

**SENATE—Wednesday, August 1, 2001**

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. BYRD].

**PRAYER**

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

Gracious Father, great is Your faithfulness. All that we have and are is Your gift to us. Gratitude is the memory of the heart. We remember Your goodness to us in the friends and fellow workers who enrich our lives.

Today we want to thank You for those who make it possible for this Senate to do its work so effectively. We praise You for the parliamentarians and clerks, the staff in the cloakrooms, the reporters of debate, the doorkeepers, Capitol Police, elevator operators, food service personnel, and those in environmental services. And Lord, the Senators would be the first to express gratitude for their own staffs who make it possible for them to accomplish their work.

As a Senate family we join in deep appreciation and affirmation of Elizabeth Letchworth as at the end of August she retires as Secretary for the Minority. We praise You for this distinguished leader, outstanding professional, loyal friend to so many, and faithful employee of the Senate for 26 years. From her years as a Senate page to the position of an officer of the Senate, and in all the significant positions she has held in between, she has displayed a consistent dedication to You and patriotism in her service to our Nation through her work in the Senate. Bless her and her husband, Ron, as they begin a new phase in the unfolding adventure of their lives. Lord, thank You for the privilege of work and good friends with whom we share the joy of working together. You are our Lord and Saviour. Amen.

**PLEDGE OF ALLEGIANCE**

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RESERVATION OF LEADER TIME**

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

**EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001**

The PRESIDENT pro tempore. Under the order previously entered, the Sen-

ate will now resume consideration of S. 1246, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers.

**Pending:**

Lugar amendment No. 1212, in the nature of a substitute.

Voinovich amendment No. 1209, to protect the Social Security surpluses by preventing on-budget deficits.

The PRESIDENT pro tempore. The majority whip, the Senator from Nevada, is recognized.

**SCHEDULE**

Mr. REID. Mr. President, the Senate will resume consideration of the Agriculture supplemental authorization bill. But at 11 o'clock this morning we will vote on cloture on the Transportation Appropriations Act, which has been pending for some time. The Senate will remain on the Transportation act until it is completed. Senator DASCHLE has also said that this week we are going to complete the Agriculture supplemental authorization, the VA-HUD appropriations, and the Export Administration Act.

**CLOTURE MOTION**

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

The PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

**CLOTURE MOTION**

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 102 (S. 1246) a bill to respond to the continuing economic crisis adversely affecting American farmers:

Tom Harkin, Harry Reid, Jon Corzine, Max Baucus, Patty Murray, Jeff Bingaman, Tim Johnson, Edward M. Kennedy, John D. Rockefeller, Daniel K. Akaka, Paul D. Wellstone, Mark Dayton, Maria Cantwell, Benjamin E. Nelson, Blanche L. Lincoln, Richard J. Durbin, Herb Kohl.

The PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Mr. President, it is with regret that we are filing this cloture motion this morning. Obviously, it won't ripen until Friday. I don't know that there is any debate about the importance of getting this legislation finished. This is an emergency. This is a commitment that we must make prior to the time we leave, in

large measure because the Congressional Budget Office has indicated they will not score it as money that can be utilized. We would not be able to commit the money prior to the time we leave.

We all know the stakes. But when Senators come to the floor and offer amendments on Medicare lockboxes on an emergency issue such as this, it is a clear indication that we are not really very serious about finishing this legislation on time.

I reluctantly will also ask for a vote to reconsider the Transportation appropriations bill at 11 o'clock this morning. That will at least temporarily take us off of Agriculture and move us back onto the highway legislation, the Transportation appropriations bill, because that, too, is a critical piece of legislation that has to be addressed before we leave. We have made that very clear.

I tell all of my colleagues that there will be no respite tonight, if Senators choose to use the full 30 hours, which is their right, prior to the time we go to final passage. We will be in all night long. There is no other recourse.

I want to put my colleagues on notice that will happen. I regret the inconvenience, but that is what we will have to do in order for us to finish this bill.

It is my expectation that if that also happens while we continue to negotiate to find some solution to this Agriculture bill—and let me applaud him while he is on the floor. The chairman has done an outstanding job of getting us to this point. And I, as always, have great admiration for our ranking Member of this committee as well. We couldn't have two better legislative partners than the two of them.

