortunately, the MTBE plume from years ago still persists. A number of the nearby homes are having their wells polluted. It has contaminated a number of homes near the Four Corners Store.

I met with the owners of the store and visited those homes. The Goulas and the Frampton families were kind enough to invite me into their homes.

They showed me the treatment systems that had been installed by the State. They shared their concerns about their health and their children's health. At one of the homes lives a young couple with small children.

First and foremost, they are worried about the long-term health impacts on their children. They told me about the daily inconveniences of having to deal with this contamination in their wells. They were told the water was safe for showers; however, showers should only be with cold water, limited to 10 minutes, and well ventilated. That is what they were told. So take a cold shower and make sure it is well ventilated.

It is outrageous that we would stand by and allow this to continue in our country while the debate rages about replacing the MTBE additive with ethanol. Let's get real. We need to deal with this problem now. I intend to fight for these constituents throughout the rest of this session and also early into next year until we get this legislation passed. It is not right. Sometimes you just have to speak out when things are not right—that somebody should make a profit at the expense of somebody else getting sick and not being able to use their water.

Making a profit is wonderful. That is the American way. I am all for it. But we do not need a guaranteed MTBE market. We do not need a guaranteed ethanol market. We do not need a guaranteed anything.

Let the market play, but we have to be able to replace MTBE with something, and we cannot mandate that it be ethanol. It is not right for those of you in ethanol States to make the people in my State have to suffer.

It seems to me the passage of this bill should be easy. I tried for weeks and months and years to reach an accommodation. I have debated every Senator who deals with ethanol privately and publicly, behind the scenes and in committee, but we cannot seem to get agreement.

I urge my colleagues from all States to join with me to pass this legislation now so we can get the MTBE out of the wells in New Hampshire and many other wells and water supplies throughout the country.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

The Senator from Iowa.

AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001—Continued

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

The PRESIDING OFFICER. The pending business is the amendment No. 2608 offered by the Senator from Montana to the substitute.

Mr. HARKIN. We are on the farm bill and the pending business is an amendment offered by the Senator from Montana, Senator BURNS; is that correct?