



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

Vol. 144

WASHINGTON, THURSDAY, JULY 30, 1998

No. 105

Senate

EMERGENCY FARM FINANCIAL RELIEF ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 2344, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reported as follows:

A bill (S. 2344) to amend the Agricultural Market Transition Act to provide for the advance payment, in full, of the fiscal year 1999 payments otherwise required under production flexibility contracts.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, reserving the right to object, I thought the majority leader and I were working on this. I am a little bit surprised he has chosen to call it up right now. We can object. But I would prefer that we continue to see if we can't resolve this matter. We have been cooperating all night.

I guess I expected a little more reciprocation on the other side. I am disappointed that I was surprised in this manner, and at this hour under these circumstances it is uncalled for.

Mr. LOTT. Mr. President, I think the Senator would like to withhold that last comment about it being uncalled for. I don't do this lightly.

Mr. DASCHLE. I was not informed this was going to happen.

Mr. LOTT. I did it for a reason.

Mr. President, if I could respond to the Senator's comments, this is not a controversial issue. This is an issue that I am sure that all agriculture Members would very much like for us to get resolved. There is no budget impact. All it does is say that this allows farmers suffering from drought, El

Nino, fire, and other natural disasters to begin considering and receiving emergency transition payments that they are entitled to under the Freedom to Farm Act. As a matter of fact, I understand that it will allow them to get these benefits in October rather than having to wait until January. I did it for a reason.

If we don't get it resolved before we get to a final vote, then objections later on tonight would make it impossible for us to get any consideration.

If the Senator would indicate to me that there is some idea that we could get this agreed to tonight, I would be glad to work with him like I always do. But the timing was such that we have to do it now in order to get it considered, or it could be objected to after Senators have gone, and we would not get it completed.

I am trying to complete action so that we can go through a long list of Executive Calendar nominations, so that we could complete some more of them tomorrow. If we don't do these two issues now, they are basically gone until September.

I thought that—I understood there was an objection, but that we had worked through that, and that we would not have any problem in getting this cleared.

I had talked to Senators on your side of the aisle that have agriculture interests that indicated they would not object to this.

If there is some problem that we could resolve right quick, I would be glad to withhold. But we need to try to get this resolved, because it is something that is very important timewise to the Department of Agriculture and to the farmers that have been affected by drought.

We have worked this year on both sides of the aisle on the agriculture appropriations bill to get considerations for farmers that have been impacted by these disasters. This is just one way to do that.

Since there is no cost factor involved, it just gives authority for this to be moved forward.

Mr. DASCHLE. Mr. President, reserving the right to object again, I was consumed, I guess, in assisting the chairman of the Defense Appropriations Subcommittee in working down the amendments. We have been working on that tirelessly all day. The majority leader and I have worked throughout the day on a number of issues. Not once did he raise this issue with me. That explanation would have been welcomed, would have been appreciated 5 minutes ago, a half hour ago, 2 hours ago. But he surprises me at this hour after we cooperated all week on an array of issues working over these appropriations bills amendment after amendment. And I guess it is very, very disappointing to me.

I ask unanimous consent that an amendment that would provide \$500 million in indemnity payments to farmers and that was passed unanimously on the Senate floor during the debate on the agricultural appropriations bill be attached to the bill that is now under consideration, and for which the majority has asked unanimous consent.

Would he accept that addition to the bill? Because, if he would, I am sure then that we could accommodate the majority leader and those who wish to pass this, as it was a surprise to the rest of us.

Mr. LOTT. Mr. President, this comes as no surprise to Senators interested in agriculture on either side of the aisle. In fact, I did bring this subject up to Senator DASCHLE earlier today, standing right there.

By the way, I have been working on amendments and Executive Calendar items while we have been having these last few votes. I have been talking to Senators on both sides of the aisle about nominations. I talked to Senator DORGAN who I know confers with Senator DASCHLE all the time about this

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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particular unanimous consent request within the hour.

I don't believe there is anybody on either side of the aisle surprised by this.

Mr. DASCHLE. I am one.

Mr. LOTT. As a matter of fact, we just discussed it a moment ago.

If the Senator wants to object, he can go ahead and object. I think the implication here is that there is some sinister effort here. And it is certainly not true. This is something that is very noncontroversial. I don't know of any problem with it. I can't imagine why any Senator would object to it.

Mr. HARKIN. Will the Senator yield?

Mr. ROBERTS. Will the majority leader yield?

