

Cooperative are going to receive benefits under the 2000 crop assistance program through this legislation. These are sugar beet growers of southern Minnesota who suffered because of a freeze in the fields last fall. They tried to process the beets. They tried to do their best. They couldn't make the money off of it. Frankly, without the assistance in this package, they wouldn't have any future at all.

Again, what is an emergency? From my point of view, if you can get some benefits to people who find themselves in dire economic circumstances through no fault of their own, and you can make sure that they can continue to survive today so that they can farm tomorrow, then you are doing what you should do.

That is what this package is all about. I fully support it.

As much as I like my colleague from Indiana and as much as I think he is one of the best Senators in the Senate, I cannot support his substitute amendment.

I hope we will have strong support on the floor of the Senate for this package of emergency assistance that comes to the Senate from the Senate Agriculture Committee.

By the way, we need to move on this matter. We need to get this assistance out to farmers. We don't need to delay and delay because then we are playing with people's lives in a very unfortunate way. We really are. This is the time for Senators to have amendments, as Senator LUGAR has. This is a time for Senators to disagree. That is their honest viewpoint. But it is not a time to drag this on and on so that we can't get benefits out to people who without these benefits are not going to have any future at all. We cannot let that happen. We cannot do that to farmers in this country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. MILLER).

EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001—Continued

AMENDMENT NO. 1190

The PRESIDING OFFICER. Under the previous agreement, the time until

3 o'clock is evenly divided between Senator LUGAR and Senator HARKIN.

Who yields time?

Mr. REID. Mr. President, on behalf of Senator HARKIN, I yield 4 minutes to the chairman of the Budget Committee.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Presiding Officer and my colleague, and I thank the chairman of the Agriculture Committee for this time as well.

Mr. President, I want to address, just briefly, the statements that were made by the Senator from Texas about whether or not this bill—the underlying bill; not the amendment by the Senator from Indiana but the underlying bill—violates the budget, whether it busts the budget.

I think it is very clear that the bill brought out of the Agriculture Committee by the chairman, Senator HARKIN, does not violate the budget in any way. The budget provided \$5.5 billion in fiscal year 2001 to the Agriculture Committee for this legislation and provided an additional \$7.35 billion in fiscal year 2002 for additional legislation to assist farmers at this time of need.

The bill that is in the assistance package provides \$5.5 billion in 2001 and provides \$1.9 billion in fiscal year 2002. It clearly does not violate the budget in any way. It does not bust the budget. It is entirely in keeping with the budget.

I just challenge the Senator from Texas, if he really believes this violates the budget, to come out here and bring a budget point of order. That is what you do if you believe that a bill violates the budget, that it busts the budget. Let's see what the Parliamentarian has to say. We know full well what the Parliamentarian would say. They would rule that there is no budget point of order against this bill because it is entirely within the budget allocations that have been made to the Agriculture Committee.

This notion of whether or not you can use years of funding in 1 year and in the second year is addressed very clearly in the language of the budget resolution itself. It says:

It is assumed that the additional funds for 2001 and 2002 will address low income concerns in the agriculture sector today.

These funds were available to be used in 2001, in 2002, in legislation today. It goes on to say:

Fiscal year 2003 monies may be made available for 2002 crop year support . . .

Understanding the difference between a fiscal year and a crop-year.

The fact is, every disaster bill we have passed in the last 3 years has used money in two fiscal years because the Federal fiscal year ends at the end of September and yet we know that a disaster that affects a crop affects not only the time up until the end of September but also affects the harvest in October and the marketing of a crop that occurs at that time. So always two fiscal years are affected.

Finally, the Senator from Texas said that this will raid the Medicare trust fund.

No, it will not. We are not at a point that we are using Medicare trust fund money. We are not even close to it at this point. I believe by the end of this year we will be using Medicare trust fund money to fund other Government programs. I have said that. I warned about it at the time the budget was considered. I warned about it during the tax bill debate. It is very clear that is going to happen, not just this year; it is going to happen in 2002, 2003, and 2004. And in fact we are even going to be close to using Social Security trust fund money in 2003.

This is not about that. This is about 2001. This is about 2002. In this cycle, this part of the cycle, we are nowhere close to using Medicare trust fund money. I would like the record to be clear.

The PRESIDING OFFICER. The Senator has used 4 minutes.

Who yields time?

Mr. LUGAR. Mr. President, I yield time to the distinguished Senator from Kansas. How much time does the Senator require?

Mr. ROBERTS. I thank the distinguished ranking member, and former chairman, for yielding me the time. I ask for 15 minutes if I might. If I get into a problem, maybe a minute or two.

Mr. LUGAR. I yield 15 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I rise to support the amendment offered by the distinguished former chairman of the Agriculture Committee, Senator LUGAR. I know agriculture program policy is somewhat of a high-glaze topic to many of my colleagues. I know many ask questions as to the details and the vagaries of farm programs, why we seemingly always consider for days on end every year emergency farm legislation and Agriculture appropriations, what we now call supplemental Agriculture bills.

In the "why and hows come" department, let me recommend to my colleagues yesterday's and today's proceedings and in particular Senator LUGAR's remarks with regard to this bill and, more importantly, the overall situation that now faces American agriculture and farm program policy. It is a fair and accurate summary that the ranking member has presented. In typical DICK LUGAR fashion, the Senator from Indiana has summed up the situation very well. If you want a 15-minute primer in regards to agriculture program policy, simply read the Senator's remarks.