I am hopeful that over the period of time we are now debating the Transportation appropriations bill, and maybe even the VA-HUD bill, we can come to some resolution on this question. But clearly, no one should misinterpret what we are going to be doing this morning. We will continue to be on this bill for whatever length of time it takes to complete it and to do it right. I regret that it may be Friday, Saturday, or Sunday. But if that is the case, that is exactly what we are going to have to do.

I want to make sure that Members understand this delay is unfortunate. We are not apparently serious enough if we are going to be making up lockbox amendments. We have to use this time as productively as possible.

It seems to me that the best way to do that is to now take up the highway

bill, finish it, and perhaps move to HUD-VA, and return—as we will—to the Agriculture emergency supplemental bill as soon as it is appropriate to do so.

I wanted to share that with my colleagues to make sure Members know what the exact schedule is likely to be for the remainder of the day. They should expect a very late night tonight if the 30 hours that is required prior to the time we go to final passage would be consumed prior to the time we have the ability to vote.

I expect a vote at 11 o'clock on the cloture motion on the Transportation appropriations bill.

I yield the floor.

The PRESIDENT pro tempore. What is the will of the Senate?

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Nevada.

Mr. REID. Mr. President, at 11 o'clock today there is, in my estimation, a very important vote. It is a vote that will allow the Senate to move on and complete another appropriations bill. This will make four bills we have completed during this year.

Last year at this time we had completed eight appropriations bills, and it was done, as the Presiding Officer will recall, by the minority diving in and helping the majority pass those bills. A lot of them—as all appropriations bills are—were very contentious and had a lot of amendments tied to them.

In the minority, I was given the assignment directly by our leader and the ranking member, the now-chairman, of the Appropriations Committee to do what I could to work through these amendments. And we did a good job. We helped the then-majority, I repeat, pass eight appropriations bills.

We are struggling to get through four. And we are going to do five before the break. I certainly hope we can do that. We can do it. The leader said we are going to do it.

This vote at 11 o'clock will terminate a very prolonged debate on something I believe we should have gotten out of here and taken, as is done in all legislative processes, to conference, where it would be worked out.

The issue of contention is one that deals with NAFTA, the North American Free Trade Agreement, and how trucks coming from Mexico are treated in the United States.

The House of Representatives, in their appropriations bill dealing with transportation, in effect, said there will be no Mexican trucks coming into

the United States. However, in the Senate, Senator SHELBY and Senator MURRAY crafted what appeared to me to be a very reasonable process to determine what processes would be allowed for Mexican trucks to come into the United States.

We have a couple Senators who have been leading this effort who have said it is not good enough. Well, maybe it isn't, but it was something on which the two managers of this bill spent weeks of time. I say if people do not like it—and we understand the President of the United States does not like it—take the matter to conference, where the views of the White House are always listened to, and I will bet there would be a compromise worked out.

That is my belief. The way it is now, we are not completing the work that has to be done.

In the State of Nevada, we badly need a Transportation appropriations bill. I don't know what the rest of the 49 States want, but if we don't have a Transportation appropriations bill, it will do, in many instances, irreparable damage to the people of the State of Nevada. Las Vegas, the most rapidly growing city in America; Nevada, the most rapidly growing State, we need help.

Last year we needed to build one new school every month to keep up with the growth in Las Vegas. That has changed. Now we need to build 14 schools a year in Clark County to keep up with the growth of the area. We need roads. We need bridges. We need other programs this Transportation bill will take care of, including some programs that deal with mass transit.

I certainly hope the vote on cloture will allow us to move on and complete the legislation. The President has made his point clear. My friends, Senator GRAMM of Texas and Senator MCCAIN, have made their point very clear. They have done a good job of explaining what they believe. They believe this legislation is a violation of NAFTA. I personally disagree, having studied it, but they might be right. But take it to conference; deal with the House. Their provision, under any view, especially under the view of Senators MCCAIN and GRAMM, is much more in violation of NAFTA than our reasonable approach.

I can think of many places in the State of Nevada that need this highway bill. For example, there is money in this bill for a new bridge over the Colorado River to take pressure off Boulder/Hoover Dam. The only way to get across the Colorado River in that area is a road that goes over the dam. That traffic backs up for 5, 6, 7, 10 miles sometimes. People wait for hours to get across. Not only is it bad for commerce; it is dangerous. Think what a terrorist could do at Hoover Dam. It supplies the power to southern California and parts of Nevada. Through

that system comes the water for southern California and for parts of Nevada.