Mr. LOTT. With regard to his unanimous consent request, I have no idea of the ramifications of the unanimous consent request he just asked. I don't know what is involved there. We already passed the agriculture appropriations bill. There was action taken on that particular item.

I would not be able to agree to that at this point without checking with Senators that have been involved in that legislation with that amendment.

So there is no need in holding up the Senate any further. If the Senator wants to object, he can do so.

I am going to also ask unanimous consent that he go ahead and move on the H-1B issue which has been worked out previously in conference by both sides of the Capitol by both parties. This is an issue that we need to get resolved.

I thought that we had a reasonable resolution of the issue.

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

The PRESIDING OFFICER. The majority leader has the floor.

Mr. ROBERTS. Mr. President, will the majority leader yield?

Mr. LOTT. I would be glad to yield.

Mr. ROBERTS. Mr. President, the basic reason I think this is so important is that the other body, the House, is going to pass this very same bill, and all it is, is one of the many steps that we need to consider and hopefully pass in regard to growing problems we are experiencing in farm country.

There was a great deal of press last week about the intention of the House to provide something called "advanced transition payments." All that does is provide the farmer an opportunity for a voluntarily decision which he can make as to whether or not he can accept next year's transition payments this year.

It means a considerable amount of money. And if we are able to pass the Farm Savings Account that Senator GRASSLEY has introduced, it will be of tremendous cash flow assistance.

I thought it was not controversial. Since the House is going to pass it next week, since the House is out of session, it made a lot of sense, it seemed to me, and many others, for us to deem it passed, or to pass it.

Farmers would then have, under the banner of consistency and predict-

ability, the knowledge that they would have this as a tool.

Now, I can't tell you what we are going to do in September with the \$500 million that was referred to by the distinguished Democratic leader. That is a place hold, and it is sitting there, and as we go through the situation of judging what is happening with adverse weather all around the country—in Texas, Oklahoma, Florida, Georgia, South Carolina, and the Northern Plains certainly—perhaps that number will change. We can take a look at it at that particular point.

As a matter of fact, I was just going to give to all the distinguished Senators from the Dakotas a proposal that I have had in regard to crop insurance and see maybe if the \$500 million could be increased somewhat and funneled through crop insurance to answer these indemnity payment questions that have been raised.

But for goodness' sake, to object to this at this particular time—to give farmers the advance news that this is, as a matter of fact, on the table, that they can expect this, that they have some consistency, some idea of what is coming—I think is very untoward.

More to the point, I think it has been agreed to in a tremendous bipartisan effort in the House and, I had thought, in this as well.

Now, I understand that people perhaps don't get the word on each and every occasion, but I cannot imagine anybody objecting to this knowing full well in September we will get to the \$500 million that the distinguished Senator has mentioned. I would certainly urge that we not object to this, we give the farmers a very clear signal, and we get on with the business.

Mr. LOTT. Will the Senator respond to a question?

Mr. ROBERTS. I would be delighted to respond if I can.

Mr. LOTT. I believe the Senator from Kansas has been working on this issue. He knew we were trying to get it cleared tonight. I made a specific call to him to contact Senators on both sides of the aisle and discuss this issue. I assumed that he was doing that. I had the impression that it had been—any holds or objections had been cleared.

Did it come as surprise to the Senator? Does the Senator think it came as a surprise?

Mr. ROBERTS. I am always pleased, if I can respond to the majority leader, to be Garcia and run the trap lines for anything that could be proposed by the Senator and the distinguished leader of the minority. I have checked with a great many Senators. I thought it was pretty much common knowledge. I have checked with the chairman of the Subcommittee on Ag Appropriations, the distinguished chairman of the Senate Agriculture Committee, checked with Senator DORGAN, checked with Senator CONRAD, and checked with others. I could go down the list. But I just did not anticipate that there would be an objection, and so consequently—or,

more especially, when the very subject that Senator DASCHLE indicated is already in the Agriculture appropriations bill.

As a matter of fact, I think if we fund it now, you could make the argument that later down the road, in regard to disaster assistance, there would not be any more forthcoming. I apologize if it is my fault, if in fact I was supposed to run the trap line and I didn't run all the traps. I am sorry, but I just did not anticipate that this would be this much of a problem.

Mr. DASCHLE. Mr. President, reserving the right to object, we can play these games all night long, and there are a lot of people who are tired. This isn't the way to end what I thought was a fairly productive week.

We are not going to object. Let's just quit playing these kinds of games. Let's just get on with it. Let's pass it. But let's all be aware of what we have done.