Why are we here? Why are we considering this legislation? The title of this legislation is the Emergency Agriculture Assistance Act of 2001. The name implies to me that the bill is to fund pressing economic needs in farm country. We have them. That is what

the committee actually set out to do. In the debate, we have heard a great deal about how much is enough to address the problems in farm country. And certainly with the committee's mark, some \$2 billion over what was agreed to in the budget and with the possibility of a Presidential veto, that debate is absolutely crucial.

I don't believe any agriculture Senator is looking forward to a possible Presidential veto—I hope not—or agriculture becoming a poster child in regards to out-of-control spending, porkbarrel add-ons, or eating into the Medicare trust fund or, for that matter, Social Security.

It seems to me we ought to stop for a minute and ask: Why are we having these problems to begin with? For the third year in a row farmers, ranchers, and everybody else dependent on agriculture have been trying to make ends meet in the midst of a world commodity price depression, not just in the United States but the entire world.

There are many reasons for this: unprecedented record worldwide crops; the Asian and South American economic flu crippling our exports; the value of the American dollar, again crippling our exports; and my personal view, the lack of an aggressive and consistent export policy, highlighted, quite frankly, by the inaction in this Congress with regard to sanctions reform and Presidential Trade Authority (PTA).

If you have in the past exported one-third to one-half of the crops you produce and you experience 3 straight years of declining exports and increased world production, not to mention what many of us consider unfair trading practices by our competitors, you begin to understand why the market prices are where they are. Add in very little progress ever since the Seattle round in regards to the World Trade Organization, and you can understand why we have a problem.

Now what are we going to do about this? To address this problem, when this year's budget resolution was passed, it included \$5.5 billion for spending in 2001 and \$7.35 billion in 2002, with total funding of \$73.5 billion for 2002 through 2011. I might add, if you add in the baseline for agriculture, you are talking about another \$90 billion. That is a tremendous investment, to say the least.

When we passed the budget, the assumption among virtually all of us, and all of our farm groups and all of our commodity organizations, was that the funding for 2002—not 2001, the funding for 2002 would be used for one of two things: An agricultural assistance package in 2002, if needed, or funding for the first year of the next farm bill.

We should make it very clear to our colleagues, our farmers and ranchers, our conservation and wildlife organizations, our small towns and cities—we are borrowing from the future when we have \$7.5 billion in this package. I don't know if it violates the budget

agreement or not. I don't know what the Parliamentarian would say. Regardless, the pool of money available for writing the next farm bill has just shrunk by \$2 billion. We are robbing next year's funds for this year's emergency bill.

We are going to be left with less than \$5.5 billion in 2002 funding. Are we prepared to take that step? Apparently some are.

There are always disagreements on the Agriculture Committee. But I think the Agriculture Committee is probably the least partisan committee, or one of the least, in the Congress. Certainly in the Senate, we have always tried to work in a bipartisan manner. In fact, that is how former Senator Bob Kerrey of Nebraska and I operated when we wrote and passed crop insurance reform in the last Congress with the leadership and the able assistance of the chairman and the ranking member. With all due respect, that has not happened on this legislation.

We were given very short notice on the components of the package, the markup itself. When we actually arrived at markup, the legislation was not the same language our staff was provided the night before. I will not dwell on that, but it is most unfortunate. It is a harbinger of what I hope will not happen in regards to the farm bill debate.

Furthermore, I am deeply troubled that the title of this legislation is the Emergency Agricultural Assistance Act of 2001. The name implies that the bill is to fund pressing economic and income needs in farm country. That is not what we have before us with this proposal.

In fact, I am deeply concerned that we are providing funding here for several commodities that are actually at or above their long-term average prices and returns, while also making many programmatic changes. We are doing a mini farm bill.

I want to serve warning. I do not argue that commodities, other than the program crops, have not faced difficult times. Indeed, many have been in rough times. But let's make it very clear that the program commodities, those that are usually receiving the AMTA payments, the market loss payments, have stringent requirements that many, if not all, specialty crops do not have to meet in order to be eligible for payments.

Chief among these is conservation compliance. To receive assistance, a program crop producer has to meet very stringent requirements on conservation compliance. In many instances they have spent thousands of dollars to meet and maintain these requirements—good for them, good for their farming, and good for the environment.

Today I put colleagues on notice that if we intend to continue making payments to commodities that do not meet these requirements, I will propose

they have to meet the same guidelines as producers of wheat, corn, cotton, rice, and soybeans to receive their payments. I thought about introducing an amendment on this legislation. That would just delay it further and get us into more debate, and I consider it an item for the Farm Bill debate. Time is of the essence, so I will not do that. I do mean to offer or at least consider it when we debate the farm bill. It isn't so much a warning. It is just a suggestion that fair is fair. All commodities should be treated equally in their requirements to receive payments through the Department of Agriculture.

Let us also remember exactly why we set aside the \$5.5 billion for the purpose in the budget. The \$5.5 billion is equal to the market loss assistance payment we provided last year, and it was to address continued income and price problems with these crops.

What am I talking about? Wheat, 57 cents to 67 cents below the 12-year average. That is about a 20-percent drop below the 12-year average. That is the plight of the wheat producer. Cotton, 7.65 cents below the 12-year average, about 12.5 percent below the 12-year average. Rice, same situation, even worse—about 27 percent below the 12-year average, \$2.02 per hundredweight below the 12-year average of \$7.52 per hundred weight. Corn, 47 cents below the 12-year average; 21 percent below the average price. It is the same thing for soybeans, 26 percent below the average price.