Many years ago, we authorized a new bridge over the river. We are now funding it. Part of that money is in this bill. It is extremely important for Arizona and Nevada. Not far from where that new bridge will be is the place I was born, Searchlight, NV. That is the busiest two-lane highway in the State. I hate to have my children, when I am in Searchlight, come to visit me because of the road. I am afraid because of the danger of the road. I worry when I know they are coming until I see them come into my little house. I worry about them. That road is the busiest two-lane highway in the State of Nevada. It is dangerous. People are passing. They don't know how to drive on the two-lane highways, especially when there is so much traffic.

There is money in this bill to provide for doubling the lanes of traffic halfway, and then the next year hopefully we can do the rest of it. It means not only making roads safer but allowing commerce to proceed more rapidly.

Regarding I-15, the road between southern California and southern Nevada will be benefited if we pass this highway transportation bill. There are things in this bill that are very important to the State of Nevada. If we had all 100 Senators speaking, the same would apply. I hope we can invoke cloture on this at 11 o'clock. It is extremely important for the country. I hope it can be done. Then we can get off of it quickly, and we will not have to spend the whole night here if we do. Many of us have already signed up for the night.

Mr. President, I will yield the floor, but I ask that because of a tragedy that occurred in Senator DAYTON's State in the last 24 hours, he be allowed to speak as in morning business.

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

The Senator from Minnesota, Mr. DAYTON, is recognized.

(The remarks of Mr. DAYTON are located in today's RECORD under "Morning Business.")

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CRAIG. Mr. President, I come to the Chamber this morning to express my frustration to my colleagues about where we are as a Senate in trying to resolve some very important issues for the American people: A Transportation appropriations bill on which I understand we will have a cloture vote at 11, and if cloture is successful, then we

will be on that bill, I would guess, through its duration. That, therefore, replaces the current activity on the floor of dealing with the Supplemental Ag Emergency Act of 2001 that many of us believe is very important.

What is most important about this particular legislation is the timeliness of needing to deal with it before the August recess.

I also understand that the majority leader filed cloture on the Ag supplemental. That could ripen on Friday. If it does, and we are not on that debate until Friday, then we will work through the weekend.

There is a complication in dealing with the Ag supplemental emergency legislation prior to the weekend. If we differ from the House-passed version—and it is very possible that we will—those differences will have to be worked out. We know that is called a conference. A conference committee will be convened, appointed by the leaders of both Houses, to work out our differences. And from that committee will come a report on which this body must act.

The House plans to go out on late Thursday or early Friday for their August recess and may well not be here to act on a bill they acted on some time ago. In fact, they acted on it a number of weeks ago, recognizing the very critical nature of this emergency funding, and believed they would have it done in a timely fashion.

The bill passed by the House 6 weeks ago, and here we are now in the late hour prior to the traditional August recess trying to resolve our differences on this issue. And those time lines create a very real problem.

I have a letter from the Congressional Budget Office that I requested yesterday from Dan Crippen. I asked a very simple question: If we fail to act, what happens to the \$5.5 billion that is in the budget for this emergency spending purpose? Basically, he said that it goes away. In other words, the scoring necessary to fall within the budget resolution would not be gained because the amount of money—the \$5.5 billion—could not be expended before the September 30 deadline. Therefore, it would fall into next year. And what would happen to the money? Well, it would go to pay down debt. That is not all bad, but I think those of us who are concerned about the plight of production agriculture in this country—and farmers have really had it very tough—recognize that the chairman of the authorizing committee, who is in the Chamber, and the ranking member, have tried to resolve this issue and bring some relief.

There is a difference, though, in the House version of that relief and the Senate version of that relief. That difference may not get worked out. Yesterday, the Senator from Indiana, Mr. LUGAR, our ranking member on the au-

thorizing committee, offered the House version; it was narrowly defeated. If we had passed it, it would be on its way to the President's desk possibly today or tomorrow. It could well be signed into law before we even leave for the August recess. If that were true, there is no question that the Department of Agriculture would have time to cut the checks, and the money would be expended before the September 30 end of fiscal year timing that would cause this money to disappear, to go away, or in other words, be applied to the debt.

I must tell you, Mr. President, that I don't agree totally with the House version. There are provisions in the Senate bill that I would like to see us work our differences out on with the House. But that may not be possible at this moment. If we strive for the perfect, we may end up not serving the need of American farmers and ranchers in a way that I think this Senate intends to and wants to, and we should.