You and I have a good relationship. We ought to keep it that way. I don't like being dealt with this way. I will accept it this time, but I wish we would work in the manner in which we have been working all week.

This is a very serious, important issue. There are a lot of political ramifications, and we can play the political game. The fact is that there are a lot of people out there who want some help. This is going to be a little help. I wish we could pass the indemnity payment tonight. I don't see why we could not. The fact is that we would pass it unanimously, and that would be new money, \$500 million in new money. I wish we could do that just as easily as we are going to agree to pass this thing that isn't going to mean that much. But we will pass it.

But I must say, we shouldn't be doing it this way. I have been here all night. I haven't left the floor. Somebody could have come to me to say, look, we want to do this. Instead, what has happened is that this was sprung on me.

Now, you don't have to apologize. Nobody has to apologize. It just isn't the way we ought to do business.

So, Mr. President, we don't object.

Mr. LOTT. Mr. President, I appreciate the fact the Senator did not object.

Mr. HARKIN. Reserving the right to object—I will reserve the right to object. Is this unanimous consent on advancing AMTA payments? Is that what is before the body right now?

Mr. President, parliamentary inquiry. What is the unanimous consent before the Senate right now?

Mr. LOTT. Mr. President, if I could respond, it is unanimous consent that the Agriculture Committee be discharged from further consideration of S. 2344, which is a bill that allows farmers who are suffering from the drought to begin receiving emergency transition payments that they are entitled to in October instead of having to wait until January.

Mr. HARKIN. I would ask the proponents, I would ask the majority leader then, is this the unanimous consent

that would reopen the 1996 farm bill? Because the farm bill stipulates that a farmer could get half of the payment if he wanted to in December or January and could get the other half the next September.

That was in the farm bill. As I understand it, this then changes what the farm bill provides. Is that correct?

Mr. LOTT. It says, as I understand it, that they would get the same amount they would get either way. They would just get it earlier in the year instead of later in the year so they could begin to deal with the problems that they have had to face as a result of disasters.

Mr. HARKIN. Further reserving the right to object then, this then would undo some of the provisions that were in the 1996 farm bill, because it changes the dates and circumstances under which the farmer could get the AMTA payment, as it is called.

I understand that some people want to do that and they want to reopen the farm bill. That is fine. But I would remind my colleagues that a couple of weeks ago we offered an amendment to take the caps off the commodity loan rates. For a typical Iowa farmer with 500 acres of corn that amendment would have put about \$20,000 of additional income in the farmer's pocket this fall. Not only does this bill involve significantly less money for that farmer, but it only advances money that he is already going to get anyway. As far as increasing income to the farmer, this bill doesn't do a darned thing.

What we need to do is to get the indemnity payments through that Senator DASCHLE is talking about, \$500 million. There are a lot of farmers out there who are hurting very badly. I have to tell you, there is a crisis in agriculture today. Farmers have been devastated by bad weather, by crop disease in the Upper Midwest, and especially in the Dakotas.

We can pass the \$500 million for indemnity payments tonight. Why don't we pass that measure by unanimous consent right now to get that \$500 million in indemnity payments out to farmers immediately? Why can't we do that?

I ask the majority leader, why can't we pass that?

Mr. LOTT. Mr. President, this is a bill that has been offered. It provides help now. I know no Senator would want to delay that help that they were going to get anyway. We just get it earlier. This is a bill that is going to pass the House next Monday, probably unanimously, which would provide some more immediate help to these farmers.

There is no effort to play games here. This is an effort to provide some help to the farmers who need it as soon as they can possibly get it. That is all there is to it. The idea we are playing games here—I will be glad to yield to the Senator from Idaho.

Mr. CRAIG. Mr. President, I had the privilege of working with Senator CONRAD on crafting the indemnity pay-

ment. We cooperated with Senator COCHRAN in getting it in the agriculture bill. We are going to go to conference right soon. We think that will be in the new fiscal year. You talk about immediacy of payment? We hope that will be available by late this year to deal with some of these agricultural problems.

But I must say, it has not been shaped to my satisfaction. Senator CONRAD and I have talked about how we would work within the conference to make sure that it is a legitimate approach toward a true disaster environment. This is a broader approach that deals with more farmers.

The definition under which Senator CONRAD and I shaped that—he being the primary author—dealt with double, back-to-back disasters. It is narrower by scope. We may want to adjust that some. I would not think tonight we would want to just accept it as it was originally crafted with its narrowness. The problem is already much larger today than when we passed it, by character of the drought and heat in Texas and in other States. It is already broader. We will want to look at that again.