In regard to these problems in farm country, I believe we will continue to stand and face the same problems, regardless of what farm bill we put in place, if we do not get cracking on selling our product and having a consistent, regular, predictable, and aggressive export program.

The real emergency bill, as far as I am concerned, other than this one, is passing a clean bill to grant the President trade promotion authority—the acronym for that is the TPA—and obtaining real sanctions reform.

The distinguished ranking member of the committee, Senator LUGAR, has had a comprehensive sanctions reform bill proposed for as long as I have had the privilege of being in the Senate. I do not argue that trade will solve all of our problems. It will certainly help.

In 1996—this is one of the reasons we are here—ag exports were over \$60 billion, almost hit \$61 billion. Last year, ag exports were only \$51 billion. Just subtract the difference. It is not a one-for-one cost, but one can see \$50 billion and \$61 billion, not selling the product. That is roughly about the same amount we are sending out in subsidies the past two or three years. That seems to indicate we should press ahead in an emergency fashion in regards to our trade policies as well.

Since 1994, when the trade authority expired, there have been approximately 130 bilateral agreements negotiated around the world. We have been involved in two of them. We cannot sell

the product in regards to that. It is very difficult to compete in the world market when our negotiators cannot get other countries to sit down at the table.

I am a little disturbed and very concerned in regards to the lack of real blood pressure to move ahead on this legislation from the other side of the aisle. I am getting the word that trade authority for the President might not even be passed this session. It might put it off on the back burner. How on Earth can we be passing emergency farm legislation to provide assistance to hard-pressed farmers and ranchers when we have lost our exports and we cannot sell the product? We have to move here, it seems to me, on TPA.

As we have begun hearings on the next farm bill, I have also indicated my support for expanding conservation and rural development programs. This farm bill is going to have conservation and rural development in the center ring with the commodity title. I stand by that support.

I want to credit the chairman of the committee, the distinguished Senator from Iowa, who has shown great leadership in focusing on conservation. The increases in funding and the program changes should be done in the context of the farm bill where we can have full and open debate. Senator CRAPO has a bill that I have cosponsored and others have bills. In this bill we have not had a full and open debate on the conservation programs in this bill. There are numerous provisions in this legislation that either create or extend or modify USDA programs, many of which have nothing to do with the financial difficulties in rural America.

This is going to create a problem, not only in the Senate but also in regards to the House-Senate conference. The best I can tell, the way this legislation is drafted, it is going to require a conference with at least three separate House committees, the chairmen of which are not exactly conducive to emergency farm legislation. That is not the way to create swift and easy passage of what many consider must-pass legislation.

We are going beyond the scope of this legislation by including provisions that should be debated and considered openly in the farm bill debate. I think we are making decisions that are taking away from the 2002 budget for 2001 and reducing either a 2002 emergency package or the next farm bill money by \$2 billion.

My last point is this: I am concerned about the tone of some of my colleagues in terms of their debate, especially on the other side of the aisle, who argue that we on this side of the aisle were responsible for holding up this bill and putting agricultural assistance for our farmers and ranchers in jeopardy.

We have already told every farm lender, every farmer and rancher in America, that a double AMTA payment was coming. Why? Because of the loss

in price and income I have just gone over with all of the program crops and other crops as well. Every banker knows that. Every producer knows that. We have to do it now because the Congressional Budget Office, in a letter today, tells us we will lose the money if we do not.

In May, the Senator from North Dakota, Mr. CONRAD, in his position as the then-ranking member of the Budget committee, wrote to then-chairman LUGAR of the committee, asking that the committee move on an agricultural assistance package or risk losing the funds.

Soon after that letter was received, we had a little fault line shift of power in this body. The fault began to take place in late May. It was completed on June 5, when the distinguished Senator from Iowa took over as chairman of the Agriculture Committee.

Let me repeat that. My colleagues on the other side of the aisle took over June 5. The legislation was not brought before the Agriculture Committee until last week, July 25, 7 weeks after taking over the reins of control, 9 calendar days from our scheduled August adjournment. This delay occurred when everybody knew full well we were going to have contentious issues, the Dairy Compact, everything, and it could lead to a prolonged and substantial debate.

I see my time has expired. I ask for 2 more minutes.

Mr. LUGAR. I yield the Senator 2 more minutes.

Mr. ROBERTS. I thank the distinguished Senator.

We know anytime an ag bill is brought to this distinguished body, we are getting into all sorts of controversies and so consequently, knowing this, they went ahead and presented a bill \$2 billion higher than the House version.

It is \$2 billion higher. We have all these other programs we should consider in a farm bill. They are good programs. I support the programs. It is substantially different in substance from the House bill that is going to require a conference with up to three House committees.

Speaking of the House, I want to point out the House Agriculture Committee passed its version of this assistance package June 20. It passed on a voice vote in the House—get it out, get the assistance out to farmers. It did not even have a vote. They passed it by a voice vote, June 26, a full month before we even held committee markup in the Senate.

I might also point out it was the ranking member of the House, the distinguished Congressman from Texas, CHARLIE STENHOLM, who led the charge to keep the package at \$5.5 billion.