So it is a question of timing. It is a question of how we deal with this issue on the floor and the give and take that is going to be necessary over the last days before the August recess to resolve this, to comply with the wishes of the majority leader to get Transportation done, get the Agriculture supplemental done and, I believe, VA-HUD. I and others have insisted that we try to respond in an appropriate way to the President and the nominees he has sent to the Senate to be confirmed so that he can run the Government—at least the executive branch of Government, which he is charged with doing and which the American people elected him to do.

There are 25 or 30 nominees who should have been confirmed weeks ago, who could be in place now making decisions at agency levels and district or regional levels of agencies, and they are not in place today. The human side of that little story and that equation is that many of these nominees have young families and they need to have them in place before the end of August because kids are going back to school. And these are not wealthy people. They need to sell their home where they live to buy a home here in the Washington, DC, area. They can't do that largely because the Senate has not responded in a timely and appropriate fashion in some instances.

That is too bad. I hope we can—at least for those who have had hearings and have been dealt with in the appropriate fashion before the authorizing committees and the committees of jurisdiction—we ought to get them confirmed before we adjourn for the August recess. There are others I wish we had hearings on.

Obviously, there is foot dragging—I believe that—on the part of some chairmen who have philosophical differences. I guess my point is that there is a lot of work to get done, and that

work is going to depend on our willingness to come together on some of these issues as to cloture now. And to move to Transportation when we have not resolved the Mexican trucking issue is really amazing to me. We have a very simple compromise to be worked out on that. If we haven't worked that out, my guess is that we run the limit of the Transportation timing of cloture, and then we go to Agriculture and, my goodness, that puts us into next week. That is not going to make for a lot of happy campers in the Senate. But then again, let us stay and let us do our work appropriately. That is necessary and appropriate. That is the choice of the majority leader to bring us to that point. I guess that is the burden of leadership.

At the same time, there is one most time-sensitive issue of all that we are talking about, and that is this Emergency Agriculture Assistance Act of 2001. Oh, we can muscle up and say: House, stay in place, do your work before you leave town. The only problem is, they did their work 6 weeks ago and we are now just doing our work. So it is not really, shall I say, kosher to suggest that they ought to stay in town beyond their time for adjournment. Maybe we ought to say: Get it done Senate, and get it done now.

Let's agree on something that we can come together quickly on and not deprive the American food producers of a little bit of relief from some very difficult price squeezes and now some difficult input costs of energy and other requirements. Those are the issues before us.

The Congressional Budget Office, in the letter I have, makes it very clear: Get it done, get it signed, and the Department of Agriculture cuts the checks before September 30, or this money, in fact, goes away and we have lost the opportunity to expend \$5.5 billion for the American agricultural producers.

Of course, Mr. President, as you know, as chairman of the Appropriations Committee, dollars are short and needs are great. As we move now into September and October, with new fiscal reports out about a recession and a waning total surplus, our flexibility gets limited.

So I urge Senators to come to like mind and deal with that which we can deal with now before we move on to other issues because at 11 o'clock, I assume cloture will be gained and our window of opportunity to work and help the American farmer begins to close. We should not allow that to happen.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Iowa, Mr. HARKIN, is recognized.

Mr. HARKIN. Mr. President, I have listened very carefully to the comments of my friend and colleague from

Idaho. I say to my friend from Idaho that right now we could be in conference with the House—the Agriculture Committee—right now, this morning, but for the fact that on his side of the aisle we are being held up. We reported this bill out of committee. We debated it in committee. We had our votes in committee. On a 12-9 vote this bill was reported out.

In good faith, the ranking member, my good friend from Indiana, offered an amendment yesterday to go to the House bill. It was fully debated. I thought it was a good debate. And we voted, as we are supposed to do. That didn't succeed. Then, I think the proper thing is to go ahead and vote up or down on the bill we reported from the Agriculture Committee, I say to my friend from Idaho, and let us go to conference and work out the difference.

Yesterday morning, the chairman of the House Agriculture Committee was present on the floor along with the ranking member. I indicated to both of them if we could finish the bill today—meaning yesterday—we could meet today. There are not that many differences in the House and Senate bill. The difference really is in money. There are not big policy differences that, when you go to conference, require a lot of time to work out. Money differences can be worked out. I still believe if we can get to conference with the House, we can probably be through with the conference in a few hours. But we can't go because we can't get to a final vote on this bill.