It is not that I am objecting. I am saying I think we will be working together in the conference of the Ag approps to make that a viable approach as we originally thought it ought to be.

Mr. LOTT. Let me ask Senator CRAIG, if he would respond, do you think this bill, which is very limited, with no budget impact, would, at any rate, still provide some help quicker to the farmers who had been affected by these disasters?

Mr. CRAIG. There is no question it does. Is it something new? No. Is it advanced? You bet it is. When the crops dried out in the field and the banker wants you to pay your bills and you can pay them sooner than later, then it is a big help. This is not opening up Freedom to Farm. This is advancing a payment that is already built within that structure. That is why there is the budget impact about which the majority leader spoke.

I hope we can work together to resolve this, as we thought we had, so that this can move forward this week to deal with the problems that are very current in our agricultural sector.

Mr. LOTT. Mr. President, I renew my unanimous consent request.

Mr. CONRAD. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. CONRAD. Mr. President, reserving the right to object, and I will not object—but I do object to what has occurred here, in terms of the way we are dealing with each other.

When I worked to put together an indemnity plan, I went to Members on the other side and I consulted with everyone. On this matter, there was no consultation.

Mr. LOTT. Mr. President—did we not have conversations with Senators?

The PRESIDING OFFICER. The majority leader is recognized.

Mr. CONRAD. No, no, I have reserved the right to object. I just say this: My name was raised as having been consulted; I haven't been consulted. I was not consulted. So, when my name is raised on the floor of this body and it has been said publicly that I was consulted, that is not the case. In fact, I heard a rumor that this was occurring and went to another Member.

I am just saying, in terms of the way we treat each other here, this is not quite the way it ought to be done. I would hope we would truly work together to advance the interests of our farmers who, in many parts of our country, are, indeed, financially troubled.

There is no question this proposal is of some help. It is no new money, but it is of some assistance.

But I couldn't be silent when it is suggested people came and consulted with us. That did not happen. The Democratic leader is precisely right; there was no consultation, at least with this Senator.

Mr. LOTT. We are late in the hour. I see a number of Senators from farm States who would like to speak, perhaps, on this.

Senator HUTCHISON, I know her State of Texas has been affected by the drought. Is this a matter that would be helpful in your State of Texas?

Mrs. HUTCHISON. Mr. President, if we let the perfect be the enemy of the good, we are going to let a lot of people down who are in desperation right now. This is a good bill. I think the debate can be legitimately waged, but, please, at this late hour, as we are leaving for a month, do not fail to let us have this relief. These farmers can get credit if they can get that payment moved up. It is no new money. But they need this help. This will help my State, which is the most drastically affected at this point with this drought.

I urge you, for whatever other reasons it may not have been handled right, let this unanimous consent go through. It will be to everyone's benefit who has a stake here. Let's work out the other problems when we can. We are going into a month recess.

Mr. LOTT. Let me say again, Mr. President, when you get to the end of a period of time like this, when you are fixing to go on a recess for an extended period of time, there are a lot of bills, there are a lot of issues we are dealing with, a lot of nominations we are trying to clear.

I am either going to have to do it now or later tonight or tomorrow, when everybody else is gone. We wouldn't have been able to get this cleared, probably, tomorrow. But by doing it now, I think everybody will realize that this is something that will help. It is not that controversial, and we can get it done and we can move on to the recess and feel like we did something here that will be helpful. We will have other opportunities before the

year is out to provide more help as we go through the conference.

Mr. DORGAN. Mr. President, reserving the right to object.

Mr. LOTT. Mr. President, I know there are a lot of Senators on their feet, but in an effort to try to be fair before I move for regular order, I am going to withhold so the Senator from North Dakota can comment and then the Senator from Georgia, and then I will ask for the regular order.

Mr. DORGAN. I do not intend to object. I have no quarrel with this provision that is being proposed tonight.

Mr. LOTT. Didn't I call the Senator and ask if there was a problem?

Mr. DORGAN. You did call within the last hour or so. I indicated to you there was no problem with this provision, and I do not object to this provision.

But I do want to make the point that the Senate has debated and passed an emergency provision calling for \$500 million of indemnity payments. That is the only new money available. It is the only new money around in the appropriations process. If it is completed by October 1, then perhaps we may get money into the pockets of some farmers. We have seen prices collapse even further in recent weeks. It may get money into the hands of some farmers, perhaps in October—unlikely—perhaps November, maybe December.