Let me go through that time line again: The Senator from Iowa took the reins of the Committee on June 5, the House Agriculture Committee passed the bill on June 20, and the full House passed the bill by voice vote on June 26. Yet, we did not even act in the Senate Agriculture Committee until July

25. I must ask why we waited, when we knew it was must pass legislation?

We can pass a \$7.5 billion. We can go ahead and do that. It will be \$2 million over what we allowed in the budget. We are robbing Peter to pay Paul. Again, we could come up with different names. We can take a look at the possibility of a Presidential veto. That is a dangerous trail to be on. I do not want to go down that trail. We have an opportunity now to vote for Senator LUGAR's amendment and keep this within budget, keep this within guidelines, and get the assistance to farmers.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield 6 minutes to the Senator from North Dakota, Mr. DORGAN.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, I will not spend much time now, but I find it incongruous that my colleague from Kansas talks about delay. When we tried to bring this bill to the Senate, we had to file a cloture motion to proceed to debate the bill. I repeat, we could not even proceed without filing a cloture motion—so much for delay. That really is pretty irrelevant to farmers out there who are today doing chores, hauling bales and plowing ground while worrying whether they will be able to continue to operate their family farm.

The question is: Is somebody going to step in and give them the right help and say they matter, and that we want them as part of our future? That is the question.

The phrase was used, if we pass this legislation and deny the amendment by Senator LUGAR, we will be borrowing from the future. I tell my colleagues how to quickly borrow from the future for this country, and that is to sit by and watch farm bankruptcies and farm foreclosures. Family farms being lost is borrowing from America's future as well.

We stand in suits and ties—we dress pretty well here—talking about the agricultural economy in some antiseptic way. None of us has had a drop in our income to 1930s levels in real dollars—none of us. Has anybody here had a huge drop in income back to 1930 levels in real dollars? I do not think so. But, family farmers have suffered a collapse of this magnitude to their income.

We have had people say things are better today on the family farm; prices are up; Gee, things are really going along pretty well and looking up. If you take 15- or 25-year lows and say prices have improved slightly, you could make the case they have improved slightly, but you still have dramatically lower income than you have had for many years. Another thing that must also be considered is this year's dramatically higher input costs, such as fertilizer and fuel prices.

The only people who, in my judgment, can say things are much better

are the people who are not getting up in the morning to do chores or trying to figure out how to make a tractor work to make a family farm operate on a daily basis.

The question is not so much what does Washington think; the question is what do family farmers know. I will tell you what they know. They know they are hanging on by their financial fingertips struggling to see if their family can stay on the farm when they are receiving 1930s prices and paying inflated prices for every one of their inputs when putting in a crop.

The amendment before us is to cut this funding for family farmers by \$1.9 billion. It is an honest amendment. You have a right to propose a cut, and you have a right to say farmers do not deserve this much help. It is not accurate to say if this amendment is adopted that farmers will receive a double AMTA payment. The fact is, they will not. This amendment will reduce the amount of help available to family farmers.

It is interesting to me that we have had four successive years of emergency legislation to respond to the deficiencies of the current farm program. I can remember the debate on the farm program—a program I voted against. This was nirvana. Boy, was this going to solve all our problems. We now know it solved none of our problems.

Year after year we have had to pass an emergency bill. Why? To fill in the hole of that farm program that did not work. We need to get a better farm program. We are about the business of doing that. In the meantime, we need to save family farmers and help them get across those price valleys. Everything in this country is changing. Go to a bank and in most places that bank is owned nationally with little branches around the country.

Do you want to get something to eat? In most cases, you are going to get something to eat at a food joint that has “mom and pop” taken down and it has a food chain logo on top.

Do you want to go to a hardware store? Local hardware stores are not around much anymore. Now it is a big chain.

The last American heroes, in my judgment, are the folks on the farm still trying to make a living against all the odds. Sometimes they are milking cows, sometimes hauling bales, always doing chores. They also put in a crop while praying it does not hail, that they do not get insects, that it does not rain too much, that it rains enough. And if these family farmers are lucky enough to get a crop, they put it in a truck and drive it to an elevator, they find out that the price it is worth is really only in 1930 dollars. They find out the food they produce has no value. The farmer who risks everything for himself and his family is told: Your food has no value. In a world where people go to bed with an ache in their belly because it hurts to be hungry, our farmers are told their food has no value.

There is something disconnected in public policy. The question is, are family farmers like the little old diner that is left behind when the interstate comes through? It is a romantic notion to talk about them, but that is yesterday's dream. Is that what family farms are? Some think that. Some think our future is mechanized corporate agriculture from California to Maine.

I think the family unit and family agriculture which plants the seeds for family values that nourish and refresh our small town and big cities—the rolling of those valleys from small towns to big cities—has always represented the refreshment of character and value in this country. Family farms are important to our future.

This amendment is asking that we cut back by \$1.9 billion the amount of emergency help that family farmers need just to keep their heads above water until we can get them across this price valley. We need a bridge across these valleys for family farmers. We need a better farm program to provide that bridge. In the meantime, we need this legislation and we need to defeat this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK. Mr. President, I ask that I be yielded 6 minutes from the ranking member's time.

Mr. LUGAR. Will the Senator accept 5 minutes? We are almost at our limit.

The PRESIDING OFFICER. The Senator has 4 minutes 45 seconds remaining.

Mr. BROWNBACK. I will even accept 4 minutes 45 seconds at this point.