Let us look at the record. Last Friday, I say to my friend from Idaho, we had to file a cloture petition on the motion to proceed to get to the Agriculture bill. That chewed up a couple of days right there. When we finally had the vote, I think it was 95-2 to go to the bill.

When we finally got on the bill—and I thought we had a good day yesterday. We had our debate yesterday on the major substance of whether we would go with the committee bill or a substitute. That vote was taken. It was a close vote, but it was a vote nonetheless. One side won and one side did not. It seemed to me, at that point we were ready to go.

We have no amendments on this side of the aisle. Yet last night, I believe it was the Senator from Ohio on that side of the aisle who offered a lockbox amendment on this emergency Agriculture bill. That did not come from this side. That is going to delay it even more.

I say to my friend from Idaho, but for the delay on your side of the aisle, we would be sitting in conference at 10:40 a.m. on August 1, maybe even with a view to wrapping it up by noon. But they will not let us go to conference.

I thought we were operating in good faith yesterday. There was an amendment offered again on a dairy compact.

I thought maybe we would have to vote on that, too. Okay, fine. Then that was withdrawn. I thought, hope springs eternal; that maybe that would be the end of it and we could go to third reading.

No, there was more delay. Now we have a lockbox amendment that has absolutely nothing to do with this bill. That is going to delay it even further. I understand now, I say to my friend from Idaho, we are in the position of maybe filing a cloture petition on the bill itself just so we can get to a vote on it.

We may have some difference of opinion on how much we ought to be putting into the emergency package for Agriculture, but we had that debate in the Agriculture Committee. We had those votes both in committee and in the Chamber.

Again, we had to file cloture on the motion to proceed, and now maybe we will have to file cloture on the emergency bill. I do not think this is the way to handle an essential bill like this.

The PRESIDENT pro tempore. The time of the majority has expired.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I will be brief. I appreciate the frustration just expressed by the chairman of the authorizing committee who is managing this supplemental. He has every right to be frustrated. This is an important issue, and I have expressed that.

I must say when we got to dairy compacts yesterday, we all know that was a bipartisan issue. It was not driven by one political side or the other. Both sides wanted to debate that issue, and there was a period of time when it was talked about and then it was withdrawn, as the chairman said. It was withdrawn with the anticipation it would be reoffered today, or it would have been debated yesterday and probably debated long into the evening, and we might still well be debating that issue today.

There is an outstanding issue that is yet to be resolved on both sides, even if we can agree to go to final passage, and that would be the dairy compact issue. That is, without question, a bipartisan issue. As a filler, yes, one of our colleagues came and offered a lockbox amendment.

I agree that could fit anywhere. It does not necessarily find itself appropriately on an Ag supplemental appropriations bill or an emergency spending bill, but it can fit there. What is important is there is one large issue left unresolved, and that is the dairy compact extension, as I understand it, and that one writes itself very clearly as a bipartisan issue. If it has been resolved, I am unaware of it. I follow that issue closely because it is an important issue to me and my State.

I do not believe we are ready to go to final passage on Agriculture unless

those who are intent on offering amendments to deal with dairy compacts, either the Northeast or the opportunity to extend that authority to other areas of the Nation, have resolved their differences and plan not to offer the amendment. If that is the case, then I suggest that is resolved. I understand there are no dilatory tactics holding this bill from a third reading and final passage.

I yield the floor.

Mrs. CARNAHAN. Mr. President, I am pleased to have the opportunity to express my support for the Emergency Agricultural Assistance Act of 2001. I commend Senator HARKIN for his leadership on this, his first piece of legislation as the chairman of the Senate Agriculture Committee.

The bill provides much needed relief for our farmers and farm communities. The market loss assistance payments will provide an immediate boost to the sagging farm industry in Missouri.

I am especially grateful to Senators HARKIN and LEAHY for their assistance in providing \$25 million in relief to farmers whose crops have been damaged by an invasion of armyworms. Armyworms marching through Missouri have left a trail of crop destruction and economic loss in their wake. The armyworm is a caterpillar only about one and a half inches long, but they march in large groups, moving on only after completely stripping an area. Last winter's unusually warm weather and this summer's drought have conspired to make life easy for the armyworm and hard for the farmer.