My proposition is that to the extent that we have already debated this subject, the Senate, by 99 to nothing, has said we have an emergency in farm country. They have already passed a \$500 million indemnity payment program. It makes eminent good sense to me that we would be able to pass that indemnity program this evening and move it to the House. Does the House want to deal with it? I don't know. But they won't have an opportunity to deal with it in any timely way if we don't proceed.

I have no objection at all to what the Senator is requesting. I simply ask that he consider, and we consider, taking the \$500 million we have already decided upon and see if we can't move that to the hands of family farmers, many of whom are desperately strapped for cash.

As soon as the Senator has completed getting his unanimous consent and as soon as I am able to get the floor, I intend to ask unanimous consent the Senate will proceed to the bill providing the \$500 million of agriculture indemnity payments, which was agreed to as an amendment to the agricultural appropriations bill, and the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

If someone objects to that, fine. But I hope they would not object to it. We will not object to this. I think this may help. I hope you will not object to that, because I know it will help. It would help in a more timely way than will be the case if we wait until after recess, and farmers have to wait until November or December. Perhaps we can help

farmers to get some help from that provision earlier.

Mr. LOTT. I yield to the Senator from Georgia.

Mr. COVERDELL. Mr. President, I have just returned from a disaster area in our State. It is the most emotional difficulty, I believe, with which I have ever dealt. And I have dealt with a 1000-year flood and a 500-year flood. Back-to-back crises like this are enormous.

I heard the exchange between the majority and minority leaders. I understand the tensions of the day. I appreciate the minority leader, in deference to the issue involved, removing his right to object. I appreciate that.

That removal of an objection will lead to the movement and option of farmers, in many States, to relieve their cash flow problem. They have an equity problem. The proposal that the minority leader has mentioned, about the \$500 million, and others, is something for the broader issue. There are many issues we are going to have to bring to the table to deal with this crisis. That is one idea. It is probably not near enough. It wouldn't take care of Georgia and South Carolina, much less Alabama and Texas and the Midwestern States.

We do have a major issue in front of us dealing with food and fiber and the Nation's security. I hope we could proceed this evening with that which does not require new funds and it is simply a logistical and administrative decision that will move money more rapidly.

I say to the leader, I appreciate the chance to speak on this. Again, I thank the minority leader for removing his objection.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed; that the motion to reconsider be laid upon the table; and that any statement relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 2344) was considered read the third time and passed, as follows:

S. 2344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Farm Financial Relief Act".

SEC. 2. SPECIAL RULE FOR FISCAL YEAR 1999 PAYMENT UNDER PRODUCTION FLEXIBILITY CONTRACTS.

Section 112(d) of the Agricultural Market Transition Act (7 U.S.C. 7212(d)) is amended by adding at the end the following:

"(3) SPECIAL RULE FOR FISCAL YEAR 1999.—Notwithstanding the requirements for making an annual contract payment specified in paragraphs (1) and (2), at the option of the owner or producer, the Secretary shall pay the full amount (or such portion as the owner or producer may specify) of the contract payment required to be paid for fiscal year 1999 at such time or times during that fiscal year as the owner or producer may specify."

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate receives the House bill relative to H-1B, the text of which I send to the desk, the bill be deemed agreed to and the motion to reconsider be laid upon the table. I further ask that if the text of the House-passed bill is not identical to the text just sent to the desk, then the House bill will be appropriately referred.

Mr. DASCHLE. Mr. President, there are objections on our side.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, I believe we are ready to go to final passage of the defense bill.

Mr. STEVENS. I ask we proceed with the unanimous consent agreement.

The PRESIDING OFFICER. The question is, Shall the bill, H.R. 4103, as amended, pass? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "aye."

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

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—97

Abraham	Faircloth	Lugar
Akaka	Feinstein	Mack
Allard	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Bumpers	Hatch	Roberts
Burns	Hollings	Rockefeller
Byrd	Hutchinson	Roth
Campbell	Hutchison	Santorum
Chafee	Inhofe	Sarbanes
Cleland	Inouye	Sessions
Coats	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kempthorne	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
D'Amato	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Warner
Dorgan	Levin	Wyden
Durbin	Lieberman	
Enzi	Lott	

NAYS—2

Feingold

Wellstone

NOT VOTING—1

Helms

The bill (H.R. 4103), as amended, was passed.