Mr. LUGAR. Very well. I yield that time.

Mr. BROWNBACK. Mr. President, I wish to respond to some of the comments made today and strongly urge my colleagues to support the effort put forth by Senator LUGAR to get this assistance now to the family farmers in my State and across this country.

The Senator from North Dakota just spoke about the need to get this help to the family farmers and the people who start the tractors and move the bales. That is my family. That is what they do. That is what my dad and brother do. My other brother is a veterinarian. We are intricately involved in agriculture and have been for generations.

This help is needed, but I can tell you one thing as well: a rain today is much more useful than a rain in November. We need it during the growing season. We can use the money today and not in the next fiscal year.

What we are really flirting with is the very real possibility that the Senate could say: OK, \$5.5 billion is not sufficient. We want more. I would like to have more for my farmers, but at the end of the day, we put in a higher number than the House and we cannot get to conference in time and the President, on top of that, has said he will veto the bill if it is over \$5.5 billion.

At the end of the day, instead of getting \$5.5 billion or \$7.4 billion, we get zero out of it, and that would be very harmful to the farmers across this country—the wheat farmers and the grain crop farmers across Kansas. It would be very harmful to my family who is looking at a situation where prices have been low and production high and where we have not opened up foreign markets.

I was in Wilson, KS, at the Czech festival talking with farmers there. Overall, they appreciate the freedom and flexibility in this farm program but would like us to open up some of these markets. They say we have not done that in sufficient quantity yet.

They say as well they need support from the farm program and they need it now. They do not need it taking place 6 months from now. If you are looking at saying we have \$5.5 billion or zero, they will say the \$5.5 billion, that is what we need to do.

It looks to me as if we are staring at a very dangerous gamble saying: OK, we think we can bounce this number up another nearly \$2 billion, and we are looking at less than a week to do this. In that period of time, it has to clear the Senate, get to the House, and the President has to say: Yes, you are right, I have changed my mind; it is not \$5.5 billion; I will jump that number up some.

I do not think that is a safe gamble at all, and it is not a gamble we should make the farmers of the United States and the farmers across Kansas take when we are looking at this particular type of difficult financial situation in which the farmers find themselves.

It is responsible for us to support Senator LUGAR and what he is putting forward to get the \$5.5 billion that has been promised. It is a responsible thing for us to do, even though we would like to put more into the farm program. This we can do; this we should do. I believe this is something we must do, and we must do it now.

I urge my colleagues to vote for the Lugar amendment. This is the type of assistance we can and should get out the door. Let's do this now and not gamble on something that might be higher in the future.

Mr. President, I reserve the remainder of the time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Parliamentary inquiry: How much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Indiana has 1 minute 10 seconds, and the Senator from Iowa has 10 minutes 45 seconds.

Mr. HARKIN. Mr. President, I yield 2 minutes off my time to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished chairman for his thoughtfulness.

I hope Senators will support my amendment and vote no against the tabling motion. I ask them to do this because I believe it is the only way in which farmers are going to receive any money.

I will go over the situation again. If we adopt the House language, we do not have a conference, and that is very important, because in a conference with the House, other items could arise that are of concern to Senators. As it is, we know the parameters of the bill as we see them. Adoption by the Senate of the House language means we have no conference, the President signs the bill, and the money goes to the farmers.

We have received from the CBO assurance that this bill must be successfully conference and passed by the Senate and the House before we recess, and the President must sign it in the month of August or there will be no checks. None. Senators need to know that.

The fact is, we have a difference of opinion. But the specialty crops are cared for by the House bill. The AMTA payments are cared for—not in the quantity that persons in either of these categories wish to achieve but this is emergency spending. It is our one opportunity to do it.

I am hopeful, in a bipartisan way, we will reject tabling; we will pass the amendment; we will go to the President, united with the House; and we will get the money to the farmers. This is very important, as opposed to having a partisan issue, as opposed to discussing how sad it was that somehow we miscalculated, how sad it was, indeed, for the farmers that we were attempting to help.

Finally, I believe we are doing something responsible. I believe we are filling in the gap for income, and our estimates are that farmers will have less this year, and we are going to make certain they have more; that country bankers are paid and they can count on it; and that farmers will plant again and they can count upon it. Any farmer listening to this debate wants us to pass the bill today and to move on with the House and the President. They do not want haggling over who is responsible, which party really cares more, which crop should have had something more, or an opportunity for mischief to occur in the conference, in which finally the whole issue revolves on something other than what we have been talking about today.

I plead with my colleagues, in a bipartisan way, to reject tabling and to support the Lugar amendment.

Mr. HARKIN. How much time do I have?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. HARKIN. Mr. President, it is not easy to say the amendment offered by my good friend from Indiana should be defeated because he is my good friend and I know he is doing this in good faith. We have talked about this and I

know he feels deeply this is the way we should go. Quite frankly, as we all are friends on the Senate floor, we differ sometimes on how we ought to proceed and what is needed to meet the needs of our constituents. I respectfully dissent from that position that my friend from Indiana has taken.

I believe the \$5.5 billion passed by the House is inadequate. I am not just saying that. Read the letters I have had printed today from the American Farm Bureau, the National Wheat Growers, the National Corn Growers, the National Soybean Association, and on and on and on. Every one of them is saying it is inadequate; that we have to provide the same payments to our farmers this year as we did last year.