Thousands of farmers across southern Missouri have been devastated. One official at the Missouri Department of Agriculture said that this year's invasion is the worst he has seen in his 38 years at the Department. Damage reports are still being compiled, and it may be a while before we know the full extent of the damage. We do know that in Douglas County 3,281 farms lost more than 50-percent of their hay and forage crop. In Wright County it is 2,430 farms.

The armyworms work extremely fast. Jim Smith, a cattle farmer in Washington County, completely lost 30 acres of hay field and most of the hay on another 30 acres. He said that he did not even know he had armyworms until 20 acres had been mowed down "slick as concrete" by the insects. In his 73 years on the farm, Mr. Smith says this is the worst he has ever seen.

Dusty Shaw, a farmer in Oregon County, normally harvests 80-100,000 pounds of fescue grass seed which is used all over the Nation for lawns and turf building. This year, however, all 1,000 acres of his seed fields were eaten by armyworms. Even at a conservative estimate of 20 cents a pound, this represents a loss of \$16,000 for Mr. Shaw.

This invasion has had severe economic consequences for my State. Missouri is second in the nation in cattle

farming. With nothing to feed their cattle, farmers are forced to sell yearlings early and liquidate parts of their herd. The U.S. Department of Agriculture estimates that Howell County lost over \$5 million and Oregon County has already lost over \$3 million. With little or no hay crop this summer, farmers will have no hay reserves this winter. The effects of this infestation will be felt long into the next year.

It isn't just the farmers that are suffering economic loss. When the farmers hurt financially so do the feed merchants, farm supply dealers and gas stations. Dusty Shaw told me he is only buying what he has to. The fences will have to hold for another year, the barn will have to hold out the snow for another winter, and the fields will have to do with less fertilizer than last season.

The funds provided in this bill will help these farmers feed their cattle, and keep their farms. So I support this bill, I look forward to its speedy passage in the Senate, and hope it is soon signed into law.

The PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. Mr. President, I will comment briefly on the colloquy we are having on the responsibilities with regard to the Agriculture bill. I respect very much my colleague from Iowa, the distinguished chairman of the committee, pursuing this vigorously, as I am.

Without being repetitious, let me point out even if the bill were in conference as of 10:45 this morning, it is unlikely we would have success.

The predicament I have pointed out and others have pointed out is an important one; namely, our conference has to find a result in a bill that will be signed by the President of the United States.

The President of the United States visited with Senators on the Hill yesterday. It is not conjecture. The President indicated we ought to take seriously our budget responsibilities. The President said this directly to us.

In addition, both the distinguished chairman of the committee and I have received from the President's advisers this message, and let me quote some relevant paragraphs: The administration strongly opposes S. 1246, the bill that came out of the Agriculture Committee, because spending authorized by the bill would exceed \$5.5 billion, the amount provided in the budget resolution and the amount adopted by the House.

If S. 1246 is presented to the President at a level higher than \$5.5 billion, the President's senior advisers will recommend he veto the bill.

When the President of the United States then comes to the Hill, as he did yesterday, and asks Senators whom he addressed to do their duty, this is not conjecture. I have tried to say in every

way I can it seems to me we ought to take the President seriously.

I offered the House language yesterday, not because I was author of the language or find all of that language to be perfection, but it is a bill that has passed the House. It is a bill that, if adopted by the Senate, would make a conference unnecessary. It is a bill the President would sign immediately, which would guarantee that money goes to farmers.

I am prepared to accept the fact we have debated this thoroughly, and the Senate, by a vote of 52-48, chose to go another way; namely, to try out for size the \$7.5 billion.

Apparently, Senators who had an interest in the bill felt it was worth the gamble. I hope the farmers who are watching this debate understand that.

I do not see many farmers on this floor. I do not see very many people even intimately involved in agriculture, with the exception of my dear friend from Iowa, Mr. GRASSLEY, who, I know, has a son managing a farm and working the soil out in Iowa, and my modest efforts in Indiana. I still do take responsibility for that farm, do the market plan, try to understand crop insurance, try to understand the bills we do. I am not certain there are too many people here who are going to be affected by this bill.

We have a lot of advocates for farmers, a lot of people pleading the farmers' case, a lot of people saying, "I feel your pain," and this goes on hour by hour. In terms of direct assistance that makes any difference to farmers, not a whole lot is happening.

I sincerely respect the right of any Senator to plead the case for any number of farmers he wants to plead for, but I hope ultimately common sense will dictate this is an emergency. We have heard that if we do not act the money goes away. If, in fact, we are not going to be able to act and have a bill the President signs, no money will go to any farmers from all of this effort. That is the unfortunate truth of the debate.

I do not know how we arrive at a solution. Presumably, if we had a conference, to take one hypothetical, and the distinguished Senator from Iowa sat down with Mr. COMBEST and Mr. STENHOLM or others around the table, our distinguished House Members have already told us: Take the House bill. They came here yesterday. They were in the aisle right here about a quarter after 12. They said: Please, we are planning to leave Thursday, tomorrow. The distinguished Senator from Iowa said we can all work it out; there is not much difference—just money—involved in this bill.

There is all the difference from \$7.5 billion and \$5.5 billion. Maybe our conference would come to \$5.5 billion. We could confer and accept the House bill because that is the one the President

will sign, or we could speculate and say the President really did not mean it. After all, Presidents bluff, advisers send over these letters; OMB really did not mean it; this was all meant to color the flavor of the debate; let's try them on; let's settle for, say, \$6.5 billion; let's split the difference as honest people might do. Try that one on for size.

We will try to get it back through the House and the Senate. We hope the House is still there at that point to pass the bill. Let's say the corporal's guard remains and they wave it on.

Then the President says, unfortunately: You did not hear me, but you had better hear me because this is likely to happen again and again with appropriations bills. This is a pretty small bill in comparison to things I am going to have to face down the trail, but I am prepared to do my duty; I hope you are prepared to do yours. And at last he vetoes the bill. We are gone at that point, and the American farmers have no money.

I do not mean to be repetitive, but this is a fairly straightforward situation without great complexity. It is a test of wills. The Senate may decide the President really did not mean it or the President should not mean it or, on reflection, he will not mean it. Maybe that is right, but that is not the President I saw eyeball to eyeball yesterday at noon.

We are looking at a very straightforward situation that I hope will be resolved. The resolution of it is to accept the House language and to get on with it. Any other course of action now is to have a rather protracted situation ending with a veto, and that would be a misfortune for the Senate and for American agriculture.

I yield the floor.

The PRESIDING OFFICER (Mr. INOUE). Who yields time?

Mr. LUGAR. I yield to the distinguished Senator from Mississippi.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Reserving the right to object, how long does the Senator intend to speak?

Mr. COCHRAN. My request was to speak for up to 5 minutes.

Mrs. MURRAY. Mr. President, I ask unanimous consent that following the statement of the Senator from Mississippi, I be given 2 minutes to speak before the vote on the cloture motion.

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

(The remarks of Mr. COCHRAN are printed in today's RECORD under "Morning Business").

TRANSPORTATION  
APPROPRIATIONS

Mrs. MURRAY. Mr. President, in every part of our country, Americans are frustrated by the transportation problems we face every day.

We sit in traffic on overcrowded roads.

We wait through delays in congested airports.

We have rural areas trapped in the past—without the roads and infrastructure they need to survive.

We have many Americans who rely on a Coast Guard that doesn't have the resources to fully protect us.

We have many families who live near oil and gas pipelines and who want us to ensure their safety.

Our transportation problems frustrate us as individuals, and they frustrate our Nation's economy—slowing down our productivity and putting the brakes on our progress. It is time to help Americans on our highways, railroads, airways, and waterways, and we can, by passing the Transportation appropriations bill.

For months, Senator SHELBY and I have worked in a bipartisan way—with almost every Member of the Senate—to meet the transportation needs in all 50 States.

You told us your priorities—and we found a way to accommodate them. We have come up with a balanced, bipartisan bill that will make our highways safer, our roads less crowded, and our country more productive. And now is our chance to put this progress to work for the people we represent.

Our bill has broad support from both parties. It passed the subcommittee and the full committee unanimously. Now it is before the full Senate—ready for a vote—ready to go to work to help Americans who are fed up with traffic congestion and airport delays.

Today, I hope the Senate will again vote to invoke cloture so we can begin working on the many solutions across the country that will improve our lives, our travel, and our productivity.

This vote is about two things: fixing the transportation problems we face; and ensuring the safety of our transportation infrastructure.