I have heard talk that the markets have improved. That is not true. The livestock sector has gone up a little bit; that is, the livestock sector but not the crop sector. We hear the aggregate income has gone up.

Mr. President, say we are in a room of 10 people and we are talking about prescription drug benefits for the elderly. We have 10 people in the room and you put Bill Gates in the room. All of a sudden you say the aggregate income in the room is \$1 billion per person so why do you need benefits under Social Security? That is what they are saying.

Yes, aggregate income has gone up because of the livestock sector, but that has not happened with the crop sector. Because of the increase in the price of fuel and fertilizers, farmers today are in worse shape than they were last year.

The House bill provides 85 percent of the support level we provided last year and the year before. The bill the committee reported out—and it was not a straight party line vote either—the bill we reported out provides for 100 percent of what they got last year and the year before. As I said, all of the groups we have received letters from support this position.

I ask that by unanimous consent a letter from the National Cotton Council of America be printed in the RECORD, along with a position paper from the National Barley Growers Association, and a letter dated today from the Oil Seed Federation, the American Soybean Association, the National Sunflower Association, and the U.S. Canola Association.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JULY 31, 2001.

Hon. TOM HARKIN,
Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The undersigned oilseed producer organizations strongly support the Committee's efforts to complete consideration of legislation to provide Economic Loss Assistance to producers of 2001 crops prior to the August Congressional work period. As you know, funds available for this purpose in FY-2001 must be expended before the end of the Fiscal Year on September 30, 2001. This deadline requires that Congress

complete action this week, so that the Farm Service Agency can process payments after enactment.

As part of the Economic Loss Assistance package, we support continuing the level of support for oilseeds provided in last year's plan of \$500 million. Prices for oilseeds are at or below levels experienced for the 2000 crop. Farmers and their lenders expect Congress to maintain oilseed payments at last year's levels.

For this reason, we support making funds available for oilseed payments from the \$7.35 billion provided in the Budget Resolution for FY-2002. This is the same approach used for 2000 crop oilseeds, when \$500 million in FY-2001 funds were made available. We only ask that oilseed producers receive the same support, and in the same manner, provided last year.

Thank you very much for your efforts to provide fair and equitable treatment for oilseed producers in this time of severe economic hardship.

Sincerely yours,
BART RUTH,
President, American Soybean Assn.
LLOYD KLEIN,
President, National Sunflower Assn.
STEVE DAHL,
President, U.S. Canola Assn.

NATIONAL BARLEY GROWERS ASSOCIATION
(NBGA)—POSITION STATEMENT
INCOME AND MARKET LOSS ASSISTANCE FOR THE
2001 CROP

The Fiscal Year (FY) 2002 budget resolution provides \$5.5 billion in additional agricultural assistance for crop year 2001 and an increase of \$73.5 billion in the agriculture budget baseline through 2011. The budget resolution also provided flexibility in the use of a total of \$79 billion. Because agricultural prices are not improving and production costs continue to escalate, NBGA believes it will be difficult to fully address the chronically ailing agriculture economy if Congress provides no more than \$5.5 billion in assistance.

Although projections show a rise in farm income, this is largely due to the fact that analysis project livestock cash receipts to rise from \$98.8 billion in 2000 to \$106.6 billion in 2001. At the same time, cash receipts from crop sales are up less than \$1 billion.

Further, producers continue to face historic low prices and income as well as increased input costs. In 2000, farm expenditures for fuel and oil, electricity, fertilizer and crop protection chemicals are estimated to increase farmers' cost \$2.9 billion. This year, USDA estimates those expenses will rise an additional \$2 billion to \$3 billion while farm income continues to decrease. These issues affect every sector of agriculture.

We urge Congress to mandate that the Secretary of Agriculture make emergency economic assistance for the 2001 crops in the form of a market loss assistance payment at the 1999 Production Flexibility Contract (PFC, or AMTA) payment rate as soon as practicable prior to the end of FY01.

We believe this additional assistance will help address the serious economic conditions in the farm sector and does not jeopardize the House and Senate Agriculture Committees' ability to develop effective new long-term farm policy in the near future.

NATIONAL COTTON COUNCIL
OF AMERICA,
Washington, DC, June 18, 2001.
Hon. LARRY COMBEST,
Chairman, House Agriculture Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your efforts on the behalf of US agriculture. It is

clear your leadership has raised the level of awareness of the stark economic reality facing US agricultural producers both in the US Congress and the Administration. As the House Agriculture Committee addresses the various needs of the US agricultural sector in its markup for emergency assistance, the National Cotton Council supports the allocation of at least \$5.5 billion for market loss assistance payments. This amount is sufficient to provide economic assistance in the form of a market loss assistance payment at the 1999 AMTA payment rate and is the minimum necessary for an effective response to the continued economic crisis that pervades the entire cotton industry. Even this amount will result in less total assistance than was provided to producers in 2000.

U.S. cotton producers have seen prices paid for all inputs rise by 10% since 1999, as measured by USDA. Prices in U.S. agricultural commodity futures markets are trading 55% to 65% of the values present in 1995. For cotton, the December contract on the New York Board of Trade (NYBOT) averaged 63 cents per pound from mid May to mid June in 2000. For the last 30 days the December 2001 contract on NYBOT has averaged just 47 cents. The squeeze on cotton producers is incredibly intense.