If you vote for cloture, you are voting to give your communities the resources they need to escape from crippling traffic and overcrowded roads.

If you vote for cloture, you are saying that our highways must be safe—that trucks coming from Mexico must meet our safety standards—if they are going to share our roads.

But if you vote against cloture, you are telling the people in your State that they will have to keep waiting in traffic and keep wasting time in congestion.

And if you vote against cloture, you are voting against the safety standards in this bill. A “no” vote would open our borders to trucks that we know are

unsafe—without the inspections and safety standards we deserve. This is not about partisanship or protectionism. It is about productivity and public safety.

I want to highlight how this bill will improve highway travel, airline safety, pipeline safety, and Coast Guard protection. First and foremost, this bill will address the chronic traffic problems facing our communities.

In fact, under this bill, every State will receive more highway construction funding than they would under either the President's request or the levels assumed in TEA-21. Our bill improves America's highways. Let's vote for cloture so we can begin sending that help to your State.

Second, this bill will improve air transportation. It will make air travel more safe by providing funding to hire 221 more FAA inspectors. Let's vote for cloture so we can begin putting those new inspectors on the job for our safety.

Third, our bill boosts funding for the Office of Pipeline Safety by more than \$11 million above current levels. Let's vote for cloture so we can begin making America's pipelines safer before another tragedy claims more innocent lives.

Fourth, this bill will give the Coast Guard the funding it needs to protect us and our environment. Let's vote for cloture so we can begin making our waterways safer.

These examples show how this bill will help address the transportation problems we face. This vote is also about making sure our highways are safe—so I would like to turn to the issue of Mexican trucks. And I want to clear up a few things.

Some Members have suggested that Senator SHELBY and I have refused to negotiate on this bill. That is just not the case. As I have said several times here on the floor, we are here, we are ready, and we are listening. And we have also had extensive meetings bringing both sides together.

Last week, our staffs met several nights until well after midnight. One day our staffs met from 2 o'clock in the afternoon until 3 a.m. in the morning. We have worked with all sides to move this bill forward. But I want to point something else out to those who say we must compromise, compromise, compromise.

The Murray-Shelby bill itself is a compromise. It is a balanced, moderate compromise between the extreme positions taken by the administration and the House of Representatives. On one hand, we have the administration—which took a hands-off approach to let all Mexican trucks across our border—and then inspect them later—up to a year and half later.

Even though we know these trucks are much less safe than American or Canadian trucks, the administration

thinks it is fine for us to share the road with them without any assurance of their safety. At the other extreme, was the “strict protectionist” position of the House of Representatives. It said that no Mexican trucks can cross the border, and that not one penny could be spent to inspect them.

Those are two extreme positions. The administration said; Let all the trucks in without ensuring their safety. The House of Representatives said; Don't let any trucks in because they are not safe.

Senator SHELBY and I worked hard, and we found a balanced, bipartisan, commonsense compromise. We listened to the safety experts, to the Department of Transportation's inspector general, to the GAO and to the industry. And we came up with a compromise that will allow Mexican trucks onto our highways and will ensure that those trucks and their drivers are safe.

With this balanced bill, free trade and highway safety can move forward side-by-side. This bill doesn't punish Mexico—and that is not our intention. Mexico is an important neighbor, ally, and friend. Mexican drivers are working hard to put food on their family's tables. We want them to be safe—both for their families and for ours.

NAFTA was passed to strengthen our partnerships, and to raise the standards of living of all three countries. We are continuing to move toward that goal, and the bipartisan Murray-Shelby compromise will help us get there. Because right now, Mexican trucks are not as safe as they should be.

According to the Department of Transportation inspector general, Mexican trucks are significantly less safe than American trucks. Last year, nearly two in five Mexican trucks failed their safety inspections. That compares with one in four American trucks and only one in seven Canadian trucks. Even today, Mexican trucks have been routinely violating the current restrictions that limit their travel to the 20-mile commercial zone.

We have a responsibility to insure the safety of America's highways. The Murray-Shelby compromise allows us to promote safety without violating NAFTA. During this debate we have heard some Senators and White House aides say that they think ensuring the safety of Mexican trucks would violate NAFTA.

I appreciate their opinions. But with all due respect, there is only one authority, only one official body, that decides what violates NAFTA and what doesn't. It's the arbitral panel established under the NAFTA treaty itself. That official panel said:

The United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from United States or Canadian firms . . .