The National Cotton Council testified in February seeking total support for producers in 2001 to be no less than that provided in crop year 2000. In the specific case of cotton, the combined 2000 crop year AMTA and market loss assistance was 15.21 cents. A market loss assistance payment of 7.88 cents in 2001 is a solid move to toward last year's level of combined support. This assumes the entire \$5.5 billion allocated for 2001 in this year's budget resolution is dedicated to market loss assistance. Any reduction below \$5.5 billion for market loss assistance further harms the US agriculture production sector.

The National Cotton Council seeks additional funding for other critical issues facing our industry, including (1) cottonseed assistance; (2) elimination of the 1.25 cent Step 2 threshold; and (3) use of a modified base for the calculation of market loss assistance payments. Low cottonseed prices plague the industry for the third year in a row and cut substantially into producer income. For the past 2 crop years Congress has recognized the impact of low cottonseed prices on producers and ginners and provided cottonseed assistance payments. Offers for 2001 new crop cottonseed are as low as those faced in the most recent 2 years.

The National Cotton Council seeks elimination of the 1.25 cent threshold in the Step 2 competitiveness provision. The U.S. textile industry is reeling from the impact of textile and apparel imports associated with a strong dollar. U.S. mills used 11.4 million 480-lb. bales of US in cotton in 1997, but current use rates are under 8.5 million. U.S. exports of raw cotton are also hampered by the strength of the dollar. Improved competitiveness in the face of external forces is critical to the economic health of the U.S. cotton industry.

The National Cotton Council also seeks relief for producers whose recent planting history differs substantially from the acres enrolled in the production flexibility contracts (PFC). The use of the PFC base for delivery of supplemental market loss assistance speeds payments to producers, but may not adequately address losses associated with actual production. The NCC proposal will not slow delivery of market loss assistance payments, but provides producers with an option to apply for additional assistance based on a modified base calculation. This enables the committee to more closely align production with supplemental assistance without slowing the delivery of this critical aid.

We understand there are many legitimate requests for assistance given the continued economic stress throughout agriculture. We urge you to develop a balanced package and to include these initiatives if sufficient funds become available now or at a future date and the ability of the Committee to write effective long term farm policy, consistent with the Council's and other groups' testimony, is not jeopardized.

Sincerely,

JAMES E. ECHOLS,
Chairman.

Mr. HARKIN. All we are saying is that we have a tough situation in agriculture. There is no reason why we shouldn't provide 100 percent of payments. That is what we did in our bill.

I point out the House bill initially started out at \$6.5 billion. An amendment was offered to put it at \$5.5 billion, and it passed by one vote. Two of those who voted sent me letters, which I have included in the RECORD, saying they want a more comprehensive bill, one that includes the Senate's provisions.

I say the responsible thing to do is to meet the needs of our constituents, our farmers, and our farm families around the country.

We also made the bill broader. In other words, we didn't just look at the program crops. We looked at a lot of other crops: the crops in the Northwest, the peas and lentils and chick peas, we looked at apples and what is happening to our specialty crops there. There are a lot of other farmers in the country who are hurting and who need assistance. We included them, also. I don't see why we should leave them out.

We made 100 percent of payments but we reached out. We also put in some strong conservation measures. The Lugar amendment leaves out all of the conservation provisions we put in the bill. The people that need that conservation are all over this country, anywhere from Georgia, to Washington State and California, to New York and Maine.

These conservation moneys do two things: They help our farm income, and they help our farmers. But they also help all in society by cleaning up our water and cleaning up our air and soil runoff. The conservation funding would lie dormant for the Wetland Reserve Program, the Farmland Protection Program and the Wildlife Habitat Improvement Program.

I think we are doing the responsible thing. I believe if we were to pass the committee-passed bill—and I believe the votes are here—and go to conference with the House, we can be back from conference with the House, I would hope, no later than tomorrow night, perhaps by Thursday. We would have a good conference report, one that could be broadly supported. I believe the President would do well to sign that bill.

Again, we will probably have to make compromises in conference. I understand that. I point out to all who will be voting, there is three times the

amount of help to specialty crop producers in our underlying bill as in the Lugar amendment. To my friends on both sides of the aisle, I say we included moneys for crops all over this country. We didn't just single out one or two.

I am hopeful we can table the amendment offered, I know in good faith, by my friend from Indiana. But we have to meet our needs. We have to meet the needs of our constituents.

I make one final point: The committee bill is in full compliance with the budget resolution. We did exactly what the Budget Committee allowed us to do: \$5.5 billion is spent before September 30; the other moneys in the next fiscal year. That is exactly what the budget resolution allows.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). It is now 3 o'clock. Under the previous order, the Chair recognizes the Senator from Nevada.

Mr. REID. Mr. President, I move to table the Lugar amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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

The legislative clerk called the roll.

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

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—52

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

NAYS—48

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

The motion was agreed to.

Mr. DASCHLE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, could I have the attention of our colleagues.

EXECUTIVE SESSION

NOMINATION OF JAMES W. ZIGLAR, OF MISSISSIPPI, TO BE COMMISSIONER OF IMMIGRATION AND NATURALIZATION

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 286, the nomination of James Ziglar to be Commissioner of Immigration and Naturalization; that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, and I shall not, may I be recognized for 2 minutes as soon as the Senate has completed this action?

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

Without objection, the foregoing request is agreed to.

The clerk will report the nomination.

The legislative clerk read the nomination of James W. Ziglar, of Mississippi, to be Commissioner of Immigration and Naturalization.

The nomination was considered and confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I thank my colleagues.

We have all come to know and, I would say, have a great deal of affection for Jim Ziglar. He has been an extraordinary Sergeant at Arms. This afternoon there is a reception. I hope our colleagues will wish Mr. Ziglar well.

I have come to admire his work and have said already on the floor how much I appreciate his commitment to the Senate, to this institution, to public service.

In an effort to accelerate his nomination and confirmation, we wanted to have the opportunity to take this matter up prior to the time his reception is held this afternoon.

I think on behalf of the entire Senate, we wish Jim Ziglar well in his new role and new responsibilities. I can think of no one who could serve more ably. I am grateful to my colleagues for the consideration and ultimately for the adoption of this confirmation.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for moving this nomination. I have been very proud of the job that Jim Ziglar from Pascagoula, MS, has done as the Senate Sergeant at Arms.

When he came, I asked him to make sure the office was run efficiently and fairly, certainly in a bipartisan way, a

nonpartisan way. He certainly did that. Sometimes I think maybe he got a little carried away doing that. But he did a great job. I know he has friends on both sides of the aisle. When he came to me to talk about the possibility of becoming Commissioner of the Immigration and Naturalization Service, I questioned him about his desire to do that, but he assured me he was prepared for that challenge and that he wished to do so.

I am glad he has been confirmed. I hope my colleagues will join him at the reception this afternoon. Certainly we all wish him well in this very important job that is going to take a lot of administrative ability and a lot of willingness to make changes to make sure that agency is run more efficiently.

I also hope this is a sign that this is the first of many nominations that will follow very shortly that will move as quickly and easily as this one, that this is the opening in the floodgates.

I thank Senator DASCHLE for bringing up the nomination.

Mr. COCHRAN. Mr. President, I'm pleased the Senate has confirmed the nomination of Jim Zigler to the Commissioner of the Immigration and Naturalization Service. He is well suited for this job, and I am sure he will discharge the responsibilities he is undertaking with a high level of competence and dedication.

Jim once served on the staff of Senator James O. Eastland of Mississippi whom I succeeded when he retired from the Senate in 1978. One of Senator Eastland's interests and responsibilities when he was Chairman of the Judiciary Committee was the work of INS. I can recall his very close supervision of the work of his agency when I was a Member of the House.

I know Jim Eastland would be very proud indeed that his former protege, Jim Zigler, has been confirmed today as Commissioner. I'm proud of Jim, too, and wish for him much success and satisfaction in this important new job.

Mr. HATCH. Mr. President, I am pleased that we have the opportunity to consider today the confirmation of the Honorable James Ziglar for Commissioner of the Immigration and Naturalization Service. While there is little doubt that Mr. Ziglar faces tremendous challenges as commissioner of the INS, I also believe that there is little doubt that Mr. Ziglar has the ability to take on those challenges. I therefore join my colleagues in support of his confirmation and look forward to great things from Mr. Ziglar and the Immigration and Naturalization Service in the future.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am glad this has gone through as quickly as it has. After hearing the minority leader's comments, he is obviously not aware of how fast the Judiciary Committee is moving.

By the end of this week I hope that a few more nominations will reach the Senate floor from the Judiciary Committee. If they do, I will request a roll

call vote on them in order to demonstrate to all the Members how quickly we are moving nominations. The Ziglar nomination received a hearing before the Judiciary Committee within two weeks of the time that the other side of the aisle allowed the Senate to reorganize. We also held hearings for ASA HUTCHINSON, the President's choice to head the Drug Enforcement Administration, along with four judicial nominees and two additional Justice Department nominees. This pace was probably the fastest the Judiciary Committee has moved on nominations in the last six years.

In addition, we completed confirmation hearings on Robert Mueller's nomination for FBI director this morning. I am pleased that we were able to begin his hearing within days of receiving the papers from the White House. If he is not blocked by the other side, we will bring him up Thursday before the Judiciary Committee.

I am particularly pleased that we were able to move quickly to consider James Ziglar's nomination. I think he is extraordinarily qualified to head the Immigration and Naturalization Service, and I applaud President Bush for choosing him. Mr. Ziglar will work with both Republicans and Democrats. He will not seek partisan advantage but will rather act in the Nation's best interest, just as he has as Sergeant at Arms here.

It was a very good move when Senator LOTT first appointed him to this position. I am very impressed with him. I am pleased to be his friend, and I am happy to vote for his nomination.

He has a distinguished background as a lawyer, investment banker, and government official. As Sergeant at Arms, he worked behind the scenes to ensure that the business of the Senate went smoothly even in stressful times such as the impeachment trial of President Clinton. We here all owe him a debt of gratitude for his hard and effective work.

These next few years will be a pivotal time for the INS and for immigration policy in the United States. The Administration has expressed interest in reorganizing the INS and having the new Commissioner implement the reorganization plan. The Administration is also apparently considering proposing numerous changes in immigration law as part of bilateral discussions with Mexico. I trust that Mr. Ziglar will play a role in the Administration's consideration of these matters, and will encourage a fair approach to the problems faced by undocumented workers from both Mexico and the rest of the world.

In addition to the new proposals the Administration is considering, there is significant unfinished business in the immigration area. The new Commissioner will inherit a number of questionable immigration policies that Congress enacted five years ago in the